

ASSEMBLY, No. 1869

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MARCH 23, 1998

Sponsored by:

Assemblywoman CONNIE MYERS

District 23 (Warren, Hunterdon and Mercer)

SYNOPSIS

Establishes farmland preservation planning incentive grant program.

CURRENT VERSION OF TEXT

As introduced.



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1 **AN ACT** establishing a farmland preservation planning incentive grant
2 program and supplementing Title 4 of the Revised Statutes.

3

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

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7 1. a. There is established in the State Agriculture Development
8 Committee a farmland preservation planning incentive grant program,
9 the purpose of which shall be to provide grants in eligible
10 municipalities for farmland preservation purposes as authorized
11 pursuant to this act.

12 b. To be eligible to apply for a grant, a municipality shall:

13 (1) Be located in a county that participates in a farmland
14 preservation program authorized pursuant to the "Agriculture
15 Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.);

16 (2) Have a dedicated source of funding for farmland preservation;
17 and

18 (3) Prepare a farmland preservation plan as described pursuant to
19 subsection c. of this section, which shall have been approved by the
20 county agriculture development board and the State Agriculture
21 Development Committee.

22 c. A farmland preservation plan prepared pursuant to paragraph
23 (3) of subsection b. of this section shall include:

24 (1) A delineation and inventory of farm properties and a map of
25 significant areas of contiguous farmland within the municipality;

26 (2) An estimate of the cost to purchase development easements on
27 the various parcels of farmland in each proposed project area
28 calculated in cooperation with the county agriculture development
29 board;

30 (3) A multi-year plan for the purchase of development easements
31 on farmland through the farmland preservation planning incentive
32 grant program established by this act, which shall be for no less than
33 five nor more than 20 years. In developing the plan, the municipality
34 shall consider:

35 (a) the willingness of the landowner to accept annual installment
36 purchase payments for a period of years or an option to purchase
37 instead of a lump sum payment; and

38 (b) the importance of a particular farm to the success of the
39 farmland preservation plan of the municipality;

40 (4) A determination of each project area through a survey of
41 landowners.

42 For the purposes of this act, a "project area" shall consist of
43 multiple farms that are reasonably contiguous, the owners of which
44 have indicated a desire to participate in the farmland preservation
45 program and a willingness to negotiate terms for the purchase of
46 development easements on their farms that will result in a proposal to

1 be submitted to the county agriculture development board for approval
2 as an applicant for a farmland preservation planning incentive grant
3 pursuant to this act.

4 d. A municipality, in submitting a proposal to the county
5 agriculture development board pursuant to this act, shall outline its
6 multi-year plan and indicate its annual share of the purchase price.
7 The municipality, in order to enhance its application, may submit its
8 proposal jointly with one or more contiguous municipalities if the
9 submission would result in the preservation of a significant area of
10 reasonably contiguous farmland.

11 e. Whenever decisions regarding suitability for funding of
12 development easement purchases are made using the formula set forth
13 in subsection b. of section 24 of P.L.1983, c.32 (C.4:1C-31), and the
14 formula is applied to a project area designated in accordance with this
15 act, the "nonagricultural development value" parameter shall be
16 calculated by totaling the nonagricultural development value for all of
17 the farms in the project area, the "agricultural value" shall be
18 calculated by totaling the agricultural value of all of the farms in the
19 project area, and the "landowner's asking price" shall be calculated by
20 totaling the landowner's asking price for all of the farms in the project
21 area.

22 f. Purchases of development easements on farmland pursuant to
23 this act shall be made through the county agriculture development
24 board.

25 g. The State Agriculture Development Committee shall adopt,
26 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
27 (C.52:14B-1 et seq.), such rules and regulations as may be necessary
28 to implement this act, and shall establish ranking and funding criteria
29 separately from, but similar to, those used in the program established
30 pursuant to P.L.1983, c.32 (C.4:1C-11 et seq.).

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32 2. This act shall take effect immediately.

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STATEMENT

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37 The major goal of the "Agriculture Retention and Development
38 Act," P.L.1983, c.32 (C.4:1C-11 et seq.), is to preserve large
39 contiguous tracts of farmland. The current law does not provide
40 enough incentives for meeting this goal, resulting instead in the
41 preservation of farms located in areas threatened by suburban
42 development. To help prevent suburban sprawl, a comprehensive plan
43 to preserve significant agricultural areas of the State is needed. This
44 bill would implement such an effort.

45 Specifically, the bill would establish a farmland preservation
46 planning incentive grant program, the purpose of which would be to

A1869 MYERS

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1 provide grants in eligible municipalities for farmland preservation
2 purposes. This new program would be supplementary in effect to the
3 current farmland preservation program.

4 To be eligible to apply for a grant under the bill, a municipality
5 must:

6 (1) Be located in a county that participates in a farmland
7 preservation program authorized pursuant to the "Agriculture
8 Retention and Development Act";

9 (2) Have approved and implemented a dedicated source of funding
10 for farmland preservation purposes; and

11 (3) Prepare a farmland preservation plan as described in the bill,
12 which would need to be approved by the county agriculture
13 development board and the State Agriculture Development
14 Committee.