

## RESOLUTION # 23

### HIGHLANDS REGIONAL MASTER PLAN

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

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

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

16           **WHEREAS**, 555 farms covering 44,988 acres of farmland had been preserved in the  
17 Highlands region as of December 18, 2020 – 233 farms covering 18,638 acres in the  
18 Preservation Area and 331 farms covering 27,728 acres in the Planning Area; and

19           **WHEREAS**, the Highlands Development Credit Bank Board has made offers to  
20 purchase credits from 82 properties, including 20 properties that have landowners meeting  
21 the hardship criteria under the initial HDC purchase program established in 2009 and an  
22 additional 62 properties under the Highlands Development Credit Purchase Program  
23 adopted by rule in April 2016; and

24           **WHEREAS**, of those, 70 landowners’ credits were purchased resulting in the  
25 preservation of 2,565 acres while nine landowners chose not to proceed and three

26 applications were rescinded by the Bank Board, with no outstanding applications remaining  
27 to complete; and

28 **WHEREAS**, of the 62 towns and six counties to apply for Highlands Regional Master  
29 Plan conformance review, 53 municipalities and two counties have received approval from  
30 the Highlands Council for their conformance plans; and

31 **WHEREAS**, the “Preserve New Jersey Act” has been amended in order to  
32 implement the Corporate Business Tax revenue dedication for State fiscal year 2020 and  
33 beyond by establishing funding allocations for the State’s existing open space, farmland, and  
34 historic preservation programs, and the bill also extended the dual-appraisal valuation  
35 eligibility for landowners in the Highlands that would have otherwise expired on June 30,  
36 2019, and which allows appraisals for farmland preservation acquisitions in the Highlands to  
37 be based on either current local zoning and environmental laws and regulations or those in  
38 effect as of January 1, 2004 – whichever yields the higher value; and

39 **WHEREAS**, the Highlands Development Credit Bank Board has been researching  
40 the use of a ‘Municipal Average’ valuation approach which could provide an alternative  
41 methodology from the current use of “dual appraisal” for determining Farmland Preservation  
42 Program easement values for qualified farm owners in the Highlands.

43 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 106<sup>th</sup> State  
44 Agricultural Convention, assembled through a virtual platform hosted in Trenton, New  
45 Jersey, in accordance with COVID-19 pandemic recommendations, on February 17, 2021,  
46 urge the Department to continue to monitor and contribute to the future implementation of the  
47 Highlands TDR program and Plan Conformance process in order to maximize program  
48 success and provide equity protection for affected landowners.

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

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

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

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

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

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

70                   **BE IT FURTHER RESOLVED**, that we urge the adoption of a contract purchaser  
71 provision for Dual Appraisal for those landowners that have time constraints, must sell their  
72 property immediately, and cannot wait for the development easement sale process, so that  
73 once an application for preservation has been made, the sale of the property can take place  
74 and the new owner can succeed to the Dual Appraisal rights of the previous owner.