RESOLUTION # 33

LAND USE

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

WHEREAS, New Jersey voters in the 2014 election approved a state constitutional change that earmarks certain revenue, in 2015 to be approximately $77 million, for the purposes of preserving farmland and open space; and

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

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

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

WHEREAS, after seven public hearings, the State Planning Commission was scheduled to adopt the new State Strategic Plan in November 2012, but the vote was
delayed due to the state dealing with the aftermath of Hurricane Sandy, allowing for additional public comment on the draft plan; and

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that we, the delegates to the 101st State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 10-11, 2016, do hereby endorse the Department’s Agricultural Smart Growth Plan and its
five-part approach to land use and conservation, balanced with economic development
initiatives and encourage the Department to incorporate these concepts into the
Department Strategic Plan based on the new State Strategic Plan goals and objectives
with guidance from OPA.

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

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

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

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

BE IT FURTHER RESOLVED, that we oppose the adoption of restrictive land
use and wildlife management or protection statutes, ordinances or regulations by the
state, any municipality or other government entity in the state of New Jersey that are not
science based or that exceed the powers granted to governmental entities under existing
laws and statutes.

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

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

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

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

BE IT FURTHER RESOLVED, that we support a recommendation from the New
Jersey Future Task Force that resulted in legislation being introduced, passed and
signed by the Governor in 2013, authorizing the use of municipal non-contiguous clustering, a way of achieving development transfers without disrupting underlying zoning by creating a voluntary program to transfer development potential from areas where preservation is desirable to areas intended to support new development.

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

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

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

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