

## RESOLUTION # 28

### LAND USE

1           **WHEREAS**, a sufficient land base must exist for agriculture to remain viable in  
2 New Jersey, and of the approximately one million acres of remaining developable  
3 unpreserved open space in New Jersey, approximately 800,000 acres are unpreserved  
4 farmland and privately held forest land actively devoted to agricultural and woodland  
5 production; and

6           **WHEREAS**, New Jersey voters approved a state constitutional change that  
7 dedicates a portion of the Corporate Business Tax revenues for the purposes of  
8 preserving farmland and open space; and

9           **WHEREAS**, preservation of land is only one component of preserving New  
10 Jersey's farmers and agricultural industry, hence the Department's approach to smart  
11 growth coordinates farmland preservation efforts with economic development strategies  
12 at the county and municipal levels; and

13           **WHEREAS**, land devoted to agriculture greatly fulfills the need to offset  
14 increasing impervious cover, wherever possible, that is inevitably a byproduct of  
15 residential, commercial and industrial development, thereby having a positive impact in  
16 recharging groundwater; and

17           **WHEREAS**, the State Planning Commission (SPC) reconvened in February 2011  
18 and the Christie Administration announced a new State Strategic Planning project to  
19 transform the existing land use planning framework into one that prioritizes and supports  
20 sustainable economic growth; and

21           **WHEREAS**, after seven public hearings, the State Planning Commission was  
22 scheduled to adopt the new State Strategic Plan in November 2012, but the vote was

23 delayed due to the state dealing with the aftermath of Hurricane Sandy, allowing for  
24 additional public comment on the draft plan; and

25 **WHEREAS**, the proposed final draft of the State Strategic Plan was released in  
26 October 2013, and focuses the state's policies and investments on vibrant regions by  
27 fostering targeted job growth, supporting effective regional planning and preserving  
28 critical resources, and can be adopted by the SPC after a series of public hearings; and

29 **WHEREAS**, Hurricane Sandy in October-November 2012 caused severe  
30 damage to many areas of the state of New Jersey, and rebuilding of those areas will  
31 take significant time and resources; and

32 **WHEREAS**, proposals may be put forth to redevelop areas devastated by  
33 Hurricane Sandy in a way that reduces current agricultural lands or the opportunities for  
34 the development of further agricultural lands; and

35 **WHEREAS**, in some recent road and other public works projects, government  
36 agencies administering the projects have purchased land from farmers to replace  
37 wetlands taken for the projects; and

38 **WHEREAS**, these agencies have made a practice of buying three acres of  
39 farmland to turn into wetlands for every one acre of wetlands taken for the project, and  
40 this counteracts the ongoing state policy of trying to keep as much farmland as possible  
41 in production; and

42 **WHEREAS**, this creation of additional wetlands expands wildlife habitat and can  
43 lead to wildlife crop damage on farms adjacent to the farms from which the land was  
44 purchased to make wetlands, harming the production of a farmer who did not benefit  
45 from the purchase of his neighbor's land.

46 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 102<sup>nd</sup>  
47 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 8-9,  
48 2017, do hereby endorse the Department's Agricultural Smart Growth Plan and its five-

49 part approach to land use and conservation, balanced with economic development  
50 initiatives and encourage the Department to incorporate these concepts into the  
51 Department Strategic Plan based on the new State Strategic Plan goals and objectives  
52 with guidance from the Office of Planning Advocacy .

53 **BE IT FURTHER RESOLVED**, that we urge the Department to continue taking a  
54 lead role in supporting and advancing equitable and feasible density-transfer methods,  
55 including but not limited to clustering, regional growth zones, Pinelands Development  
56 Credits (PDCs), Highlands Development Credits and transfer of development rights  
57 (TDRs) to facilitate preservation planning in conjunction with growth planning.

58 **BE IT FURTHER RESOLVED**, that we urge the Department to support and  
59 advance the use of current and new wastewater technologies to allow for the  
60 implementation of sound, innovative planning techniques to assist municipalities and  
61 counties with the implementation of the objectives and strategies of the Agricultural  
62 Smart Growth Plan.

63 **BE IT FURTHER RESOLVED**, that we urge the Department to explore funding  
64 options to advance the development and expansion of agricultural facilities and  
65 infrastructure systems, and other statewide initiatives, such as Ag Enterprise Zones,  
66 should be explored to stimulate the retention and viability of farms and the businesses  
67 that support them.

68 **BE IT FURTHER RESOLVED**, that we are opposed to “downzoning” or large-lot  
69 zoning or zoning that has the practical effect of large-lot zoning, because it fractures and  
70 consumes farmland, promotes land-consumptive sprawl, and adversely affects  
71 landowner equity, and therefore is counter-productive to the principles of smart growth.

72 **BE IT FURTHER RESOLVED**, that we oppose the adoption of restrictive land  
73 use and wildlife management or protection statutes, ordinances or regulations by the  
74 state, any municipality or other government entity in the state of New Jersey that are not

75 science based or that exceed the powers granted to governmental entities under existing  
76 laws and statutes.

77 **BE IT FURTHER RESOLVED**, that we recommend that all landowners involved  
78 in all preservation programs (TDR sending areas, Pinelands credit sending areas,  
79 Highlands Development Credits, etc.) be eligible for the same package of benefits or  
80 state incentive programs available through the state Farmland Preservation Program,  
81 and that tenants be eligible for those programs that are appropriate to them.

82 **BE IT FURTHER RESOLVED**, that we call on the Legislature and all other  
83 appropriate officials to require that all public land acquired for open space purposes,  
84 which is farmed or can potentially be farmed, continue in an agricultural use or be placed  
85 in an agricultural use until it is needed for its acquired purpose - thereby keeping more of  
86 the state's land base in agriculture.

87 **BE IT FURTHER RESOLVED**, that we continue to oppose any hard and fast  
88 caps on impervious cover, but instead support a threshold trigger, tied to a percentage of  
89 the land with impervious cover, for new impervious cover and the use of science-based  
90 criteria, which is evaluated on a site-specific basis, and that such a trigger should be  
91 used to begin a conversation about the amount of impervious cover, instead of  
92 automatically causing any particular action to take place.

93 **BE IT FURTHER RESOLVED**, that we support the participation of the  
94 Department and the State Agriculture Development Committee (SADC) in helping to  
95 implement a New Jersey Future Task Force report of recommendations to encourage  
96 the use of TDRs at both the municipal level and regionally through changes to relevant  
97 statutes, regulations, policies and programs as recommended in the draft State Strategic  
98 Plan.

99 **BE IT FURTHER RESOLVED**, that we support a recommendation from the New  
100 Jersey Future Task Force that resulted in legislation being introduced, passed and

101 signed by the Governor in 2013, authorizing the use of municipal non-contiguous  
102 clustering, a way of achieving development transfers without disrupting underlying  
103 zoning by creating a voluntary program to transfer development potential from areas  
104 where preservation is desirable to areas intended to support new development.

105 **BE IT FURTHER RESOLVED**, that the agricultural community should monitor  
106 the implementation of this new law at the municipal level to maximize landowner  
107 protections and assess this new program's feasibility as a new equity-enhancement  
108 opportunity for agricultural landowners.

109 **BE IT FURTHER RESOLVED**, that we recommend that representatives from the  
110 Department and the SADC meet with the Office of the Attorney General in order to seek  
111 full compliance with the Right to Farm requirement related to regulatory agricultural  
112 impact statements.

113 **BE IT FURTHER RESOLVED**, that we strongly urge state, county and local  
114 governments to reject any plans proposed for rebuilding areas devastated by Hurricane  
115 Sandy that would reduce the current acreage of agricultural lands in the area covered by  
116 the redevelopment plan or which would reduce the opportunity to further develop those  
117 areas for agricultural purposes.

118 **BE IT FURTHER RESOLVED**, that we urge government agencies at all levels to  
119 limit the transforming of farmland into wetlands as a way to replace wetlands lost to  
120 public works projects, especially by limiting the purchase of farmland to turn into  
121 wetlands to a one-to-one ratio, instead of the current three-to-one ratio.