

SENATE, No. 4110

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator SAMUEL D. THOMPSON

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

Allows equine and livestock veterinary facilities on preserved farmland under certain conditions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/13/2021)

1 **AN ACT** concerning equine and livestock veterinary facilities on
2 preserved farmland and supplementing Title 4 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that: over 2,600 farms
9 comprising over 236,00 acres of farmland have been preserved in
10 New Jersey since the inception of the State's farmland preservation
11 program; the original intent of the farmland preservation program
12 was to prevent suburban sprawl and the conversion of agriculturally
13 suitable land to other purposes, and to keep agriculture as an
14 economically attractive business in the State; and agriculture should
15 be viewed as simultaneously a land use and a business enterprise,
16 and preservation of farmland is not meant to prevent farmers from
17 engaging in practices that provide essential support services and
18 supplying needed services to the surrounding agricultural
19 community in order to the enhance the long-term viability of the
20 State's agricultural industry.

21 The Legislature further finds and declares that: keeping
22 agriculture as a sustainable industry in the State is crucial to
23 keeping New Jersey as the Garden State; and veterinary facilities
24 that solely engage in the practice of veterinary medicine for
25 livestock or equine animals, or both, provide an essential
26 agriculture support service and supply needed services to the
27 surrounding agricultural community, and can be sited without
28 displacing agricultural or horticultural production as the first
29 priority use of preserved farmland or disrupting neighborhoods that
30 surround preserved farms.

31
32 2. a. Notwithstanding any law, or any rule or regulation adopted
33 pursuant thereto, to the contrary, a veterinary facility may be
34 located and operated on preserved farmland, subject to the
35 following conditions:

36 (1) the owner of the preserved farmland obtains the approval of
37 the committee, pursuant to subsection b. of this section, prior to the
38 location and operation of the veterinary facility;

39 (2) the veterinary facility solely engages in the practice of
40 veterinary medicine for livestock or equine animals, or both,
41 thereby providing an essential agriculture support service and
42 supplying needed services to the surrounding agricultural
43 community;

44 (3) the veterinary facility does not interfere significantly with
45 the use of the land for agricultural or horticultural production, as
46 determined by the committee;

47 (4) any improvements to existing structures for use as the
48 veterinary facility shall be limited to the minimum required for the

1 protection of public health and safety or for the health and safety of the
2 livestock or equine animals treated at the facility;

3 (5) no public utilities including water, gas, or sewer lines, shall
4 be extended to the preserved farmland, except that: (a) electric
5 service may be extended to preserved farmland for the purpose of
6 the veterinary facility, and (b) any public utilities already existing on
7 the preserved farmland may be extended to the structure in which the
8 veterinary facility is located;

9 (6) all applicable State and local laws, regulations, resolutions,
10 and ordinances including, but not limited to, those concerning noise,
11 solid waste, traffic, and the protection of public health and safety shall
12 apply to the veterinary facility;

13 (7) parking for the veterinary facility shall be provided through the
14 use of existing parking areas on the farm and curtilage surrounding
15 existing buildings to the extent possible, except that additional on-site
16 parking areas may be allowed, subject to approval by the committee;

17 (8) the location of the structure and parking area to be used for the
18 veterinary facility shall not cause a significant and direct negative
19 impact to any surrounding residential properties; and

20 (9) the owner of the preserved farmland obtains all other permits,
21 approvals, or authorizations that may be required by federal, State, or
22 local law, rule, regulation, or ordinance, and provides evidence of such
23 upon request by the committee.

24 b. (1) Prior to locating or operating a veterinary facility on
25 preserved farmland, the owner of preserved farmland shall submit
26 an application to the committee, in the form and manner determined
27 by the committee, and obtain the approval of the committee
28 pursuant to this subsection. Upon receipt of an application pursuant
29 to this subsection, if the committee is not the grantee, the committee
30 shall provide the grantee with a copy of the application and provide
31 the grantee with 30 days to provide comments to the committee on
32 the application.

33 (2) Within 90 days after receipt of a completed application,
34 submitted for the purposes of subsection a. of this section, the
35 committee shall approve, approve with conditions, or disapprove
36 the application.

37 (a) If the committee is the grantee, the committee, in its sole
38 discretion, may issue an approval pursuant to this section to the
39 owner of the preserved farmland. If the committee is not the
40 grantee, the committee shall consult with the grantee and consider
41 any comments received from the grantee prior to issuing a decision
42 on the application.

43 (b) The committee shall provide a copy of its decision on an
44 application to the applicant, and, as applicable, to the grantee and
45 the board of the county in which the preserved farmland is located.
46 A decision disapproving an application shall include a written
47 description of the reasoning for the committee's disapproval and

1 include recommendations concerning the revisions necessary in
2 order to obtain approval.

3 c. Notwithstanding the provisions of section 1 of P.L.2009,
4 c.213 (C.4:1C-32.4), or any rules or regulations adopted pursuant
5 thereto, to the contrary, an owner of preserved farmland that
6 receives an approval from the committee pursuant to subsection b.
7 of this section may install and operate a roof mounted solar
8 photovoltaic system on the structure in which the veterinary facility
9 is located, provided that any power generated from the solar
10 photovoltaic system is used to provide power or heat to the farm, or
11 to reduce, through net metering or other similar program or system,
12 energy costs on the preserved farmland. Energy generated from the
13 installation of a roof mounted solar photovoltaic system pursuant to
14 this subsection shall not be subject to the limit on annual energy
15 generation capacity established pursuant to the section 1 of
16 P.L.2009, c.213 (C.4:1C-32.4).

17 d. The committee, the applicable board, and the grantee, if
18 applicable, have the right, without advance notice, to inspect a
19 preserved farm that has received approval pursuant to this section,
20 upon presentation of appropriate credentials and during normal
21 business hours in order to determine compliance with the provisions
22 of this section.

23 e. The committee may suspend or revoke an approval issued
24 pursuant to this section for a significant violation of a term or
25 condition of the approval or any provision of this section. Prior to
26 the suspension or revocation of an approval, the committee shall
27 provide written notice of the violation to the owner of the preserved
28 farmland, and the owner of the preserved farmland shall have 30
29 days to correct the violation.

30 f. (1) Nothing in this section shall be interpreted as providing a
31 veterinary facility with protection under section 6 of the “Right to
32 Farm Act,” P.L.1983, c.31 (C.4:1C-9).

33 (2) No income derived from the location and operation of a
34 veterinary facility pursuant to this section, or from the installation
35 of a roof mounted solar photovoltaic system pursuant to subsection
36 c. of this section, may be considered income for eligibility for
37 valuation, assessment, and taxation of land pursuant to the
38 “Farmland Assessment Act of 1964,” P.L.1964, c.48 (C.54:4-23.1 et
39 seq.).

40 g. The committee, shall adopt, pursuant to the “Administrative
41 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and
42 regulations necessary for the implementation of this section,
43 including but not limited to: the process by which a landowner may
44 apply for the approval required pursuant to this section; the
45 establishment of reasonable application fees to pay for the cost of
46 review of the application, which fees shall not exceed the costs
47 incurred by the committee for the review of applications; and an
48 identification of the activities that would qualify as a significant

1 violation pursuant to subsection e. of this section. The rules and
2 regulations adopted by the committee pursuant to this section shall
3 ensure that a veterinary facility approved pursuant to this section
4 does not:

5 (1) significantly interfere with any agricultural deed restrictions
6 for farmland preservation purposes on the preserved farmland; or

7 (2) result in the use of preserved farmland for primarily non-
8 agricultural or horticultural purposes.

9 h. As used in this section:

10 “Board” means a county agriculture development board
11 established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).

12 “Committee” means the State Agriculture Development
13 Committee established pursuant to section 4 of P.L.1983, c.31
14 (C.4:1C-4).

15 “Equine animal” means the same as the term is defined in section
16 2 of P.L.1997, c.287 (C.5:15-2).

17 “Grantee” means the entity to which the development rights of a
18 preserved farm were conveyed pursuant to the provisions of section
19 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4
20 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of
21 P.L.1999, c.180 (C.4:1C-43.1), sections 37 through 40 of P.L.1999,
22 c.152 (C.13:8C-37 through C.13:8C-40), or any other State law
23 enacted for farmland preservation purposes. “Grantee” shall
24 include all entities which lawfully succeed to the rights and
25 responsibilities of a grantee, including, but not limited to, the
26 grantee’s successors and assigns.

27 “Preserved farmland” means the same as the term is defined in
28 section 4 of P.L.2009, c.213 (C.54:4-23.3c).

29 “Veterinary facility” means an animal or veterinary facility as
30 defined in section 1 of P.L.1983, c.98 (C.45:16-1.1).

31
32 3. This act shall take effect immediately.
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35 STATEMENT

36
37 This bill would allow veterinary facilities for livestock or equine
38 animals, or both, to be located and operated on preserved farmland
39 under certain conditions.

40 The bill provides that the owner of the preserved farmland may
41 locate and operate a livestock veterinary facility on preserved
42 farmland, provided that the owner applies to, and receives prior
43 approval from, the State Agriculture Development Committee
44 (SADC). The bill sets forth certain conditions, including that: (1)
45 the veterinary facility solely engages in veterinary medicine for
46 livestock or equine animals, or both, providing an essential
47 agriculture support service and supplying needed services to the
48 surrounding agricultural community; (2) the veterinary facility does

1 not interfere significantly with the use of the land for agricultural or
2 horticultural production, as determined by the SADC; (3) any
3 improvements to existing structures used for the veterinary facility are
4 limited to the minimum required for the protection of public health and
5 safety or for the health and safety of the livestock or equine animals
6 treated at the facility; (4) no public utilities including water, gas, or
7 sewer lines, may be extended to the preserved farmland, except that
8 electric service may be extended to preserved farmland for the
9 purpose of the veterinary facility, and public utilities present on the
10 preserved farmland may be extended to the structure in which the
11 veterinary facility is located; (5) the facility complies with all
12 applicable State and local laws, regulations, resolutions, and
13 ordinances including, but not limited to, those concerning noise, solid
14 waste, traffic, and the protection of public health and safety; (6)
15 parking for the veterinary facility is provided through the use of
16 existing parking areas on the farm and curtilage surrounding existing
17 buildings to the extent possible, except that additional on-site parking
18 areas may be allowed, subject to approval by the SADC; (7) the
19 location of the structure and parking area to be used for the veterinary
20 facility shall not cause a significant and direct negative impact to any
21 surrounding residential properties; and (8) the owner of the preserved
22 farmland obtains all other permits, approvals, or authorizations that
23 may be required by federal, State, or local law, rule, regulation, or
24 ordinance.

25 Within 90 days after receipt of a complete application from the
26 owner of preserved farmland, the SADC would be required to
27 approve, approve with conditions, or disapprove the application. If
28 the SADC is the grantee, defined in the bill as the holder of the
29 development easement for the preserved farmland, the SADC, in its
30 sole discretion, may issue an approval to the owner of the preserved
31 farmland. If the SADC is not the grantee, the SADC shall consult
32 with the grantee and consider any comments received from the
33 grantee prior to issuing a decision on the application. If the SADC
34 disapproves an application, it would be required to provide a
35 written description of the reasoning for the disapproval and
36 recommendations concerning the changes necessary to obtain
37 approval.

38 The bill further provides that an owner of preserved farmland
39 that receives an approval from the SADC pursuant to the bill may
40 install and operate a roof mounted solar photovoltaic system on the
41 structure in which the veterinary facility is located. Any power
42 generated from the solar photovoltaic system would be required to
43 be used to provide power or heat to the farm or to reduce energy
44 costs on the preserved farmland.

45 The bill provides the SADC, applicable county board of
46 agriculture, and the grantee, if applicable, with the authority to
47 inspect during normal business hours, without advance notice, a
48 preserved farm that has received approval pursuant to the bill in

1 order to determine compliance with the provisions of this section.
2 The SADC may suspend or revoke an approval issued pursuant to
3 the bill for a significant violation of a term or condition of the
4 approval or any provision of the bill. Prior to the suspension or
5 revocation of an approval, the SADC would be required to provide
6 written notice of the violation to the owner of the preserved
7 farmland, and the owner would have 30 days to correct the
8 violation.

9 The bill requires the SADC to adopt rules and regulations
10 necessary for the implementation of the bill, including but not
11 limited to, the process by which a landowner may apply for the
12 approval required pursuant to this section, the establishment of
13 reasonable application fees to pay for the cost of review of the
14 application, and the identification of violations that may result in
15 the suspension or revocation of an approval issued pursuant to the
16 bill. In addition, the rules and regulations are to ensure that a
17 veterinary facility approved pursuant to the bill does not: (1)
18 significantly interfere with any agricultural deed restrictions for
19 farmland preservation purposes on the preserved farmland; or (2)
20 result in the use of preserved farmland for primarily non-
21 agricultural or horticultural purposes.

22 New Jersey has long committed to preserving farmland, however
23 New Jersey cannot rest on the success of land preservation. The
24 State needs to do much more to preserve farming itself and take
25 further action to preserve and enhance the State's agricultural
26 industry. This bill recognizes that veterinary facilities engaging in
27 the practice of veterinary medicine for livestock or equine animals,
28 or both, are an essential agriculture support service, are compatible
29 with the agricultural use of the land, and have a direct and positive
30 impact on the State's agriculture industry by supplying a needed
31 service to the surrounding agricultural community.