

Introduced: 2/2/77
Referred: Resources

1 IN THE HOUSE

BY COWPER

2 HOUSE BILL NO. 156

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the conservation of privately owned
7 agricultural land."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 *Section 1. AS 38 is amended by adding a new chapter to read:

10 CHAPTER 60. ACQUISITION OF DEVELOPMENT RIGHTS.

11 Sec. 38.60.010. ACQUISITION OF DEVELOPMENT RIGHTS BY PURCHASE.

12 (a) If the director determines that the interests of the state are best
13 served by preserving the agricultural use of privately owned agricul-
14 tural land in the state, he may acquire by purchase the development
15 rights in that land.

16 (b) Land designated for preservation under (a) of this section
17 shall be located in an area of the state surveyed by the United States
18 Soil Conservation Service. At least 60 per cent of the surface area of
19 the land designated for acquisition from one owner shall be of soils
20 classified as classes I - V by the United States Soil Conservation
21 Service.

22 (c) The purchase price of the development rights shall be deter-
23 mined by an independent appraisal contracted by the department and will
24 in no case be an amount less than the difference between the fair market
25 value of the land with all development rights intact and the fair market
26 value of the land restricted to agricultural uses. The cost of the
27 appraisal and survey, if one is required, will be subtracted from the
28 purchase price of the development rights as established by the apprais-
29 al.

1 Sec. 38.60.020. DEVELOPMENT RIGHTS PURCHASE AGREEMENT. (a) The
2 director shall prepare a development rights purchase agreement suitable
3 for recordation which shall include the following provisions:

4 (1) a structure may not be built on the land except for use
5 consistent with agricultural purposes;

6 (2) land improvements may not be made except for use consis-
7 tent with agricultural operations;

8 (3) an interest in the land may not be sold except a scenic,
9 access, or utility easement which does not substantially hinder agri-
10 cultural operations;

11 (4) public access may not be permitted on the land unless
12 agreed to by the owner;

13 (5) any other condition or restriction on the land as agreed
14 to between the owner and the director that is considered necessary to
15 preserve land or appropriate portions of it as agricultural land.

16 (b) Under this section

17 (1) the development rights acquired by the state under this
18 chapter may subsequently be conveyed or leased by the director only upon
19 the request of the owner or his assigns and the determination of the
20 director, with the written concurrence of the commissioner, that the
21 conveyance or lease is in the public interest;

22 (2) the conveyance or lease of the development rights shall
23 be at public auction; the original owner or his assigns have a prefer-
24 ence right to meet the high bid within 30 days after the day of the
25 auction; if the right is exercised, the value of improvements owned by
26 the holder of the preference right, included with the development rights
27 sold, shall be deducted from the purchase price;

28 (3) by requesting the conveyance or lease of the development
29 rights, the original owner or his assigns

- 1 (A) consents to the sale or lease, and
- 2 (B) If the preference right provided by (2) of this sub-
- 3 section is not exercised, consents to sell at fair market value the
- 4 improvements related to the development rights as appraised by the
- 5 director;

6 (4) the development rights in the land may not be conveyed or
7 leased for less than their appraised value together with improvements
8 except for the deduction allowed by (2) of this subsection.

9 Sec. 38.60.030. RECORDATION OF DEVELOPMENT RIGHTS PURCHASE AGREE-
10 MENTS. The director shall file in the recording district in which the
11 land is situated a certified copy of the development rights purchase
12 agreement. He shall give notice of the filing to the seller and local
13 governing body having land use planning jurisdiction. The notice shall
14 contain a legal description of the land subject to the purchase agree-
15 ment.

16 Sec. 38.60.040. DEFINITIONS. In this chapter

17 (1) "agricultural operations" means activity devoted to the
18 production of plants and animals useful to man, including forage and sod
19 crops; grains and feed crops; dairy and dairy products; livestock,
20 including breeding and grazing; fruits; vegetables; and other similar
21 uses and activities;

22 (2) "agricultural use" means substantially undeveloped land
23 devoted to the production of plants and animals useful to man, including
24 forages and sod crops; grains and feed crops; dairy and dairy products;
25 livestock, including breeding and grazing; fruits; vegetables; and other
26 similar uses and activities;

27 (3) "commissioner" means the commissioner of the Department
28 of Natural Resources;

29 (4) "department" means the Department of Natural Resources;

1 (5) "development rights" means those rights belonging to the
2 fee ownership of land that entitles the owner to subdivide or develop
3 his land in a way that will significantly reduce the agricultural use of
4 the land;

5 (6) "director" means the director of the division of lands
6 within the Department of Natural Resources.
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