

Summary of Solar, Wind and Biomass energy systems on Farms

The bills S-1538 and A-2859 were signed into law on 1/16/2010 becoming Public Law P.L.2009, c.213 the bill affords right to farm protection to farmers who want to install wind, biomass or solar energy systems on their farms. The provisions of the bill cover biomass, wind, and solar installations on both preserved and non preserved farms, farms in the pinelands and finally the bill addresses farmland assessment.

As will all things related to Right to Farm, the municipality still has authority over human health and safety, so systems will still need to be inspected and placed as to not create a human safety risk.

All energy systems that are considered private energy systems are limited to 2 mega watts in size. For modern solar systems that would cover about 8 acres. Any system larger than that would be licensed by the BPU as an energy provider those systems are not covered or protected by this law.

All farms must file a conservation plan with the soil conservation district and where applicable account for aesthetic, impervious coverage, and environmental impacts of the construction, installation, and the operation of wind, biomass, and solar systems.

The power or heat generated by the systems should be used to provide directly or indirectly but not exclusively, energy for the farm and ensure farm viability.

For Solar systems on a preserved farm:

The system can be installed on existing structures, with no overproduction limitation.

If ground mounting a system no more than 1% of the farm including preserved and non preserved portions, or

The system can be designed to meet the farms energy needs plus 10%.

For Solar systems on Non Preserved farms:

The system can be up to 2 mega watts in size.

Systems are limited to no more than 10 acres.

There is a 1-5 land ratio requirement limiting the size of a system on smaller farms you can have 1 acre of panels for every 5 acres of agricultural land with a maximum 10 acres of panels.

For wind systems:

Both preserved and non preserved farms the 2 mega watt requirement limits the amount of energy that can be produced.

For Preserved farms the annual use plus 10% is the limitation.

For Biomass:

Before any biomass facility can be installed on a farm the owner must apply to the Department of Agriculture who will review the proposed facility and operation to ensure that the materials for stocking can be properly stored and handled.

Farmland Assessment:

Income generated from the sale energy created from these systems shall not count toward income to qualify for farmland assessment.

The land under and around solar panels to the greatest extent practical is used for farming of shade crops, or other plants, or pasture for grazing.

That the land where the systems are to be installed qualified for Farmland assessment the previous tax year.

Farms in the pinelands wishing to install these systems can do so if they are consistent with the comprehensive management plan for the pinelands.