

To: Administrators, County Agriculture Development Boards
Planning Incentive Grant Municipalities
Nonprofit Organizations
President, State Board of Agriculture
Presidents, County Boards of Agriculture
New Jersey Farm Bureau

Fr: Susan E. Craft, Executive Director, SADC

Re: RULE PRE-PROPOSAL
“Appraising and Cost-Sharing on Properties Encumbered
by a Conservation Easement or Development Restriction”

The attached rule pre-proposal is being circulated to counties, municipalities, non-profit organizations, agricultural organizations and other interested parties for informal review and comment so that the SADC can gain input from affected parties prior to drafting a formal rule. **Please submit any comments you may have to the SADC by June 30, 2009.** This pre-proposal has also been posted to the agency website at www.nj.gov/agriculture/sadc/ruleprop/.

The SADC is increasingly dealing with applications in which properties proceeding through the farmland preservation program's acquisition process are already subject to a conservation easement or to other restrictions on further development or agricultural uses. Upon learning of this, the landowners and/or municipalities may seek to rescind such restrictions for purposes of restoring value to the property so that it may be preserved through the Farmland Preservation Program.

Three (3) case-studies of pre-existing restrictions on farmland are included with this notice to illustrate how the preservation application was dealt with by the SADC and why the SADC will be drafting a formal rule.

The rule pre-proposal states that if the SADC becomes aware of any such restriction/easement that is held for the benefit of the public, the agency will not entertain an attempt to remove or rescind the restriction during the pendency of the application. An applicant who wants to remove such a restriction may withdraw the farmland preservation application, have the restriction legally repealed, and then reapply to the program, but with no prior status or funding commitment.

Restrictions/easements that are privately held (e.g., between two private property owners and not for the benefit of the public) will be analyzed on a case-by-case basis to determine whether it is necessary or prudent to amend or remove the restriction during the SADC's application process.

Thank you for your consideration of this issue. We look forward to receiving your feedback.

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