Comments to the TDR Bank Highlands Council – June 18, 2015

My name is Deborah Post, harmed property owner Chester Township.

Section 13 of the Highlands Act states that a transfer of development rights program shall be established. That’s a “shall” not a “may”. Section 13 includes an 18 month timetable from passage of the Act and anticipates the tdr program will be up and running before the initial master plan is completed. You have completely and utterly failed to implement this key mandate of the Highlands Act. Absolutely no additional business should be conducted by any Highlands agency including this Bank until the mandate of Section 13 has been fulfilled.

The proposed new rule just presented to you abandons the mandates of Section 13 by failing to include tdr receiving areas. The rule puts in unambiguous black and white what we all have always known: this Bank and Council have no intention of honoring its mandate to establish a TDR program to compensate harmed landowners.

By definition a TDR program requires development to be transferred from one space to another, it requires the receiving zones per Section 13. The proposed rule does not include receiving zones. How can a TDR program not have a receiving zone? Answer: it can’t.

The rule admits there will be no receiving zones, admits that there will be no just compensation for the $6 billion of lost property values, admits that the landowners should forget any expectations of compensation, and admits all are satisfied to leave the landowners burned. The plan is a loud screaming admission that there exists no intention of seriously working toward compensation of property value losses.

The rule is nothing more than a public relations effort to create the appearance of just compensation being forthcoming when everyone knows that is a lie. This rule was designed only to spin well with the media, to sound like you are doing something, when you are not.

The rule contemplates just compensation being paid from a bank that has no money and has no reasonable expectation of ever having any money. This Bank is an empty Potemkin illusion and its members should be ashamed to be part of the farce that compensation will be paid from an entity with no capital.

The rule also contemplates this Bank partnering with sub-and sister-organizations of the heavily financed environmental lobby who are anti-landowner. Your rule proposes that the easements be owned, monitored and enforced, not by this Bank, but rather by the environmental extremists, who will be empowered to dictate to those Highlands landowners who are the victims of the largest land grab in our nation’s history. No rational landowner will sign such an easement document, so this Council will be able to argue “gee, we offered to pay them and they declined”. Whoever came up with that mischief may be more evil even than the drafters of the Highlands Act itself.

I ask this Board to pass a resolution stating their opposition to the proposed rule that does not include tdr receiving areas, shifts easement enforcement to environmentalists, and admits there will never be any capital to compensate landowners.