RESOLUTION # 29

HIGHLANDS REGIONAL MASTER PLAN

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

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

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

**WHEREAS**, 595 farms, covering 48,231 acres of farmland, had been preserved in the Highlands region as of November 13, 2023; 244 farms covering 19,664 acres in the Preservation Area and 360 farms covering 30,001 acres in the Planning Area; and

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

**WHEREAS**, of those, 70 landowners’ credits were purchased resulting in the preservation of 2,565 acres while nine landowners chose not to proceed and three applications were rescinded by the Bank Board, with no outstanding applications remaining to complete; and

**WHEREAS**, of the 62 towns and six counties to apply for Highlands Regional Master Plan conformance review, 55 municipalities and two counties have received approval from the Highlands Council for their conformance plans; and

**WHEREAS,** the “Preserve New Jersey Act” has been amended in order to implement the Corporate Business Tax revenue dedication for State fiscal year 2020 and beyond by establishing funding allocations for the State’s existing open space, farmland, and historic preservation programs, and the bill also extended to June 2024 the dual-appraisal valuation eligibility for landowners in the Highlands that would have otherwise expired on June 30, 2019, and which allows appraisals for farmland preservation acquisitions in the Highlands to be based on either current local zoning and environmental laws and regulations or those in effect as of January 1, 2004 – whichever yields the higher value; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 109th State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 7-8, 2024, urge the Department to continue to monitor and contribute to the future implementation of the Highlands TDR program and Plan Conformance process in order to maximize program success and provide equity protection for affected landowners.

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

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

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

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

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

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

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

**BE IT FURTHER RESOLVED**, that we strongly urge the Legislature to pass, and the Governor to sign, legislation to extend the dual appraisal provisions currently in place past the current June 30, 2024 expiration date.