

CHAPTER 76

STATE AGRICULTURE DEVELOPMENT COMMITTEE

Authority

N.J.S.A. 4:1C-5f and 4:1C-10.4.

Source and Effective Date

R.1999 d.198, effective May 28, 1999.
See: 31 N.J.R. 816(a), 31 N.J.R. 1603(a).

Executive Order No. 66(1978) Expiration Date

Chapter 76, State Agriculture Development Committee, expires on May 28, 2004.

Chapter Historical Note

Chapter 76, State Agriculture Development Committee, was adopted as R.1984 d.58, effective March 19, 1984. See: 15 N.J.R. 2086(a), 16 N.J.R. 518(b).

Subchapter 2, Agricultural Management Practices, was adopted as R.1984 d.84, effective April 2, 1984. See: 16 N.J.R. 95(b), 16 N.J.R. 707(c).

Subchapter 3, Creation of Farmland Preservation Programs, was adopted as R.1984 d.229, effective June 18, 1984. See: 16 N.J.R. 579(a), 16 N.J.R. 1471(c).

Subchapter 4, Creation of Municipally Approved Farmland Preservation Programs, was adopted as R.1984 d.230, effective June 18, 1984. See: 16 N.J.R. 582(a), 16 N.J.R. 1475(a).

Subchapter 5, Soil and Water Conservation Project Cost-Sharing, was adopted as R.1984 d.418, effective September 17, 1984. See: 16 N.J.R. 1636(a), 16 N.J.R. 2426(a).

Subchapter 6, Acquisition of Development Easements, was adopted as R.1984 d.419, effective September 17, 1984. See: 16 N.J.R. 1637(a), 16 N.J.R. 2427(a).

Subchapter 7, Review of Non-Agricultural Development Projects in Agricultural Development Areas, was adopted as R.1987 d.482, effective November 16, 1987. See: 19 N.J.R. 1009(a), 19 N.J.R. 2132(a).

Subchapter 8, Acquisition of Farmland in Fee Simple, was adopted as R.1989 d.48, effective January 17, 1989. See: 20 N.J.R. 2501(a), 21 N.J.R. 160(a).

Subchapter 9, Emergency Acquisition of Development Easements, was adopted as R.1989 d.214, effective April 17, 1989. See: 21 N.J.R. 231(a), 21 N.J.R. 981(b).

Pursuant to Executive Order No. 66(1978), Chapter 76, State Agricultural Development Committee, was readopted as R.1989 d.453, effective July 31, 1989. See: 21 N.J.R. 1601(a), 21 N.J.R. 2472(b).

Subchapter 10, Appraisal Handbook Standards, was adopted as R.1993 d.391, effective August 2, 1993. See: 25 N.J.R. 1811(a), 25 N.J.R. 3461(a).

Pursuant to Executive Order No. 66(1978), Chapter 76, State Agricultural Development Committee, was readopted as R.1994 d.393, effective June 28, 1994. See: 26 N.J.R. 1419(a), 26 N.J.R. 3159(b).

Pursuant to Executive Order No. 66(1978), Chapter 76, State Agricultural Development Committee, was readopted as R.1999 d.198, effective May 28, 1999, and Subchapter 2A, Agricultural Management Practices: Generally Accepted Operations and Practices, was adopted by R.1999, d.198, effective June 21, 1999. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. AGRICULTURAL DEVELOPMENT AREAS

2:76-1.1 Applicability

This subchapter applies to County Agriculture Development Boards and Subregional Agricultural Retention

Boards when identifying and receiving State Agriculture Development Committee certification for agricultural development areas.

2:76-1.2 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

“Agricultural Development Area”, hereinafter referred to as ADA, means an area identified by a county agriculture development board pursuant to the provisions of N.J.S.A. 4:1C-18 and certified by the State Agriculture Development Committee.

“Board” means a county agriculture development board established pursuant to N.J.S.A. 4:1C-14 or a subregional agricultural retention board established pursuant to N.J.S.A. 4:1C-17.

“Committee” means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

Amended by R.1984 d.274, effective July 2, 1984.

See: 16 N.J.R. 947(a), 16 N.J.R. 1714(a).

Amendments to definitions.

2:76-1.3 Statutory criteria

(a) The board may, after public hearing, identify and recommend an area as an agricultural development area, which recommendation shall be forwarded to the county planning board. The board shall document where agriculture shall be the preferred, but not necessarily the exclusive, use of land if that area:

1. Provide legal or other advice to the parties in a mediation proceeding, or offer or deliver services, other than mediation services on any issue raised in the mediation session;
2. Solicit or accept from any person or entity, either directly or indirectly, anything of value;
3. Disclose confidential information gained as a result of his or her service as a mediator, except upon agreement with the parties and the Committee;
4. Use information gained as a result of his or her service as a mediator in any way which could result in the receipt of anything of value by the mediator or any person or organization with which the mediator is associated; and
5. Use or attempt to use his or her position as a mediator to gain unlawful benefits, advantages or privileges for himself or herself, or for others.

(g) A mediator shall disclose to the Committee, and to the parties to a mediation session, every potential conflict of interest and every other matter which may affect the mediator's ability to act in a fair, diligent and impartial manner during the proceeding. A mediator shall withdraw from the proceeding if the mediator is unable to act in a fair and impartial manner.

(h) Interim and final agreements of the parties, if any, shall be reduced to writing and placed on a form provided by the Committee. The mediator shall assist in the preparation of the written agreement. The mediator shall forward the original, executed agreement to the Committee and it is the responsibility of the Committee to distribute copies of the agreements to all parties to the mediation.

(i) If an agreement is not reached, the mediator shall prepare a Notice of Termination of Mediation, on a form provided by the Committee, and have it executed by all parties. The mediator shall forward the Notice of Termination to the Committee and it is the responsibility of the Committee to distribute copies of the Notice of Termination to all parties to the mediation.

(j) Agreements may provide for continued mediation at a future date. The parties to a mediation proceeding are solely responsible for any agreement reached, and for the enforcement of any agreement. An agreement is subject to applicable laws and court orders, and is subject to the exercise of rights by persons not parties to the agreement. All agreements requiring acceptance by a party not participating in the process shall be considered tentative, non-binding agreements until such acceptance has been obtained.

2:76-18.9 Mediator and disputant withdrawal

(a) Any party shall have the right, upon written request, to direct the Committee to select a different mediator prior to the initial mediation meeting.

(b) Upon written agreement by the parties and the Committee, the mediation proceedings shall continue with a new mediator.

(c) In the case of a mediation with multiple disputants, a mediation session shall continue if one or more parties withdraw, upon agreement by the remaining parties.

(d) A party or a mediator may withdraw from mediation at any time. The party or mediator shall notify the Committee of his or her withdrawal and set forth the reasons for same.

2:76-18.10 Annual renewal of mediator certification

(a) The Committee shall annually review and renew the certificates of certified mediators to insure satisfactory performance of mediation responsibilities by June 30th of each year.

1. In order to have his or her certification renewed, a certified mediator, if assigned a case(s) during the fiscal year, must have satisfied the requirements of this subchapter.

2. If a certified agricultural mediator has not been assigned a case(s) during the fiscal year, his or her certification shall be renewed.

(b) The Committee shall schedule training courses as necessary to maintain a list of certified mediators to satisfy the requests for services.

APPENDIX A

**SUMMARY OF SALIENT FACTS
AND IMPORTANT CONCLUSIONS**

PROPERTY LOCATION

PROPERTY TYPE

LAND SIZE

ZONING

HIGHEST AND BEST USE

DATE OF VALUATION

	PER ACRE	TOTAL
ESTIMATE OF PROPERTY VALUE "BEFORE":	_____	_____

ESTIMATE OF PROPERTY VALUE "AFTER":	_____	_____
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ESTIMATE OF DEVELOPMENT EASEMENT VALUE:	_____	_____
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APPENDIX C

LAND SALE COMPARATIVE RATING GRID

Sale No.	<u>1</u>	<u>2</u>	<u>3</u>
Sale Price	\$ _____	\$ _____	\$ _____
Reflects in Units	\$ _____/AC	\$ _____/AC	\$ _____/AC
Date of Sale	_____	_____	_____
Conditions of Sale	_____%	_____%	_____%
Financing	_____%	_____%	_____%
Time Adjustment	_____%	_____%	_____%
Total Adjustment	_____%	_____%	_____%
Adjusted Sales Price	\$ _____	\$ _____	\$ _____
Location	_____%	_____%	_____%
Size	_____	_____	_____
Frontage	_____	_____	_____
Topography	_____	_____	_____
Zoning	_____	_____	_____
Easements	_____	_____	_____
Wetlands	_____	_____	_____
(Hydrologically limited areas)	_____	_____	_____
Soils	_____	_____	_____
Other	_____	_____	_____
Net Adjustment	_____%	_____%	_____%
Value Indicated to Subject by Unit	\$ _____/AC	\$ _____/AC	\$ _____/AC