

P.L.2015, CHAPTER 275, *approved January 19, 2016*  
Assembly, No. 2839 (*Second Reprint*)

1 AN ACT concerning the operation of <sup>1</sup>rural<sup>1</sup> microenterprises on  
2 preserved farms, amending <sup>1</sup>the title and body of<sup>1</sup> P.L.2005,  
3 c.314, and designated as the “New Jersey Rural Microenterprise  
4 Act.”

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 <sup>1</sup>1. The title of P.L.2005, c.314 is amended to read as follows:

10 AN ACT concerning **commercial nonagricultural** rural  
11 microenterprise activities and personal wireless service facilities  
12 on preserved farmland, and supplementing P.L.1983, c.32  
13 (C.4:1C-11 et seq.).<sup>1</sup>

14  
15 <sup>1</sup>**[1.] 2.**<sup>1</sup> Section 1 of P.L.2005, c.314 (C.4:1C-32.1) is  
16 amended to read as follows:

17 1. a. Any person who owns qualifying land **[on which a**  
18 **development easement was conveyed to, or retained by, the**  
19 **committee, a board, or a qualifying tax exempt nonprofit**  
20 **organization pursuant to the provisions of section 24 of P.L.1983,**  
21 **c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section**  
22 **1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180**  
23 **(C.4:1C-43.1), or sections 37 through 40 of P.L.1999, c.152**  
24 **(C.13:8C-37 through C.13:8C-40)]** may apply for a special permit  
25 pursuant to this section to allow a **commercial nonagricultural**  
26 **activity** rural microenterprise <sup>1</sup>activity<sup>1</sup> to occur on the land.

27 b. The committee, in its sole discretion, may issue a special  
28 permit pursuant to this section to the **[landowner if the development**  
29 **easement is owned by the committee]** owner of the premises <sup>2</sup>if the  
30 development easement is owned by the committee or a board. If the  
31 development easement is owned by a qualifying tax exempt nonprofit  
32 organization, the committee, in consultation with the qualifying tax  
33 exempt nonprofit organization, may issue a special permit pursuant to  
34 this section to the owner of the premises<sup>2</sup>. The committee **[and the**  
35 **board, in their joint discretion, may authorize the committee to issue**  
36 **a special permit pursuant to this section to the landowner if the]**  
37 shall provide the holder of any development easement **[is owned by**  
38 **a board. The committee and the qualifying tax exempt nonprofit**  
39 **organization, in their joint discretion, may authorize the committee**

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Assembly floor amendments adopted December 17, 2015.

<sup>2</sup>Senate floor amendments adopted January 11, 2016.

1 to issue a special permit pursuant to this section to the landowner  
 2 if on the farm with a copy of the application submitted for the  
 3 purposes of subsection a. of this section, and the holder of the  
 4 development easement [is owned by a qualifying tax exempt  
 5 nonprofit organization] shall have 30 days after the date of receipt  
 6 thereof to provide comments to the committee on the application.  
 7 Within 90 days after receipt of a completed application, submitted  
 8 for the purposes of subsection a. of this section, the committee shall  
 9 approve, approve with conditions, or disapprove the application.

10 c. <sup>2</sup>~~[(1)]~~<sup>2</sup> There shall be <sup>2</sup>~~[three]~~ <sup>2</sup>two<sup>2</sup> categories of rural  
 11 microenterprise activities, as follows:

12 <sup>2</sup>~~[(a)]~~ (1)<sup>2</sup> Class 1 shall include customary rural activities, which  
 13 rely on the equipment and aptitude historically possessed by the  
 14 agricultural community, <sup>1</sup>[including, but not limited to,] such as<sup>1</sup>  
 15 snow plowing, bed and breakfasts, bakeries, woodworking, and  
 16 craft-based businesses; <sup>2</sup>and<sup>2</sup>

17 <sup>2</sup>~~[(b)]~~ (2)<sup>2</sup> Class 2 shall include agriculture support services,  
 18 which have a direct and positive impact on agriculture by supplying  
 19 needed equipment, supplies, and services to the surrounding  
 20 agricultural community, <sup>1</sup>[including, but not limited to,] such as<sup>1</sup>  
 21 veterinary practices, seed suppliers, and tractor or equipment repair  
 22 shops; <sup>2</sup>[and

23 (c) Class 3 shall include unrelated microenterprises, which have  
 24 no direct relationship with the agricultural use of the property or the  
 25 surrounding agricultural community, <sup>1</sup>[including, but not limited  
 26 to,] such as<sup>1</sup> dog boarding services, professional office space, and  
 27 personal training studios.

28 (2) Class 1 and Class 2 activities shall be preferred for  
 29 permitting purposes]<sup>2</sup> <sup>1</sup>[:].<sup>1</sup>

30 d. A special permit may be issued pursuant to this section  
 31 provided that:

32 (1) the owner of the premises establishes, through the  
 33 submission of tax forms, sales receipts, or other appropriate  
 34 documentation, as directed by the committee, that (a) the qualifying  
 35 land is a commercial farm as defined pursuant to section 3 of  
 36 P.L.1983, c.31 (C.4:1C-3) , and (b) the owner of the premises is a  
 37 farmer, as defined pursuant to subsection <sup>1</sup>[i.] k.<sup>1</sup> of this section;

38 (2) [there is no commercial nonagricultural activity already in  
 39 existence on the land at the time of application for the special  
 40 permit or on any portion of the farm that is not subject to the  
 41 development easement, except that the committee may waive the  
 42 requirements of this paragraph, either entirely or subject to any  
 43 appropriate conditions, (a) if such preexisting commercial  
 44 nonagricultural activity is deemed to be of a minor or insignificant  
 45 nature or to rely principally upon farm products, as defined  
 46 pursuant to R.S.4:10-1, derived from the farm, or (b) for other good

1 cause shown by the applicant;] <sup>2</sup>1<sup>1</sup>for Class 3 rural microenterprise  
 2 activities,<sup>1</sup> the owner of the premises, or an immediate family  
 3 member thereof, is the same person who owns and operates the  
 4 rural microenterprise;

5 (3)]<sup>2</sup> the permit is for one [commercial nonagricultural activity]  
 6 rural microenterprise only;

7 <sup>2</sup>[(4)] (3)<sup>2</sup> no more than one permit [may be] is valid at any one  
 8 time for use on the qualifying land;

9 <sup>2</sup>[(5)] (4)<sup>2</sup> the permit is for a maximum duration of 20 years  
 10 [duration];

11 <sup>2</sup>[(6)] (5)<sup>2</sup> the permit does not run with the land and may not be  
 12 assigned;

13 <sup>2</sup>[(7)] (6)<sup>2</sup> [the commercial nonagricultural activity utilizes, or  
 14 is supported through the occupation of, a structure or structures  
 15 existing on the date of enactment of this act, except that the permit  
 16 may authorize, subject to the requirements of paragraph (12) of this  
 17 subsection, an expansion of an existing structure or structures which  
 18 expansion does not exceed 500 square feet in footprint area in total  
 19 for all of the structures, provided that, for any such expansion, the  
 20 applicant demonstrates to the satisfaction of the committee that:

21 (a) the purpose or use of the expansion is necessary to the  
 22 operation or functioning of the commercial nonagricultural activity;

23 (b) the area of the proposed footprint of the expansion is  
 24 reasonably calculated based solely upon the demands of  
 25 accommodating the commercial nonagricultural activity and does  
 26 not incorporate excess space; and

27 (c) the location, design, , height, and aesthetic attributes of the  
 28 expansion reflect the public interest of preserving the natural and  
 29 unadulterated appearance of the landscape and structures;

30 (8)] the [commercial nonagricultural activity] rural  
 31 microenterprise does not interfere with the use of the qualifying  
 32 land for agricultural <sup>1</sup>or horticultural<sup>1</sup> production;

33 [(9)] <sup>2</sup>[(8)] (7)<sup>2</sup> the [commercial nonagricultural activity] rural  
 34 microenterprise utilizes the land and structures in their existing  
 35 condition [except as allowed otherwise pursuant to paragraph (7) of  
 36 this subsection] <sup>1</sup>], and is undertaken in compliance with the use  
 37 restrictions prescribed by subsection e. of this section] , except as  
 38 allowed in accordance with the use restrictions prescribed in  
 39 subsection g. of this section<sup>1</sup>;

40 [(10)] <sup>2</sup>[(9)] (8)<sup>2</sup> the [commercial nonagricultural activity]  
 41 total area of land and structures devoted to supporting the rural  
 42 microenterprise does not exceed a one-acre envelope on the  
 43 qualifying land;

44 <sup>2</sup>[(10)] (9)<sup>2</sup> the rural microenterprise does not have an adverse  
 45 impact upon the soils, water resources, air quality, or other natural  
 46 resources of the land or the surrounding area [, and does not

1 involve the creation of additional parking spaces whether paved or  
2 unpaved】 ; and

3 <sup>2</sup>【(11)】 (10)<sup>2</sup> the 【commercial nonagricultural activity】 rural  
4 microenterprise is not a high traffic volume business 【; and (12)  
5 any necessary local zoning and land use approvals and any other  
6 applicable】 , and is undertaken in compliance with the parking and  
7 employment restrictions prescribed by subsection <sup>1</sup>【f.】 h.<sup>1</sup> of this  
8 section.

9 e. <sup>1</sup>The owner of the premises may apply to the committee to  
10 renew a permit within 10 years before the date of the scheduled  
11 permit expiration. The committee shall review the renewal  
12 application in accordance with the process and criteria set forth in  
13 this section for the issuance of a special permit <sup>2</sup>, including the  
14 consultation required by subsection b. of this section<sup>2</sup> .

15 f. The committee shall provide reasonable opportunity for the  
16 continued operation of a rural microenterprise in the event of:

17 (1) the death, incapacitation, or retirement of the owner of the  
18 premises;

19 (2) transfer of the ownership of the farm; or

20 (3) disruption of income from gross sales of agricultural or  
21 horticultural products, caused by circumstances beyond the farmer's  
22 control, such as crop failure.

23 g.<sup>1</sup> The use of land and structures for a rural microenterprise  
24 activity shall be subject to the following conditions and restrictions:

25 (1) A structure that is designated in the deed of easement as  
26 agricultural labor housing, or a structure that has been constructed  
27 or designated as agricultural labor housing since the date of the  
28 conveyance of the easement, shall not be used for the rural  
29 microenterprise;

30 (2) No new <sup>1</sup>【buildings】 structures<sup>1</sup> may be constructed on the  
31 premises to support a rural microenterprise. Any <sup>1</sup>【building】  
32 structure<sup>1</sup> constructed on the premises since the date of the  
33 conveyance of the easement, and in accordance with the farmland  
34 preservation deed restrictions, shall not be eligible for a special  
35 permit for a rural microenterprise for a period of five years  
36 following completion of its construction;

37 (3) Improvements shall not be made to the interior of a non-  
38 residential structure in order to adapt it for residential use;

39 (4) <sup>1</sup>The entire floor area of existing residential or agricultural  
40 building space may be used to support a rural microenterprise where  
41 the building has not been substantially altered or finished to support  
42 the microenterprise;

43 (5)<sup>1</sup> No more than 2,500 square feet of the interior of <sup>1</sup>【an】<sup>1</sup>  
44 existing residential or agricultural <sup>1</sup>【structure】 building space<sup>1</sup> may  
45 be substantially altered or finished to support the rural  
46 microenterprise, except that, at the request of the owner of the

premises, the committee may allow the alteration or finishing of up to 100 percent of <sup>1</sup>the interior of<sup>1</sup> an existing <sup>1</sup>historic building or<sup>1</sup> heritage farm<sup>1</sup> structure, provided that the owner agrees to place on the structure, in a form approved by the committee, <sup>1</sup>an historic preservation restriction<sup>1</sup> a heritage preservation easement<sup>1</sup>, which shall be recorded against the premises, <sup>1</sup>shall be held by the committee,<sup>1</sup> and shall run with the land;

<sup>1</sup>[(5)] (6)<sup>1</sup> The expansion of <sup>1</sup>an<sup>1</sup> existing <sup>1</sup>structure<sup>1</sup> building space<sup>1</sup> shall be permitted, provided that: (a) the expansion does not exceed 500 square feet in total footprint area; (b) the purpose or use of the expansion is necessary to the operation or functioning of the rural microenterprise; and (c) the area of the proposed footprint of the expansion is reasonably calculated, based solely upon the demands of accommodating the rural microenterprise, and does not incorporate excess space;

<sup>1</sup>[(6)] (7)<sup>1</sup> Improvements to the exterior of a structure shall be compatible with the agricultural character of the premises, and shall not diminish the historic <sup>1</sup>or cultural<sup>1</sup> character of the structure;

<sup>1</sup>[(7)] (8) Repairs may be made to the interior or exterior of a building provided that they do not diminish the historic or cultural character of the structure;

(9)<sup>1</sup> The location, design, height, and aesthetic attributes of the rural microenterprise shall reflect the public interest of preserving the natural and unadulterated appearance of the landscape and structures;

<sup>1</sup>[(8)] (10)<sup>1</sup> No public utilities, including water, gas, or sewage, other than those already existing and available on the qualifying land, shall be permitted to be extended to the qualifying land for purposes of the rural microenterprise, except that the establishment of new electric service required for the rural microenterprise shall be permitted; <sup>1</sup>and

(9)<sup>1</sup> (11) On-site septic and well facilities may be established, expanded, or improved for the purpose of supporting the rural microenterprise provided such facilities are contained within the one-acre envelope provided for in paragraph <sup>2</sup>[(9)] (8)<sup>2</sup> of subsection d. of this section; and

(12)<sup>1</sup> No more than a combined total of 5,000 square feet of land may be utilized for the <sup>1</sup>establishment, expansion, or improvement of wastewater or water supply facilities, or for the<sup>1</sup> outside<sup>1</sup> storage of equipment, vehicles, supplies, products, or by-products, in association with the microenterprise. Any improvements to the land <sup>1</sup>[, which]<sup>1</sup> that<sup>1</sup> are undertaken for the purposes described in this paragraph <sup>1</sup>[,]<sup>1</sup> or paragraph (11) of this subsection<sup>1</sup> shall be limited to those that are necessary either to protect public health and safety or to minimize disturbance of the premises and its soil and water resources.

1 <sup>1</sup>[f.] h. <sup>1</sup> Parking and employment at a rural microenterprise shall  
 2 be subject to the following conditions and restrictions:

3 (1) The area dedicated to <sup>1</sup>customer<sup>1</sup> parking shall not exceed  
 4 2,000 square feet or provide for more than 10 parking spaces;

5 (2) <sup>1</sup>[Each parking space shall not exceed 10 feet by 20 feet in  
 6 size;

7 (3) <sup>1</sup>Improvements to the parking area shall be limited to those  
 8 <sup>1</sup>improvements<sup>1</sup> that are required to protect public health and safety  
 9 or minimize the disturbance of soil and water resources on the  
 10 premises;

11 <sup>1</sup>(3) The number of parking spaces shall be sufficient to  
 12 accommodate visitors to the rural microenterprise under normal  
 13 conditions; and<sup>1</sup>

14 (4) At peak operational periods, the maximum number of  
 15 employees or workers <sup>1</sup>who are<sup>1</sup> associated with the rural  
 16 microenterprise <sup>1</sup>and work on the premises<sup>1</sup> shall not exceed four  
 17 full-time employees, or the equivalent, in addition to the owner or  
 18 operator <sup>1</sup>]; and

19 (5) the number of employees and visitors to the rural  
 20 microenterprise, and the volume and frequency of deliveries and  
 21 truck and other vehicle traffic associated therewith shall not, at any  
 22 time, exceed the number of designated parking spaces on the  
 23 qualifying land, or create a nuisance for neighboring properties or  
 24 the municipality<sup>1</sup>.

25 <sup>1</sup>[g.] i. <sup>1</sup> Committee approval of a special permit for a rural  
 26 microenterprise activity pursuant to this section shall not relieve the  
 27 applicant from obtaining all other permits, approvals , or  
 28 authorizations that may be required by federal, State, or local law,  
 29 rule, regulation, or ordinance [are obtained for the commercial  
 30 nonagricultural activity.

31 d. In addition to those factors enumerated under subsection c.  
 32 of this section, the committee, in evaluating an application for a  
 33 special permit, shall also consider such additional factors as traffic  
 34 generated and the number of employees required by the proposed  
 35 commercial nonagricultural activity so as to limit to the maximum  
 36 extent possible the intensity of the activity and its impact on the  
 37 land and the surrounding area].

38 <sup>1</sup>[h.] j. <sup>1</sup> (1) A rural microenterprise shall not be considered to  
 39 be an agricultural use as defined in subsection b. of section 3 of  
 40 P.L.1983, c.32 (C.4:1C-13).

41 (2) Nothing in this section shall be interpreted as providing a  
 42 rural microenterprise with protection under section 6 of the “Right  
 43 to Farm Act,” P.L.1983, c.31 (C.4:1C-9) if that rural  
 44 microenterprise is not otherwise eligible for such protection.

45 [e.] <sup>1</sup>[i.] k. <sup>1</sup> For the purposes of this section:

1     **["Commercial nonagricultural activity" shall not include a**  
 2     personal wireless service facility as defined and regulated pursuant  
 3     to section 2 of this act; **]**

4     "Farmer" means the owner and operator of the premises who  
 5     **<sup>1</sup>[.] :**

6     (1)<sup>1</sup> exclusive of any income received from the rental of lands,  
 7     realized gross sales of at least \$2,500 for agricultural or  
 8     horticultural products produced on the premises during the calendar  
 9     year immediately preceding submission of a special permit  
 10    application **<sup>1</sup>[.]**

11    "Historic building or structure" means the same as that term is  
 12    defined pursuant to subsection c. of section 2 of P.L.2001, c.405  
 13    (C.13:8C-40.2).

14    "Historic preservation restriction" means the same as that term is  
 15    defined pursuant to subsection d. of section 2 of P.L.1979, c.378  
 16    (C.13:8B-2). **]** ; and

17    (2) continues to own and operate the premises and meet that  
 18    income threshold every year during the term of the permit.

19    "Heritage farm structure" means a building or structure that is  
 20    significantly representative of New Jersey's agrarian history or  
 21    culture and that has been designated as such by the committee  
 22    exclusively for the purposes of sections 1 and 3 of P.L.2005, c.314  
 23    (C.4:1C-32.1 and C.4:1C-32.3).

24    "Heritage preservation easement" means an interest in land less  
 25    than fee simple absolute, stated in the form of a deed restriction  
 26    executed by or on behalf of the owner of the land, appropriate to  
 27    preserving a building or structure that is significant for its value or  
 28    importance to New Jersey's agrarian history or culture, and to be  
 29    used exclusively for the purposes of implementing sections 1 and 3  
 30    of P.L.2005, c.314 (C.4:1C-32.1 and C.4:1C-32.3), to limit  
 31    alteration in exterior form or features of such building or structure.<sup>1</sup>

32    **<sup>2</sup>["Immediate family member" means a spouse, child, parent,**  
 33    sibling, grandparent, grandchild, father-in-law, mother-in-law, son-  
 34    in-law, daughter-in-law, stepparent, stepchild, stepbrother,  
 35    stepsister, half brother, or half sister of the owner of the premises,  
 36    whether the individual is related by blood, marriage, or adoption. **]**<sup>2</sup>

37    "Owner of the premises" means the person <sup>1</sup>or entity<sup>1</sup> who  
 38    **<sup>1</sup>[owned]** owns<sup>1</sup> qualifying land **<sup>1</sup>[on the date on which a**  
 39    development easement was conveyed to, or retained by, the  
 40    committee, a board, or a qualifying tax exempt nonprofit  
 41    organization, and who has continuously owned the qualifying land  
 42    since that date; or an immediate family member of such person; or,  
 43    in cases where such person applied for and was issued a permit for a  
 44    rural microenterprise, all successors in title thereto **]**<sup>1</sup> .

45    "Qualifying land" means a farm **[**that was preserved for farmland  
 46    preservation purposes **]** on which a development easement was  
 47    conveyed to, or retained by, the committee, a board, or a qualifying

1 tax exempt nonprofit organization prior to <sup>1</sup>January 12, 2006,<sup>1</sup> the  
 2 date of enactment of **【this act under any of the laws cited in**  
 3 subsection a. of this section】 <sup>1</sup>**【P.L. , c. (C. ) (pending**  
 4 before the Legislature as this bill)】 P.L.2005, c.314 (C.4:1C-32.1 et  
 5 seq.)<sup>1</sup> , and in accordance with the provisions of section 24 of  
 6 P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-  
 7 31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of  
 8 P.L.1999, c.180 (C.4:1C-43.1), or sections 37 through 40 of  
 9 P.L.1999, c.152 (C.13:8C-37 through C.13:8C-40), and for which  
 10 no portion of the farm was excluded from preservation in the deed  
 11 of easement **【from preservation; and】** .

12 "Qualifying tax exempt nonprofit organization" **【shall have the**  
 13 same meaning as set forth in】 means the same as that term is  
 14 defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3).

15 “Rural microenterprise” means a small-scale business or activity  
 16 that is fully compatible with agricultural use and production on the  
 17 premises, does not, at any time, detract from, diminish, or interfere  
 18 with the agricultural use of the premises, and is incidental to the  
 19 agricultural use of the premises. “Rural microenterprise” shall not  
 20 include a personal wireless service facility as defined and regulated  
 21 pursuant to section 2 of P.L.2005, c.314 (C.4:1C-32.2).

22 (cf: P.L.2005, c.314, s.1)

23  
 24 <sup>1</sup>**【2.】 3.<sup>1</sup>** Section 3 of P.L.2005, c.314 (C.4:1C-32.3) is amended  
 25 to read as follows:

26 3. a. The application fee for a special permit authorized  
 27 pursuant to **【either】** section 1 **【or】** of P.L.2005, c.314 (C.4:1C-  
 28 32.1) shall be \$250. The application fee for a special permit  
 29 authorized pursuant to section 2 of **【this act】** P.L.2005, c.314  
 30 (C.4:1C-32.2) shall be \$1,000 **【.】** . All application fees shall be  
 31 payable to the committee regardless of whether or not a permit is  
 32 issued. All proceeds from the collection of application fees by the  
 33 committee pursuant to **【this act】** P.L.2005, c.314 (C.4:1C-32.1 et  
 34 seq.) shall be utilized by the committee for farmland preservation  
 35 purposes.

36 b. The committee may suspend or revoke a special permit  
 37 issued pursuant to **【either】** section 1 or **【section】** 2 of **【this act for a**  
 38 violation of】 P.L.2005, c.314 (C.4:1C-32.1 or C.4:1C-32.2) if the  
 39 permittee violates any term or condition of the permit , or any  
 40 provision of the **【respective】** applicable statutory section.

41 c. **【The committee shall, within 60】** (1) In order to expedite  
 42 the review and approval of routine applications for a special permit,  
 43 which have been submitted pursuant to section 1 or 2 of P.L.2005,  
 44 c.314 (C.4:1C-32.1 or C.4:1C-32.2), the committee may delegate to  
 45 its executive director, by resolution, the authority to review and  
 46 approve an application. The delegation of review and approval



1 authority pursuant to this subsection shall be authorized by the  
 2 committee only in those cases where (a) the committee has not  
 3 received comments from the board or a qualifying nonprofit  
 4 organization concerning the potential negative impacts of an  
 5 application's approval, and (b) the application complies with all  
 6 provisions of P.L.2005, c.314 (C.4:1C-32.1 et seq.) and the rules  
 7 and regulations adopted pursuant thereto.

8 (2) An applicant whose application is denied by the executive  
 9 director may appeal the decision to the committee.

10 (3) Nothing in this subsection shall preclude the executive  
 11 director from bringing any application before the committee for  
 12 review and approval, when such action is deemed by the executive  
 13 director to be appropriate.

14 d. <sup>1</sup>["If an applicant is aggrieved by an action of the"] The<sup>1</sup>  
 15 committee <sup>1</sup>["], which has been undertaken"] may take action to deny  
 16 an application for a special permit or to suspend or revoke a special  
 17 permit issued<sup>1</sup> pursuant to P.L.2005, c.314 (C.4:1C-32.1 et seq.)  
 18 <sup>1</sup>["in association with an application for, or suspension or revocation  
 19 of, a special permit, the applicant may submit to the committee, a  
 20 written request for a hearing on the matter, within 20 days after  
 21 receipt of notice of the committee's action"] . The applicant or  
 22 permittee shall be afforded the opportunity for a hearing prior to the  
 23 committee taking any such action<sup>1</sup>.

24 e. Within <sup>1</sup>["180 days"] two years<sup>1</sup> after the date of enactment  
 25 of ["this act, develop guidelines for the implementation and  
 26 administration of this act, including, but not limited to"] P.L. ,  
 27 c. (C. ) (pending before the Legislature as this bill), the  
 28 committee shall adopt rules and regulations, pursuant to the  
 29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
 30 seq.), as is necessary to implement and administer the provisions of  
 31 P.L.2005, c.314 (C.4:1C-32.1 et seq.), as amended by P.L. ,  
 32 c. (C. ) (pending before the Legislature as this bill). These  
 33 rules and regulations shall include, at a minimum , procedures and  
 34 standards for the filing, evaluation, and approval of special permit  
 35 applications, which procedures and standards shall seek to balance,  
 36 as equally important concepts, the public interest in : (1)  
 37 protecting farmland from further development as a means of  
 38 preserving agriculture [and] ; (2) protecting <sup>1</sup>["historically  
 39 significant agricultural"] heritage farm<sup>1</sup> structures and enhancing the  
 40 beauty and character of the State and the local communities where  
 41 farmland has been preserved [with the public interest in] ; and (3)  
 42 providing support to sustain and strengthen the agricultural industry  
 43 in the State.

44 [d.] f. Every two years, the committee shall prepare a report on  
 45 the implementation of [this act] P.L.2005, c.314 (C.4:1C-32.1 et  
 46 seq.), as amended by P.L. , c. (C. ) (pending before the

1 Legislature as this bill) . The report shall include a survey and  
 2 inventory of :

3 (1) all **commercial nonagricultural** rural microenterprise  
 4 activities occurring **on** , and **of** all personal wireless service  
 5 facilities placed on **,** preserved farmland in accordance with  
 6 **this act** the provisions of P.L.2005, c.314 (C.4:1C-32.1 et seq.);

7 (2) the extent to which existing structures, such as barns, sheds,  
 8 and silos, are used for **those** the purposes identified in paragraph  
 9 (1) of this subsection , and **how** the manner in which those  
 10 existing structures have been modified **therefor** to serve those  
 11 purposes ;

12 (3) the extent to which new structures, instead of existing  
 13 structures, have been erected to host personal wireless service  
 14 facilities , and the number and type of new structures used to  
 15 disguise those facilities, such as artificial trees and faux barns,  
 16 sheds, and silos;

17 (4) the extent to which <sup>1</sup>**historically significant** heritage farm<sup>1</sup>  
 18 structures have been protected through the placement thereon of  
 19 <sup>1</sup>**historic preservation restrictions** heritage preservation  
 20 easements<sup>1</sup> ; and **such**

21 (5) any other information **as** the committee deems useful.

22 **The** Any report prepared pursuant to this subsection shall be  
 23 transmitted to the Governor, and, in accordance with the provisions  
 24 of section 2 of P.L.1991, c.164 (C.52:14-19.1), to the President of  
 25 the Senate **,** and the Speaker of the General Assembly, as well as  
 26 to the respective chairpersons of the Senate Economic Growth  
 27 Committee, the Senate Environment and Energy Committee, the  
 28 Assembly Agriculture and Natural Resources Committee, and the  
 29 Assembly Environment and Solid Waste Committee , or their  
 30 designated successors. Copies of the report shall also be made  
 31 available to the public upon request and free of charge, and shall be  
 32 posted at a publicly-accessible location on the committee's Internet  
 33 website **of the State Agriculture Development Committee.**

34 e. The committee shall adopt, pursuant to the "Administrative  
 35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and  
 36 regulations necessary to carry out the purposes of this act **.**

37 (cf: P.L.2005, c.314, s.3)

38

39 <sup>1</sup>**[3.] 4.**<sup>1</sup> This act shall take effect immediately.

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41

42

43

44 "New Jersey Rural Microenterprise Act."