

## Appendix Topic 2: Uses of preserved farmland

### - **Agriculture Retention and Development Act** **N.J.S.A 4:1C-11 et seq.**

<http://nj.gov/agriculture/sadc/agrretanddevact.pdf>

#### “4:1C-12. Legislative findings and declarations

The legislature finds and declares that:

- a. The strengthening of the agricultural industry and the preservation of farmland are important to the present and future economy of the State and the welfare of the citizens of the State, and that the Legislature and the people have demonstrated recognition of this fact through their approval of the “Farmland Preservation Bond Act of 1981,” P.L. 1981, c. 276;
- b. All State departments and agencies thereof should encourage the maintenance of agricultural production and a positive agricultural business climate;
- c. It is necessary to authorize the establishment of State and county organizations to coordinate the development of farmland preservation programs within identified areas where agriculture will be presumed the first priority use of the land and where certain financial, administrative and regulatory benefits will be made available to those landowners who choose to participate, all as hereinafter provided.

#### “4:1C-13. Definitions

...“Farmland preservation program”...means any voluntary program...which has as its principal purpose the long term preservation of significant masses of reasonably contiguous agricultural land within agricultural development areas...and the maintenance and support of increased agricultural production as the first priority use of that land.

“Development easement” means an interest in land, less than fee simple absolute title thereto, which enables the owner to develop the land for any nonagricultural purpose as determined by the provisions of this act and any relevant rules or regulations promulgated pursuant hereto;

...

#### “4:1C-31. Offer to sell developmental easement; price; evaluation of suitability of land; appraisal

...

- c. Two independent appraisals paid for by the board shall be conducted for each parcel of land...The appraisals shall determine the current overall value of the parcel for nonagricultural purposes, as well as the current market value of the parcel for agricultural purposes. The difference between the two values shall represent an appraisal of the value of the development easement.”

- **Agriculture Retention and Development Act regulations**  
**N.J.A.C. 2:76**

<http://www.michie.com/newjersey/lpext.dll?f=templates&fn=main-h.htm&cp>

“Subchapter 6. Acquisition of Development Easements  
2:76-6.1      Applicability

The principal purpose for the acquisition of development easements is for the long term preservation of agricultural lands in order to maintain and enhance the agricultural industry in the State. These lands shall be retained for agricultural production and shall be restricted from any non-agricultural development.

“2:76-6.2      Definitions

...“Farmland preservation program”...means any voluntary program...which has as its principal purpose the long term preservation of significant masses of reasonably contiguous agricultural land within agricultural development areas...and the maintenance and support of increased agricultural production as the first priority use of that land.”

- **Garden State Preservation Trust (GSPT) Act**  
**N.J.S.A. 13:8C-1 to 42**

<http://www.njleg.state.nj.us/>

“13:8C-2      Findings, declarations relative to open space, farmland, and historic preservation.

...The Legislature further finds and declares that agriculture plays an integral role in the prosperity and well-being of the State as well as providing a fresh and abundant supply of food for its citizens; that much of the farmland in the State faces an imminent threat of permanent conversion to non-farm uses; and that the retention and development of an economically viable agricultural industry is of high public priority.

“13:8C-3      Definitions relative to open space, farmland, and historic preservation.

"Farmland preservation," "farmland preservation purposes" or "preservation of farmland" means the permanent preservation of farmland to support agricultural or horticultural production as the first priority use of that land.”

- **Selection from the State Ag Convention's 2007 Resolution on Farmland Preservation**

<http://nj.gov/agriculture/conventions/2007/farmlandpres.html>

**"WHEREAS**, the purpose of the Farmland Preservation Program is to preserve the State's agricultural land base, helping to ensure the continued viability of New Jersey's agricultural industry; and

**WHEREAS**, by the close of 2006, more than 1,450 farms totaling approximately 150,000 acres had been permanently preserved statewide – including 58 farms covering more than 8,300 acres in the Pinelands, which is real progress in achieving the goals of the Agricultural Smart Growth Plan for New Jersey; and

**WHEREAS**, these preserved farms contribute not only to a secure land base for agricultural operations, but also to a host of other quality of life benefits that accrue at both the local and Statewide level, but which are not easily quantified in numbers or statistics; and...

**"...NOW THEREFORE BE IT RESOLVED**, that we, the delegates to the 92<sup>nd</sup> State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 13, 2007, support the permanent protection of New Jersey's farmland through the Farmland Preservation Program, a cornerstone of New Jersey's Agricultural Smart Growth implementation efforts...

**"...BE IT FURTHER RESOLVED**, that we strongly encourage the SADC to institute a requirement that preserved farmland be kept in agricultural production, rather than available for agricultural production, to ensure these lands continue to contribute to New Jersey's agricultural industry and to establish stewardship requirements for preserved farmland, to ensure that preserved farmland is properly maintained.

**BE IT FURTHER RESOLVED**, that we urge SADC to explore and consider further necessary steps to ensure preserved farmland remains available and affordable to farmers and to help address the housing needs of next generation farmers where preserved farmland is in active agricultural use..."