

RESOLUTION # 26

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**, 517 farms covering 41,000 acres of farmland had been preserved in
17 the Highlands region as of December 2, 2016 – 220 farms covering 16,816 acres in the
18 Preservation Area and 308 farms covering 24,824 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, 17 landowners’
22 credits were purchased resulting in the preservation of 603 acres while three landowners
23 chose not to proceed; and

24 **WHEREAS**, of the 65 towns and five counties to apply for Highlands Regional
25 Master Plan conformance review, 47 municipalities and two counties have received
26 approval from the Highlands Council for their conformance plans.

27 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 102nd
28 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 8-9,
29 2017, urge the Department to continue to monitor and contribute to the future
30 implementation of the Highlands TDR program and Plan Conformance process in order
31 to maximize program success and provide equity protection for affected landowners.

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

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

38 **BE IT FURTHER RESOLVED**, that we applaud the Legislature's extension of the
39 dual appraisal valuation process through June 30, 2019 for farms in the Highlands
40 region, a measure that was signed into law by Governor Christie in February 2015. The
41 process allows appraisals for farmland preservation acquisitions in the Highlands to be
42 based on either current zoning and environmental laws and regulations or those in effect
43 as of January 1, 2004 – whichever yields the higher value.

44 **BE IT FURTHER RESOLVED**, that we support the new Highlands Open Space
45 Partnership Funding and Highlands Development Credit Purchase Program that
46 establish new programs for land acquisition and purchase of HDCs, initially funded
47 through money received by the Highlands Council as mitigation for linear utility projects.

48 **BE IT FURTHER RESOLVED**, that we support the Department’s involvement in
49 the Regional Master Plan (RMP) Monitoring Program to evaluate progress in achieving
50 the goals of the RMP through the implementation of its policies and programs.

51 **BE IT FURTHER RESOLVED**, that we strongly urge the Governor, Senate
52 President and Assembly Speaker to consider the agricultural background, knowledge
53 and/or experience of any new potential Highlands Council members, as well as their
54 residency, to ensure that farmers in the preservation area – who are most directly
55 affected by the RMP – have additional representation on the Council.

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

59 **BE IT FURTHER RESOLVED**, that we fully support the proposed Department of
60 Environmental Protection rule revision regarding septic density standards, which is in the
61 final stages of notice and public comment in the New Jersey Register, and which would
62 provide landowners in the Preservation Area of the Highlands relief through modest
63 adjustments to lot-size standards.

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