**RESOLUTION # 32**

**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 (NJDA) developed and adopted rules to implement the separate process for agricultural development and activities in the Highlands Preservation Area; and

**WHEREAS**, 610 farms, covering 48,549 acres of farmland, had been preserved in the Highlands region as of November ,27 2024; 244 farms covering 18,335 acres in the Preservation Area and 382 farms covering 30,231 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 Highlands Development Credit (HDC) purchase program established in 2009 and an additional 62 properties under the HDC 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resulting in the preservation of 2,565 acres, while nine landowners chose not to proceed and three applications were rescinded by the Bank Board, with no outstanding applications remaining to complete; and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 and which allowed 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**, a pending bill that includes language to extend the dual appraisal valuation eligibility to June 30, 2029 had not been passed as of the print deadline for these resolutions; and

**WHEREAS,** the Highlands Development Credit Bank Board has researched ed the use of a “Municipal Average” approach, as an alternative valuation methodology for Farmland Preservation Program easements, but the study was not completed by the time these resolutions went to print.

**NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 110th State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 5-6, 2025, urge the NJDA to continue to monitor and contribute to the future implementation of the Highlands Transfer of Development Rights (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 NJDA 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, and the need to secure an additional funding source for continuation of these programs.

**BE IT FURTHER RESOLVED**, that we support the NJDA’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 strongly urge the Legislature to pass, and the Governor to sign, legislation to reinstate the dual appraisal provisions that expired June 30, 2024.

**BE IT FURTHER RESOLVED**, that we support the work of the Highlands Development Credit Bank Board in its work to investigate the advisability of a “Municipal Averaging methodology for valuations and urge those engaged in the study of this issue to share their findings throughout the agricultural community.

**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.