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P.L. 1999, CHAPTER 180, *approved August 12, 1999*

Assembly Substitute for

Assembly, No. 1869

1 **AN ACT** establishing a farmland preservation planning incentive grant
2 program, supplementing Title 4 of the Revised Statutes, and
3 amending P.L.1975, c.291.

4

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

7

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

13 b. To be eligible to apply for a grant, a county or municipality
14 shall:

15 (1) Identify project areas of multiple farms that are reasonably
16 contiguous and located in an agriculture development area authorized
17 pursuant to the "Agriculture Retention and Development Act,"
18 P.L.1983, c.32 (C.4:1C-11 et seq.);

19 (2) Establish an agricultural advisory committee. In the case of a
20 county, the county agriculture development board shall serve this
21 function. In the case of a municipality, members of a municipal
22 agricultural advisory committee shall be appointed by the mayor with
23 the consent of the municipal governing body, and the committee shall
24 report to the municipal planning board. A municipal agricultural
25 advisory committee shall be composed of at least three, but not more
26 than five, members who shall be residents of the municipality, with a
27 majority of the members actively engaged in farming and owning a
28 portion of the land they farm. For the purposes of this paragraph,
29 "mayor" shall mean the same as that term is defined pursuant to
30 section 3.2 of P.L.1975, c.291 (C.40:55D-5);

31 (3) Establish and maintain a dedicated source of funding for
32 farmland preservation pursuant to P.L.1997, c.24 (C.40:12-15.1 et
33 seq.), or an alternative means of funding for farmland preservation,
34 such as, but not limited to, repeated annual appropriations or repeated
35 issuance of bonded indebtedness, which the State Agriculture
36 Development Committee deems to be, in effect, a dedicated source of
37 funding because of a demonstrated commitment on the part of the
38 county or municipality; and

39 (4) In the case of a municipality, prepare a farmland preservation
40 plan element pursuant to paragraph (13) of section 19 of P.L.1975,

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.

1 c.291 (C.40:55D-28) in consultation with the agriculture advisory
2 committee established pursuant to paragraph (2) of this subsection.

3 c. In the event a municipality is seeking funding from the county
4 toward the purchase of development easements, the municipality shall
5 submit an application to the county agriculture development board. In
6 all other cases, a municipality shall submit its application directly to
7 the State Agriculture Development Committee.

8 d. A municipality, in submitting an application to the county
9 agriculture development board or the State Agriculture Development
10 Committee as appropriate, or a county, in submitting an application to
11 the State Agriculture Development Committee, shall outline a multi-
12 year plan for the purchase of multiple farms in a project area and
13 indicate its annual share of the estimated purchase price. The
14 municipality, in order to enhance its application, may submit its
15 proposal jointly with one or more contiguous municipalities if the
16 submission would result in the preservation of a significant area of
17 reasonably contiguous farmland. The application shall include, in the
18 case of a municipality, a copy of the farmland preservation plan
19 element prepared pursuant to paragraph (13) of section 19 of
20 P.L.1975, c.291 (C.40:55D-28); an estimate of the cost of purchasing
21 development easements on all of the farms in a designated project
22 area, to be determined in consultation with the county agriculture
23 development board or through an appraisal for the entire project area;
24 and an inventory showing the characteristics of each farm in the
25 project area which may include, but need not be limited to, size, soils
26 and agricultural use.

27 e. The State Agriculture Development Committee shall make
28 decisions regarding suitability for funding of development easement
29 purchases for planning incentive grants based on whether the project
30 area provides an opportunity to preserve a significant area of
31 reasonably contiguous farmland that will promote the long term
32 viability of agriculture as an industry in the municipality or county.
33 After the State Agriculture Development Committee has given
34 approval to an application, the municipality or county shall submit two
35 appraisals for each parcel for which funding is requested. The
36 appraisals shall be conducted pursuant to the provisions of section 24
37 of P.L.1983, c.32 (C.4:1C-31). Approved funding shall be allocated
38 by the municipality, the county and the State to each parcel in the
39 project area under an agreement that commits each level of
40 government to a specific payment in each of the years included in the
41 plan for purchase. Nothing in this act shall be construed to require
42 that any parcel in a project area receive a price per acre that is the
43 same as any other parcel in that project area or that any parcel must be
44 purchased with installment payments because other parcels in the
45 project area are so purchased.

46 f. Purchases of development easements on farmland pursuant to

1 this act shall be made with the approval of the State Agriculture
2 Development Committee and the municipality, and in the event county
3 funds are provided, with the approval of the county agriculture
4 development board.

5 g. If a county does not provide funding toward the purchase of
6 the development easement, the State Agriculture Development
7 Committee shall hold title to the development easement.

8 h. The State Agriculture Development Committee shall adopt,
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.), such rules and regulations as may be necessary
11 to implement this act, and shall establish ranking and funding criteria
12 separately from, but similar to, those used in the program established
13 pursuant to P.L.1983, c.32 (C.4:1C-11 et seq.), except that ranking
14 and funding criteria shall be applied to the project area as a whole and
15 not to individual parcels and priority shall be given to those
16 applications that utilize option agreements, installment purchases,
17 donations, and other methods for the purpose of leveraging monies
18 made available by P.L. , c. (C.)(now before the Legislature as
19 Senate Bill No. 9 or Assembly Bill No. 1000000 of 1999).

20

21 2. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
22 read as follows:

23 19. Preparation; contents; modification.

24 a. The planning board may prepare and, after public hearing,
25 adopt or amend a master plan or component parts thereof, to guide the
26 use of lands within the municipality in a manner which protects public
27 health and safety and promotes the general welfare.

28 b. The master plan shall generally comprise a report or statement
29 and land use and development proposals, with maps, diagrams and
30 text, presenting, at least the following elements (1) and (2) and, where
31 appropriate, the following elements (3) through **[(12)] (13)**:

32 (1) A statement of objectives, principles, assumptions, policies and
33 standards upon which the constituent proposals for the physical,
34 economic and social development of the municipality are based;

35 (2) A land use plan element (a) taking into account and stating its
36 relationship to the statement provided for in paragraph (1) hereof, and
37 other master plan elements provided for in paragraphs (3) through
38 **[(12)] (13)** hereof and natural conditions, including, but not
39 necessarily limited to, topography, soil conditions, water supply,
40 drainage, flood plain areas, marshes, and woodlands; (b) showing the
41 existing and proposed location, extent and intensity of development of
42 land to be used in the future for varying types of residential,
43 commercial, industrial, agricultural, recreational, educational and other
44 public and private purposes or combination of purposes; and stating
45 the relationship thereof to the existing and any proposed zone plan and
46 zoning ordinance; and (c) showing the existing and proposed location

1 of any airports and the boundaries of any airport safety zones
2 delineated pursuant to the "Air Safety and Zoning Act of 1983,"
3 P.L.1983, c.260 (C.6:1-80 et seq.); and (d) including a statement of
4 the standards of population density and development intensity
5 recommended for the municipality;

6 (3) A housing plan element pursuant to section 10 of P.L.1985,
7 c.222 (C.52:27D-310), including, but not limited to, residential
8 standards and proposals for the construction and improvement of
9 housing;

10 (4) A circulation plan element showing the location and types of
11 facilities for all modes of transportation required for the efficient
12 movement of people and goods into, about, and through the
13 municipality, taking into account the functional highway classification
14 system of the Federal Highway Administration and the types,
15 locations, conditions and availability of existing and proposed
16 transportation facilities, including air, water, road and rail;

17 (5) A utility service plan element analyzing the need for and
18 showing the future general location of water supply and distribution
19 facilities, drainage and flood control facilities, sewerage and waste
20 treatment, solid waste disposal and provision for other related utilities,
21 and including any storm water management plan required pursuant to
22 the provisions of P.L.1981, c.32 (C.40:55D-93 et seq.);

23 (6) A community facilities plan element showing the existing and
24 proposed location and type of educational or cultural facilities, historic
25 sites, libraries, hospitals, firehouses, police stations and other related
26 facilities, including their relation to the surrounding areas;

27 (7) A recreation plan element showing a comprehensive system of
28 areas and public sites for recreation;

29 (8) A conservation plan element providing for the preservation,
30 conservation, and utilization of natural resources, including, to the
31 extent appropriate, energy, open space, water supply, forests, soil,
32 marshes, wetlands, harbors, rivers and other waters, fisheries,
33 endangered or threatened species wildlife and other resources, and
34 which systemically analyzes the impact of each other component and
35 element of the master plan on the present and future preservation,
36 conservation and utilization of those resources;

37 (9) An economic plan element considering all aspects of economic
38 development and sustained economic vitality, including (a) a
39 comparison of the types of employment expected to be provided by the
40 economic development to be promoted with the characteristics of the
41 labor pool resident in the municipality and nearby areas and (b) an
42 analysis of the stability and diversity of the economic development to
43 be promoted;

44 (10) A historic preservation plan element: (a) indicating the
45 location and significance of historic sites and historic districts; (b)
46 identifying the standards used to assess worthiness for historic site or

1 district identification; and (c) analyzing the impact of each component
2 and element of the master plan on the preservation of historic sites and
3 districts;

4 (11) Appendices or separate reports containing the technical
5 foundation for the master plan and its constituent elements; **[and]**

6 (12) A recycling plan element which incorporates the State
7 Recycling Plan goals, including provisions for the collection,
8 disposition and recycling of recyclable materials designated in the
9 municipal recycling ordinance, and for the collection, disposition and
10 recycling of recyclable materials within any development proposal for
11 the construction of 50 or more units of single-family residential
12 housing or 25 or more units of multi-family residential housing and any
13 commercial or industrial development proposal for the utilization of
14 1,000 square feet or more of land ; and

15 (13) A farmland preservation plan element, which shall include: an
16 inventory of farm properties and a map illustrating significant areas of
17 agricultural land; a statement showing that municipal ordinances
18 support and promote agriculture as a business; and a plan for
19 preserving as much farmland as possible in the short term by
20 leveraging monies made available by P.L. , c. (C.) (now
21 before the Legislature as Senate Bill No. 9 or Assembly Bill No.
22 1000000 of 1999) through a variety of mechanisms including, but not
23 limited to, utilizing option agreements, installment purchases, and
24 encouraging donations of permanent development easements .

25 c. The master plan and its plan elements may be divided into
26 subplans and subplan elements projected according to periods of time
27 or staging sequences.

28 d. The master plan shall include a specific policy statement
29 indicating the relationship of the proposed development of the
30 municipality, as developed in the master plan to (1) the master plans
31 of contiguous municipalities, (2) the master plan of the county in
32 which the municipality is located, (3) the State Development and
33 Redevelopment Plan adopted pursuant to the "State Planning Act,"
34 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and
35 (4) the district solid waste management plan required pursuant to the
36 provisions of the "Solid Waste Management Act," P.L.1970, c.39
37 (C.13:1E-1 et seq.) of the county in which the municipality is located.
38 (cf: P.L.1991, c.445, s.7)

39

40 3. This act shall take effect immediately.

41

42

43

STATEMENT

44

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

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

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

6 (1) Identify project areas of multiple farms that are reasonably
7 contiguous and located in an agriculture development area authorized
8 pursuant to the "Agriculture Retention and Development Act";

9 (2) Establish an agricultural advisory committee that is to be
10 consulted in the preparation of the farmland preservation plan
11 described in the bill; however, the county agriculture development
12 board would serve this function when a county participates in the
13 planning incentive grant program;

14 (3) Have approved and implemented a dedicated source of funding
15 for farmland preservation purposes; and

16 (4) In the case of a municipality, prepare a farmland preservation
17 plan as described in the bill, which would need to be adopted as part
18 of the municipal master plan.

19 The substitute bill provides that purchases of development
20 easements on farmland pursuant to this bill will be made with the
21 approval of the State Agriculture Development Committee and the
22 municipality, and in the event county funds are provided, with the
23 approval of the county agriculture development board. In addition,
24 the substitute bill provides that if a county does not provide funding
25 toward the purchase of the development easement, the State
26 Agriculture Development Committee will hold title to the development
27 easement.

28 Finally, the bill would require that a municipal master plan,
29 required pursuant to the "Municipal Land Use Law," include a
30 farmland preservation plan element, which would include any farmland
31 preservation plan prepared in accordance with this bill.

32 This substitute bill is identical to the Senate Committee Substitute
33 for Senate Bill No. 1803, as reported by the Senate Economic Growth,
34 Agriculture and Tourism Committee on June 7, 1999.

35

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37

38

39 Establishes farmland preservation planning incentive grant program.

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.



A1869 MYERS

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:

6

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.).

31

32 2. This act shall take effect immediately.

33

34

35

STATEMENT

36

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

4

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.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1869

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1998

The Assembly Agriculture and Natural Resources Committee favorably reports Assembly Bill No. 1869 with committee amendments.

As amended by the committee, this bill would establish a farmland preservation planning incentive grant program, the purpose of which would be to provide grants in eligible counties and municipalities for farmland preservation purposes. This new program would be supplementary in effect to the current farmland preservation program.

As amended by the committee, to be eligible to apply for a grant under the bill, an eligible county or municipality must:

(1) Be located in an area that participates in a farmland preservation program authorized pursuant to the "Agriculture Retention and Development Act";

(2) Establish an agricultural advisory committee that is to be consulted in the preparation of the farmland preservation plan described in the bill; however, the county agriculture development board would serve this function when a county participates in the planning incentive grant program;

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

(4) Prepare a farmland preservation plan as described in the bill, which would need to be approved by the county agriculture development board and the State Agriculture Development Committee and be adopted as part of the county master plan or municipal master plan, as appropriate.

The Agriculture and Natural Resources Committee also adopted amendments concerning the procedure to be used to make decisions regarding suitability for funding of development easement purchases. The committee amended the bill to provide that purchases of development easements on farmland pursuant to this bill shall be made through the county agriculture development board with the approval of the State Agriculture Development Committee and the municipality,

and also to provide that if a county does not provide funding toward the purchase of the development easement, the State Agriculture Development Committee shall hold title to the development easement.

Finally, the committee amended the bill to require that a municipal master plan, required pursuant to the "Municipal Land Use Law," include a farmland preservation plan element, which would include any farmland preservation plan prepared in accordance with this bill.

The committee also adopted amendments making technical and clarifying changes to the bill.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY SUBSTITUTE FOR **ASSEMBLY, No. 1869**

STATE OF NEW JERSEY

DATED: JUNE 21, 1999

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1869 (AS).

This Assembly substitute bill would establish a farmland preservation planning incentive grant program, the purpose of which would be to provide grants in eligible counties and municipalities for farmland preservation purposes. This new program would be supplementary in effect to the current farmland preservation program.

To be eligible to apply for a grant under the substitute bill, an eligible county or municipality must:

(1) Identify project areas of multiple farms that are reasonably contiguous and located in an agriculture development area authorized pursuant to the "Agriculture Retention and Development Act";

(2) Establish an agricultural advisory committee that is to be consulted in the preparation of the farmland preservation plan described in the bill; however, the county agriculture development board would serve this function when a county participates in the planning incentive grant program;

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

(4) In the case of a municipality, prepare a farmland preservation plan as described in the bill, which would need to be adopted as part of the municipal master plan.

The substitute bill provides that purchases of development easements on farmland pursuant to this bill will be made with the approval of the State Agriculture Development Committee and the municipality, and in the event county funds are provided, with the approval of the county agriculture development board. In addition, the substitute bill provides that if a county does not provide funding toward the purchase of the development easement, the State Agriculture Development Committee will hold title to the development easement.

Finally, the bill would require that a municipal master plan, required pursuant to the "Municipal Land Use Law," include a farmland preservation plan element, which would include any farmland preservation plan prepared in accordance with this bill.

FISCAL IMPACT

The Office of Legislative Services estimates that the bill will have no adverse fiscal impact on State funds spent on the farmland preservation program. In addition, if the objectives of the bill are fully or partially realized, the fiscal impacts on the expenditure of farmland preservation funds could be positive in that future purchases made under the program could be accelerated and conducted through an improved long range planning process that encourages geographic contiguity and incentives for increased participation.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1869

with Assembly Floor Amendments
(Proposed By Assemblywoman MYERS)

ADOPTED: MARCH 15, 1999

These amendments would clarify that municipal farmland preservation plans under the bill would need to be approved not only by the municipality in consultation with the municipal agricultural advisory committee, but also must be approved by the county agriculture development board and by the State Agriculture Development Committee.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 1869

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: MAY 17, 1999

Assembly Bill No. 1869 (2R) of 1998 amends and supplements farmland preservation statutes to allow municipalities and counties greater flexibility in preserving large contiguous tracts of farmland. At present, individual landowners apply for farmland preservation funding. The changes proposed under the bill would enable municipalities or counties to develop and submit proposals which could identify numerous properties to be preserved over an unspecified number of years. In effect, these changes would provide an incentive to municipalities or counties to make long range plans for farmland preservation acquisitions.

Under the bill, such plans would be submitted to the appropriate agencies and, if approved, farmland preservation funds would be set aside for farms within the project area identified in the plan. The bill also includes other technical and procedural changes in the farmland preservation program to facilitate the new planning process proposed under the bill.

The Office of Legislative Services estimates that the bill will have no adverse fiscal impact on State funds spent on the farmland preservation program. In addition, if the objectives of the bill are fully or partially realized, the fiscal impacts on the expenditure of farmland preservation funds could be positive in that future purchases made under the program could be accelerated and conducted through an improved long range planning process that encourages geographic contiguity and incentives for increased participation.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 1803

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MARCH 22, 1999

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator ROBERT J. MARTIN

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Establishes farmland preservation planning incentive grant program.

CURRENT VERSION OF TEXT

As introduced.



S1803 BENNETT, MARTIN

2

1 AN ACT establishing a farmland preservation planning incentive grant
2 program, supplementing Title 4 of the Revised Statutes, and
3 amending P.L.1975, c.291.

4

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

7

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

13 b. To be eligible to apply for a grant, a county or municipality
14 shall:

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

18 (2) Establish an agricultural advisory committee. In the case of a
19 county, the county agriculture development board shall serve this
20 function. In the case of a municipality, members of a municipal
21 agricultural advisory committee shall be appointed by the mayor with
22 the consent of the municipal governing body, and the committee shall
23 report to the municipal planning board. A municipal agricultural
24 advisory committee shall be composed of at least three, but not more
25 than five, members who shall be residents of the municipality, with a
26 majority of the members actively engaged in farming and owning a
27 portion of the land they farm. For the purposes of this paragraph,
28 "mayor" shall mean the same as that term is defined pursuant to
29 section 3.2 of P.L.1975, c.291 (C.40:55D-5);

30 (3) Have a dedicated source of funding for farmland preservation
31 pursuant to P.L.1997, c.24 (C.40:12-15.1 et seq.), or an alternative
32 means of funding for farmland preservation, such as, but not limited
33 to, repeated annual appropriations or repeated issuance of bonded
34 indebtedness, which the State Agriculture Development Committee
35 deems to be, in effect, a dedicated source of funding because of a
36 demonstrated history of a consistent and stable financial commitment
37 on the part of the county or municipality; and

38 (4) Prepare a farmland preservation plan as described pursuant to
39 subsection c. of this section, which (1) in the case of a municipality,
40 shall have been approved by the municipality in consultation with the
41 municipal agricultural advisory committee established pursuant to
42 paragraph (2) of this subsection, shall have been approved by the
43 county agriculture development board and by the State Agriculture

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.

1 Development Committee, and shall have been adopted as part of the
2 municipal master plan, or (2) in the case of a county, shall have been
3 approved by the county agriculture development board and by the
4 State Agriculture Development Committee, and shall have been
5 adopted as part of the county master plan.

6 c. A farmland preservation plan prepared pursuant to paragraph (4)
7 of subsection b. of this section shall include, but need not be limited
8 to:

9 (1) A delineation and inventory of farm properties and a map of
10 significant areas of contiguous farmland within the county or
11 municipality;

12 (2) An estimate of the cost to purchase development easements on
13 the various parcels of farmland in each proposed project area
14 calculated in cooperation with the county agriculture development
15 board;

16 (3) A multi-year plan for the purchase of development easements
17 on farmland through the farmland preservation planning incentive
18 grant program established by this act. In developing the multi-year
19 plan, the county or municipality shall consider:

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

23 (b) the importance of a particular farm to the success of the
24 farmland preservation plan of the county or municipality;

25 (4) A determination of each project area through a survey of
26 landowners.

27 For the purposes of this act, a "project area" shall consist of
28 multiple farms that are reasonably contiguous, the owners of which
29 have indicated a desire to participate in the farmland preservation
30 program and a willingness to negotiate terms for the purchase of
31 development easements on their farms that will result in a proposal to
32 be submitted to the county agriculture development board or, in the
33 case of a county, to the State Agriculture Development Committee for
34 approval as an applicant for a farmland preservation planning incentive
35 grant pursuant to this act.

36 d. A municipality, in submitting a proposal to the county
37 agriculture development board pursuant to this act, or a county, in
38 submitting an application to the State Agriculture Development
39 Committee, shall outline its multi-year plan and indicate its annual
40 share of the purchase price. The municipality, in order to enhance its
41 application, may submit its proposal jointly with one or more
42 contiguous municipalities if the submission would result in the
43 preservation of a significant area of reasonably contiguous farmland.

44 e. Decisions regarding suitability for funding of development
45 easement purchases for planning incentive grants shall be made using
46 the criteria set forth in subsection b. of section 24 of P.L.1983, c.32

1 (C.4:1C-31) which shall be applied to a project area. For the purpose
2 of utilizing the formula set forth in subsection b. of section 24 of
3 P.L.1983, c.32 (C.4:1C-31), the "nonagricultural development value"
4 parameter shall be calculated by averaging the per acre nonagricultural
5 development value for all of the farms in the project area, the
6 "agricultural value" shall be calculated by averaging the per acre
7 agricultural value of all of the farms in the project area, and the
8 "landowner's asking price" shall be calculated by averaging the per
9 acre landowner's asking price for all of the farms in the project area.

10 f. Purchases of development easements on farmland pursuant to
11 this act shall be made through the county agriculture development
12 board with the approval of the State Agriculture Development
13 Committee and the municipality.

14 g. If a county does not provide funding toward the purchase of the
15 development easement, the State Agriculture Development Committee
16 shall hold title to the development easement.

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

23

24 2. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
25 read as follows:

26 19. Preparation; contents; modification.

27 a. The planning board may prepare and, after public hearing, adopt
28 or amend a master plan or component parts thereof, to guide the use
29 of lands within the municipality in a manner which protects public
30 health and safety and promotes the general welfare.

31 b. The master plan shall generally comprise a report or statement
32 and land use and development proposals, with maps, diagrams and
33 text, presenting, at least the following elements (1) and (2) and, where
34 appropriate, the following elements (3) through **[(12)] (13)**:

35 (1) A statement of objectives, principles, assumptions, policies and
36 standards upon which the constituent proposals for the physical,
37 economic and social development of the municipality are based;

38 (2) A land use plan element (a) taking into account and stating its
39 relationship to the statement provided for in paragraph (1) hereof, and
40 other master plan elements provided for in paragraphs (3) through
41 **[(12)] (13)** hereof and natural conditions, including, but not
42 necessarily limited to, topography, soil conditions, water supply,
43 drainage, flood plain areas, marshes, and woodlands; (b) showing the
44 existing and proposed location, extent and intensity of development of
45 land to be used in the future for varying types of residential,
46 commercial, industrial, agricultural, recreational, educational and other

1 public and private purposes or combination of purposes; and stating
2 the relationship thereof to the existing and any proposed zone plan and
3 zoning ordinance; and (c) showing the existing and proposed location
4 of any airports and the boundaries of any airport safety zones
5 delineated pursuant to the "Air Safety and Zoning Act of 1983,"
6 P.L.1983, c.260 (C.6:1-80 et seq.); and (d) including a statement of
7 the standards of population density and development intensity
8 recommended for the municipality;

9 (3) A housing plan element pursuant to section 10 of P.L.1985,
10 c.222 (C.52:27D-310), including, but not limited to, residential
11 standards and proposals for the construction and improvement of
12 housing;

13 (4) A circulation plan element showing the location and types of
14 facilities for all modes of transportation required for the efficient
15 movement of people and goods into, about, and through the
16 municipality, taking into account the functional highway classification
17 system of the Federal Highway Administration and the types,
18 locations, conditions and availability of existing and proposed
19 transportation facilities, including air, water, road and rail;

20 (5) A utility service plan element analyzing the need for and
21 showing the future general location of water supply and distribution
22 facilities, drainage and flood control facilities, sewerage and waste
23 treatment, solid waste disposal and provision for other related utilities,
24 and including any storm water management plan required pursuant to
25 the provisions of P.L.1981, c.32 (C.40:55D-93 et seq.);

26 (6) A community facilities plan element showing the existing and
27 proposed location and type of educational or cultural facilities, historic
28 sites, libraries, hospitals, firehouses, police stations and other related
29 facilities, including their relation to the surrounding areas;

30 (7) A recreation plan element showing a comprehensive system of
31 areas and public sites for recreation;

32 (8) A conservation plan element providing for the preservation,
33 conservation, and utilization of natural resources, including, to the
34 extent appropriate, energy, open space, water supply, forests, soil,
35 marshes, wetlands, harbors, rivers and other waters, fisheries,
36 endangered or threatened species wildlife and other resources, and
37 which systemically analyzes the impact of each other component and
38 element of the master plan on the present and future preservation,
39 conservation and utilization of those resources;

40 (9) An economic plan element considering all aspects of economic
41 development and sustained economic vitality, including (a) a
42 comparison of the types of employment expected to be provided by the
43 economic development to be promoted with the characteristics of the
44 labor pool resident in the municipality and nearby areas and (b) an
45 analysis of the stability and diversity of the economic development to
46 be promoted;

1 (10) A historic preservation plan element: (a) indicating the
2 location and significance of historic sites and historic districts; (b)
3 identifying the standards used to assess worthiness for historic site or
4 district identification; and (c) analyzing the impact of each component
5 and element of the master plan on the preservation of historic sites and
6 districts;

7 (11) Appendices or separate reports containing the technical
8 foundation for the master plan and its constituent elements; **[and]**

9 (12) A recycling plan element which incorporates the State
10 Recycling Plan goals, including provisions for the collection,
11 disposition and recycling of recyclable materials designated in the
12 municipal recycling ordinance, and for the collection, disposition and
13 recycling of recyclable materials within any development proposal for
14 the construction of 50 or more units of single-family residential
15 housing or 25 or more units of multi-family residential housing and any
16 commercial or industrial development proposal for the utilization of
17 1,000 square feet or more of land; and

18 (13) A farmland preservation plan element, which shall include any
19 farmland preservation plan prepared in accordance with P.L. , c.
20 (C.) (now before the Legislature as this bill).

21 c. The master plan and its plan elements may be divided into
22 subplans and subplan elements projected according to periods of time
23 or staging sequences.

24 d. The master plan shall include a specific policy statement
25 indicating the relationship of the proposed development of the
26 municipality, as developed in the master plan to (1) the master plans
27 of contiguous municipalities, (2) the master plan of the county in
28 which the municipality is located, (3) the State Development and
29 Redevelopment Plan adopted pursuant to the "State Planning Act,"
30 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and
31 (4) the district solid waste management plan required pursuant to the
32 provisions of the "Solid Waste Management Act," P.L.1970, c.39
33 (C.13:1E-1 et seq.) of the county in which the municipality is located.
34 (cf: P.L.1991, c.445, s.7)

35

36 3. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill would establish a farmland preservation planning incentive
42 grant program, the purpose of which would be to provide grants in
43 eligible counties and municipalities for farmland preservation purposes.
44 This new program would be supplementary in effect to the current
45 farmland preservation program.

S1803 BENNETT, MARTIN

7

1 To be eligible to apply for a grant under the bill, an eligible county
2 or municipality must:

3 (1) Be located in an area that participates in a farmland
4 preservation program authorized pursuant to the "Agriculture
5 Retention and Development Act";

6 (2) Establish an agricultural advisory committee that is to be
7 consulted in the preparation of the farmland preservation plan
8 described in the bill; however, the county agriculture development
9 board would serve this function when a county participates in the
10 planning incentive grant program;

11 (3) Have approved and implemented a dedicated source of funding
12 for farmland preservation purposes; and

13 (4) Prepare a farmland preservation plan as described in the bill,
14 which would need to be approved by the county agriculture
15 development board and the State Agriculture Development Committee
16 and be adopted as part of the county master plan or municipal master
17 plan, as appropriate.

18 The bill provides that purchases of development easements on
19 farmland pursuant to this bill will be made through the county
20 agriculture development board with the approval of the State
21 Agriculture Development Committee and the municipality, and also
22 provides that if a county does not provide funding toward the purchase
23 of the development easement, the State Agriculture Development
24 Committee will hold title to the development easement.

25 Finally, the bill would require that a municipal master plan,
26 required pursuant to the "Municipal Land Use Law," include a
27 farmland preservation plan element, which would include any farmland
28 preservation plan prepared in accordance with this bill.

SENATE ECONOMIC GROWTH, AGRICULTURE AND TOURISM
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1803

STATE OF NEW JERSEY

DATED: JUNE 7, 1999

The Senate Economic Growth, Agriculture and Tourism Committee favorably reports a Senate Committee Substitute for Senate Bill No. 1803.

This committee substitute would establish a farmland preservation planning incentive grant program, the purpose of which would be to provide grants in eligible counties and municipalities for farmland preservation purposes. This new program would be supplementary in effect to the current farmland preservation program.

To be eligible to apply for a grant under the substitute bill, an eligible county or municipality must:

(1) Identify project areas of multiple farms that are reasonably contiguous and located in an agriculture development area authorized pursuant to the "Agriculture Retention and Development Act";

(2) Establish an agricultural advisory committee that is to be consulted in the preparation of the farmland preservation plan described in the bill; however, the county agriculture development board would serve this function when a county participates in the planning incentive grant program;

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

(4) In the case of a municipality, prepare a farmland preservation plan as described in the bill, which would need to be adopted as part of the municipal master plan.

The substitute bill provides that purchases of development easements on farmland pursuant to this bill will be made with the approval of the State Agriculture Development Committee and the municipality, and in the event county funds are provided, with the approval of the county agriculture development board. In addition, the substitute bill provides that if a county does not provide funding toward the purchase of the development easement, the State Agriculture Development Committee will hold title to the development easement.

Finally, the bill would require that a municipal master plan, required pursuant to the "Municipal Land Use Law," include a farmland preservation plan element, which would include any farmland preservation plan prepared in accordance with this bill.

LEGISLATIVE FISCAL ESTIMATE

SENATE, No. 1803

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JUNE 3, 1999

Senate Bill No. 1803 of 1999 amends and supplements farmland preservation statutes to allow municipalities and counties greater flexibility in preserving large contiguous tracts of farmland. At present, individual landowners apply for farmland preservation funding. The changes proposed under the bill would enable municipalities or counties to develop and submit proposals which could identify numerous properties to be preserved over an unspecified number of years. In effect, these changes would provide an incentive to municipalities or counties to make long range plans for farmland preservation acquisitions.

Under the bill, such plans would be submitted to the appropriate agencies and, if approved, farmland preservation funds would be set aside for farms within the project area identified in the plan. The bill also includes other technical and procedural changes in the farmland preservation program to facilitate the new planning process proposed under the bill.

The Office of Legislative Services estimates that the bill will have no adverse fiscal impact on State funds spent on the farmland preservation program. In addition, if the objectives of the bill are fully or partially realized, the fiscal impacts on the expenditure of farmland preservation funds could be positive in that future purchases made under the program could be accelerated and conducted through an improved long range planning process that encourages geographic contiguity and incentives for increased participation.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
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RELEASE: August 12, 1999

**Governor Establishes Farmland Preservation Planning Incentive Grant Program;
Announces Additional State Efforts to Aid Farmers During Drought**

Gov. Christie Whitman today signed legislation that will provide cash incentives to towns to develop plans to preserve farmland and also announced new steps the state is taking to aid farmers affected by the drought. The Governor spent the day touring Hunterdon, Warren and Sussex counties.

"Our farms are a vital part of our state economy and the drought has placed a huge strain on the farmers of the Garden State," said Gov. Whitman. "Preserving our farmland and ensuring that our farmers get the support they need during tough times like these are two ways we can protect the vital natural resources of our state."

At the bill signing, the Governor announced that she will push forward with three new steps to aid New Jersey farmers who are suffering through the abnormally dry conditions that have been bearing down on the state.

The Governor said she has asked the NJ Department of Agriculture to take the following steps:

- Set up a hotline, that will be available next Monday, for farmers to call and receive information on what assistance is available.
- Work on developing loan and grant programs for farmers.
- Due to the reliance on hay for feed at dairy farms the department will ask farmers to step forward and donate hay and will also look for volunteers to transport the hay.

A-1869, sponsored by Assemblywoman Connie Myers (R- Warren/Hunterdon/Mercer) and Senators William Bennett (R-Monmouth) and Robert Martin (R-Essex/Morris/Passaic), establishes the program which will provide grants to eligible municipalities and counties for farmland preservation purposes. The bill is intended to supplement the current farmland preservation program by providing new incentives for meeting the existing program's goals.

"Through these new incentive grants, we'll make it easier for municipalities to develop comprehensive plans to preserve large continuous tracts of farmland," said Gov. Whitman. "The bottom line is more farms preserved forever. More open space to add to our 10-year goal of preserving for all time 1 million acres of open space and farmland and a better quality of life for all New Jerseyans."

The legislation amends the "Agriculture Retention and Development Act." Currently, individual landowners apply for farmland preservation funding. With the new program, local entities will be better equipped to develop comprehensive plans to preserve large contiguous tracts of farmland.

Under the bill, municipalities and counties must be located in an area that participates in a program pursuant to the "Agriculture Retention and Redevelopment Act", establish an agricultural advisory committee, have an approved dedicated source of funding and have its plan approved by the county agriculture development board and the State Agriculture Development Committee.

Additionally, local planning boards must include in its master plan a report on a farmland preservation plan element when appropriate. The grants will be funded through the Garden State Preservation Trust Fund.

The Governor signed the legislation at Swift Farms in Alexandria, a 93-acre farm which primarily produces hay and beef cattle.

Governor Whitman continued from Swift Farms to Belvidere where she presented a check for \$126,898 to Warren County. The money represents the state share in the development easement purchase of Risko Farm. Risko farm is the first of seven to be preserved this year in Warren County under the Farmland Preservation Program. This funding is just part of the \$1.9 million dollar appropriation set aside to preserve 7 farms in Warren County.

Risko Farm is a 97-acre farm located in Harmony Township that produces field crops. Mr. Risko farms over 1,000 acres in Warren County.

"The fact is we all benefit when farms are part of our long-range forecast for New Jersey-and we can maximize that benefit by ensuring that we preserve land where it makes the most sense," said Gov. Whitman. "Not only is that good for Warren County, but it will also help ensure that our farms remain a vital part of the Garden State."

Later in the day the Governor took a tour of the Land of Make Believe, an amusement park in Hope Township. The 30-acre park features rides, shows, water parks and picnic areas and opened its gates in 1954.

In addition, the Governor stopped by the New Jersey School for Conservation at Montclair State University in Branchville. The school provides programs to elementary and secondary school students during the school year. Students and their teachers participate in residential environmental programs for anywhere between two and a half to five days. Ten-day graduate courses are also offered to teachers and environmental leaders completing advanced degrees. The school also features a one-week Junior Fly Fishing School in August and a Music Ecology Camp.

At the end of the day, the Governor attended the Sussex County Farm and Horse Show. The show is a ten-day event that offers activities and exhibits related to horticulture agriculture, and the equine industry. It also features a carnival and entertainment and expects to draw around 700 people.

Governor Whitman's visit to the area comes during an extremely tough time for farmers feeling the effects of the drought. New Jersey was granted a disaster declaration by the US Department of Agriculture earlier this week. This declaration will allow farmers to apply for low interest loans.

The Governor also sent a letter to House Speaker Dennis Hastert on Tuesday, asking him to add crop loss emergency aid grants into the fiscal year 2000 Agriculture Appropriations bill. Currently, there are no grants included in the bill.