

**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:

(b) Within 60 days of the landowner's receipt of the Committee's certification of fair market value of the development easement, the landowner shall submit an asking price to the municipality or the board.

1. A landowner asking price which is greater than the highest of the two independent appraised development easement values determined pursuant to N.J.S.A. 4:1C-31(c), N.J.A.C. 2:76-17.13 and N.J.S.A. 13:8C-1 et seq., P.L. 1999, c.152 shall be deemed a rejection of the offer.

**2:76-17.16 Final local review**

(a) The municipality or board shall approve or disapprove the individual farms contained in the list of farms based on total available funding and provide the following:

1. A commitment of funding by each level of government;
2. A commitment of funding for the year in which the development easement shall be acquired;
3. A commitment of funding in the event the development easement shall be acquired under installment purchase pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-32, as amended; and
4. A commitment of funding in the event that donation or other method of leveraging monies authorized pursuant to N.J.S.A. 13:8C-1 et seq., P.L. 1999, c.152, is being utilized.

(b) This subchapter shall not be construed to require that any individual farm in the list of farms in a project area shall receive a price per acre that is the same as any other farm in that project area or that any individual farm must be purchased with installment payments because other farms in the project area are so purchased.

(c) No development easement shall be purchased at a price greater than the highest of the two independent appraised values determined pursuant to N.J.A.C. 2:76-17.13, N.J.S.A. 4:1C-31(c) and N.J.S.A. 13:8C-1 et seq., P.L. 1999, c.152.

(d) In the event that there are insufficient municipal and/or county funds to acquire development easements on all of the farms in the list of farms, the municipality and/or county shall establish a priority ranking of farms and forward only those farms for which there is a funding commitment to the Committee for final approval.

1. Funding requests shall not exceed the Committee's allocation of funds approved pursuant to N.J.A.C. 2:76-17.12.
2. If a municipality and/or county finds that it has insufficient funds, a request for additional funds may be made to the Committee prior to submitting a request for final approval to the Committee pursuant to N.J.A.C.

2:76-17.17. The request for additional funds may be made for the following reasons:

- i. Higher than anticipated Committee-certified development easement values;
- ii. Higher rate of acceptances by landowners in the list of farms than anticipated;
- iii. Ancillary costs associated with successful acquisitions; and
- iv. An amendment to the schedule of payments in which funding may be needed sooner than anticipated to acquire a development easement on a farm contained in the list of farms.

(e) A copy of the governing body's resolution(s) approving the funding proposal and the purchase of the development easements shall be submitted to the Committee.

**2:76-17.17 Final committee approval**

(a) The Committee shall review all requests for funding for the purchase of a development easement on an individual farm approved by the board and/or municipality for compliance with all applicable statutes, rules and regulations.

(b) The Committee shall approve a cost share grant in each of the years included in the plan for the purchase of each development easement on each individual farm.

1. The Committee's cost share for the purchase of the development easement on an individual farm shall be consistent with the provisions of N.J.A.C. 2:76-6.11.
2. In the event that the approval requires a schedule of installment payments, the Committee shall enter into an agreement with the municipality and, if appropriate the county, pursuant to N.J.A.C. 2:76-17.18(c), subject to the following:
  - i. The provisions of N.J.S.A. 4:1C-32, as amended;
  - ii. The approval of funding by the Garden State Preservation Trust; and
  - iii. The appropriation of funds.

(c) Subsequent to the receipt of an executed agreement pursuant to N.J.A.C. 2:76-17.18, the Committee shall submit to the Garden State Preservation Trust a summary of individual farms that the Committee recommends to receive funding from the Garden State Preservation Trust Fund.

(d) The Committee shall monitor the county's or municipality's funding plan pursuant to N.J.A.C. 2:76-17.21 and adjust the appropriation of funds based on the county's or municipality's progress in implementing the proposed funding plan.

(e) The Committee shall inform the municipality and/or county of its decision.

**2:76-17.18 Landowner decision**

(a) Within 30 days of the Committee's final approval, the municipality or the county shall present to the landowner a written offer to purchase the development easement pursuant to the plan for purchase.

(b) The landowner shall accept or reject the offer in writing within 30 days of the receipt thereof. Any offer not accepted within that time shall be deemed rejected.

(c) The municipality and/or county shall enter into an agreement with the landowner and shall provide a copy to the Committee.

**2:76-17.19 Deed restrictions**

(a) Deed restrictions shall be attached to and recorded with the deed of the land and shall be consistent with N.J.A.C. 2:76-6.15.

(b) Easements shall be held by the Committee, or by the appropriate board if county funds are utilized in the purchase of development easements on a particular farm.

**2:76-17.20 Terms, contingencies and conditions of purchase**

(a) Terms, contingencies and conditions of purchase shall be consistent with the provisions of N.J.A.C. 2:76-6.13.

1. For monitoring purposes, if the board does not provide funding toward the purchase of the development easement, the Committee shall be responsible for monitoring the farm annually to ensure compliance with the deed of easement.

**2:76-17.21 Annual review of planning incentive grant application**

(a) The Committee shall review each application annually, within 60 days of the anniversary of the Committee's preliminary approval pursuant to N.J.A.C. 2:76-17.12.

(b) The Committee may modify its preliminary funding allocation pursuant to N.J.A.C. 2:76-17.12 or approval of a grant pursuant to N.J.A.C. 2:76-17.17. In determining whether to modify the preliminary funding allocation, the Committee may consider the following:

1. Geographic distribution of funds;
2. Available funds;
3. Unanticipated imminence of conversion of the land to a nonagricultural use;
4. Increased costs due to higher than anticipated Committee-certified development easement values;
5. Increased costs due to a higher than anticipated rate of acceptances by landowners in the list of farms;
6. Ancillary costs associated with successful acquisitions;

7. An amendment to the schedule of payments in which funding may be needed sooner than anticipated to acquire a development easement on a farm contained in the list of farms;

8. The municipality and/or the county have not completed easement acquisitions by the specified dates in the application or the agreement;

9. The actual purchase price relative to the Committee's certified development easement value; and

10. The degree of adherence by the municipality and/or the county to its application.

(c) The municipality and/or county may request amendments to the application which shall be considered by the Committee on a case-by-case basis.

(d) Any unexpended funds resulting from a modification pursuant to (b) above may be reallocated by the Committee to any farmland preservation program administered by the Committee, subject to the provisions of the Garden State Preservation Trust Act.

**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":	_____	_____
ESTIMATE OF DEVELOPMENT EASEMENT VALUE:	_____	_____

**APPENDIX B**

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APPENDIX C

LAND SALE COMPARATIVE RATING GRID

Sale No.	1	2	3
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