

Introduced: 2/7/80
Referred: Resources

1 IN THE SENATE

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2 SENATE BILL NO. 400

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND 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 OR
12 EXCHANGE. (a) The director may acquire by purchase or exchange under
13 AS 38.50 the development rights in privately owned agricultural land if

14 (1) he determines that it is in the best interest of the
15 state to preserve the agricultural use of privately owned agricultural
16 land; and

17 (2) he notifies a municipality having land use planning
18 jurisdiction over the land of his determination and gives the municipal-
19 ity an opportunity to review the determination.

20 (b) Agricultural land designated for preservation under (a) of
21 this section must be located in an area of the state having a detailed
22 soil survey by the National Cooperative Soil Survey. At least 60 per-
23 cent of the surface area of the agricultural land designated for
24 acquisition from an owner shall be of soils classified as classes I - IV
25 by the United States Soil Conservation Service.

26 (c) The purchase price of the development rights acquired under
27 this section shall be determined by an independent appraisal contracted
28 by the department. The purchase price may not be less than the differ-
29 ence between the fair market value of the land with all development

1 rights intact and the fair market value of the land restricted to agri-
2 cultural uses, unless the owner of the agricultural land, after being
3 informed of the appraised value, agrees in writing to a lesser price.

4 Sec. 38.60.020. DEVELOPMENT RIGHTS PURCHASE AGREEMENT. The direc-
5 tor shall prepare a development rights purchase agreement suitable for
6 recordation which must include the following provisions:

7 (1) structures or other improvements may not be constructed
8 on the agricultural land except for use consistent with agricultural
9 operations;

10 (2) an interest in the agricultural land may not be sold
11 except for a scenic, access, or utility easement which does not ad-
12 versely affect agricultural operations;

13 (3) public access may not be permitted on the agricultural
14 land unless agreed to by the owner;

15 (4) any other condition or restriction on the use of the
16 agricultural land which is agreed to between the owner and the director
17 that is necessary to preserve land or portions of it as agricultural
18 land.

19 Sec. 38.60.030. CONVEYANCE OF DEVELOPMENT RIGHTS BY STATE. The
20 director shall convey or lease development rights acquired under this
21 chapter in the same manner as provided in AS 38.05.069(c)(2) - (4) for
22 the conveyance of the remaining interests in agricultural land formerly
23 owned by the state.

24 Sec. 38.60.040. RECORDATION OF DEVELOPMENT RIGHTS PURCHASE AGREE-
25 MENTS. The director shall record in the recording district in which the
26 agricultural land is situated a certified copy of the development rights
27 purchase agreement. The director shall notify the owner of the agricul-
28 tural land and the municipality having land use planning jurisdiction
29 over the agricultural land that a development rights agreement has been

1 recorded. The notice must contain a legal description of the land
2 subject to the purchase agreement.

3 Sec. 38.60.050. DEFINITIONS. In this chapter

4 (1) "agricultural operations" means the production of plants
5 and animals useful to man, including forage and sod crops; grains and
6 feed crops; dairy and dairy products; livestock, including breeding and
7 grazing; fruits; vegetables; and other similar uses and activities;

8 (2) "commissioner" means the commissioner of the Department
9 of Natural Resources;

10 (3) "department" means the Department of Natural Resources;

11 (4) "development rights" means those rights belonging to the
12 fee ownership of land that entitles the owner to subdivide or develop
13 his land in a manner that adversely effects the agricultural use of the
14 land;

15 (5) "director" means the director of the division of agri-
16 culture within the Department of Natural Resources.

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