

RESOLUTION # 28

HIGHLANDS REGIONAL MASTER PLAN

1 **WHEREAS**, the Highlands Act, signed into law in August 2004, divided the
2 850,000-acre Highlands region into two areas: a preservation area, where development
3 would be strictly regulated, and a planning area, where development would be
4 monitored; and established a Highlands Water Protection and Planning Council charged
5 to prepare and implement a regional master plan for the entire Highlands region; and

6 **WHEREAS**, with lessons learned by the agricultural community in the Pinelands,
7 the Highlands law included significant relief for agricultural and horticultural activities and
8 related development in the preservation area, and as a result, agricultural development
9 and activities in the preservation area are part of a separate process from the strict
10 regulations that are imposed by the New Jersey Department of Environmental Protection
11 upon “major development” (defined as one-quarter acre of impervious cover or one acre
12 of any soil disturbance) in the preservation area; and

13 **WHEREAS**, the New Jersey Department of Agriculture developed and adopted
14 rules to implement the separate process for agricultural development and activities in the
15 Highlands Preservation Area; and

16 **WHEREAS**, 474 farms covering 39,064 acres of farmland had been preserved
17 in the Highlands region as of December 14, 2014 – 203 farms covering 15,893 acres in
18 the Preservation Area and 271 farms covering 23,171 acres in the Planning Area; and

19 **WHEREAS**, the Highlands Development Credit Bank Board has made offers to
20 purchase credits from 20 landowners meeting the hardship criteria since the initial HDC
21 purchase program was established in September 2009, and of those, 16 landowners’
22 credits were purchased, three landowners chose not to proceed and credit purchases for
23 one landowner is pending; and

24 **WHEREAS**, of the 60 towns and five counties to apply for Highlands Regional
25 Master Plan conformance review, 47 municipalities – amounting to 449,578 acres – and
26 two counties have received approval from the Highlands Council for their conformance
27 plans.

28 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 100th
29 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 4-5,
30 2015, urge the Department to continue to monitor and contribute to the future
31 implementation of the Highlands TDR program and Plan Conformance process in order
32 to maximize program success and provide equity protection for affected landowners.

33 **BE IT FURTHER RESOLVED**, that we support the TDR Conservation Restriction
34 developed in coordination with the Department and the Highlands Development Credit
35 Bank Board and approved by the Highlands Council.

36 **BE IT FURTHER RESOLVED**, that with the transfer of \$10 million from the State
37 TDR Bank to the Highlands Development Credit (HDC) Bank, we strongly urge that the
38 HDC Bank be funded through an alternative funding source in the future.

39 **BE IT FURTHER RESOLVED**, that we encourage the continued coordination
40 between the State TDR Bank and the HDC Bank Board to further the implementation of
41 TDR programs in the Highlands and statewide.

42 **BE IT FURTHER RESOLVED**, that we continue to support the Legislature's
43 proposed extension of the dual appraisal valuation process through June 30, 2019 for
44 farms in the Highlands region, which allows appraisals for farmland preservation
45 acquisitions in the Highlands to be based on either current zoning and environmental
46 laws and regulations or those in effect as of January 1, 2004 – whichever yields the
47 higher value.

48 **BE IT FURTHER RESOLVED**, that we strongly urge the Governor, Senate
49 President and Assembly Speaker to consider the agricultural background, knowledge

50 and/or experience of any new potential Highlands Council members, as well as their
51 residency, to ensure that farmers in the preservation area – who are most directly
52 affected by the RMP – have additional representation on the Council.

53 **BE IT FURTHER RESOLVED**, that we encourage the Governor to do a complete
54 independent review of the Highlands Act and its programs as to its effect on the
55 Highlands Region municipalities, economy and agricultural viability.