

Original Sponsors: Carney, Moss
and Zharoff

Offered: 4/6/81
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 280 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the preservation of agricultural
7 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 development rights in privately
13 owned agricultural land by purchase or by exchange under AS 38.50 if

14 (1) he receives a request for purchase or exchange from a
15 landowner;

16 (2) he determines that it is in the best interest of the
17 state to preserve the agricultural use of privately owned agricultural
18 land; and

19 (3) he notifies a municipality having land use planning
20 jurisdiction over the land of his determination and gives the municipi-
21 pality an opportunity to review the determination.

22 (b) Agricultural land designated for preservation under (a) of
23 this section must have soils classified as classes I - (IV) by the
24 United States Soil Conservation Service.

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

1 cultural uses, unless the owner of the agricultural land, after being
2 informed of the appraised value, agrees in writing to a lesser price.

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

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

9 (2) an interest in the agricultural land may not be sold,
10 traded, or otherwise transferred except for a scenic, access, or utility
11 easement which does not adversely affect agricultural operations;

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

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

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

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

1 land subject to the purchase agreement.

2 Sec. 38.60.050. DEVELOPMENT RIGHTS PURCHASE FUND. (a) The
3 development rights purchase fund is established in the department. The
4 director shall administer the fund. The fund may be financed by appro-
5 priations from the legislature.

6 (b) The director shall use the money in the development rights
7 purchase fund to classify and appraise land under this chapter and to
8 purchase development rights.

9 (c) Development rights held by an owner of agricultural land may
10 be exchanged for

- 11 (1) agricultural rights of equal value on state land;
12 (2) fee simple title to state land of equal value;
13 (3) money supplied by the state; or
14 (4) a combination of (1), (2), or (3) of this subsection.

15 Sec. 38.60.060. DEFINITIONS. In this chapter

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

20 (2) "department" means the Department of Natural Resources;

21 (3) "development rights" means those rights belonging to the
22 fee owner of land that entitle the owner to subdivide or develop land
23 in a manner that adversely effects the agricultural use of the land;

24 (4) "director" means the director of the division of agri-
25 culture within the Department of Natural Resources.
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