

Part 3. Agricultural Resources

Agriculture is a vital component of the Highlands Region’s culture, landscape and economy. It provides important economic benefits to the Highlands Region in the form of agricultural production and agri-tourism, provides a local food source to area residents using less energy than would be required to import produce from other regions, and helps maintain the Highland’s rural character. Agriculture is also an industry in which the land is the primary instrument of production. Therefore it is imperative to retain the land base and preserve contiguous areas of agriculture to sustain and enhance agricultural resources and the agricultural industry.

The major Goals, Policies, and Objectives (GPOs) for Agricultural Resources seek to meet two essential objectives of the Highlands Act; the preservation of agricultural land and the viability of the agricultural industry. The New Jersey Legislature declared that the agricultural lands in active production in the Highlands Region are important resources of the State that should be preserved, and that the agricultural industry in the Highlands Region is a vital component of the economy, welfare, and culture of the Garden State. The Legislature also declared that the maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible whenever appropriate in the Highlands Region. The GPOs below lay the foundation to carry out these objectives, and to provide incentives and funding opportunities, to not only preserve agriculture, but to encourage best management practices (BMPs) that enhance the resources of the Highlands Region. As stewards of the land, many farmers already implement BMPs, and the GPOs seek to reward these individuals with tax credits and cost-share opportunities.

GOAL 3A	PROTECTION AND ENHANCEMENT OF AGRICULTURAL RESOURCES AND THE AGRICULTURAL INDUSTRY IN THE HIGHLANDS REGION.
Policy 3A1	To create and maintain an inventory of preserved farms, farmland assessed lands, other lands in agricultural use, and undeveloped vacant lands which contain soils which are highly suitable for agricultural use in the Highlands Region.
Policy 3A2	To consider Prime, Statewide Importance, Unique, and Locally Important soils as Important Farmland Soils which are critical agricultural resources of the Highlands Region.
Policy 3A3	To delineate Agricultural Resource Areas in the Highlands Region as those areas of contiguous and the most concentrated agricultural uses, using Important Farmland Soils as a critical factor.
Policy 3A4	To promote farmland preservation and limit non-agricultural uses within the Agricultural Resource Areas and accord priority to the preservation of agricultural lands within Agricultural Priority Areas, through fee simple acquisition, easement acquisition, Transfer of Development Rights (TDR) and other agricultural land conservation techniques.
Objective 3A4a (new)	Create and maintain a confidential inventory of agricultural lands in the Agricultural Priority Areas, in coordination with the New Jersey Department of Agriculture and the State Agriculture Development Committee, to prioritize the preservation of farmland.
Objective 3A4b (new)	Implement through Plan Conformance Agriculture Retention/Farmland Preservation Plan elements and development regulations promoting preservation in the Agricultural Resource Areas (ARA) and limiting non-agricultural uses within the ARA to those uses that support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect important farmland soils, and meet resource management and protection requirements

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	of the RMP.
Policy 3A5	Where it is not feasible to preserve agricultural lands within the Agricultural Resource Area (ARA) by such methods as fee simple acquisition, easement acquisition, or a TDR Program, require mandatory clustering through Municipal Plan Conformance, local development review and Highlands Project Review for residential development in an ARA. Cluster development within the Planning Area that incorporates public or community on-site wastewater utilities shall meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area shall meet the requirements of Policy 2I1 and Objectives 2I1a and 2I1b, and where reliant on septic systems shall meet the requirements of Objective 6G1b.
Objective 3A5a	Implement regulations requiring that cluster or conservation design development proposed within an Agricultural Resource Area support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect Important Farmland Soils, , and meet resource management and protection requirements of the RMP.
Objective 3A5b	Implement regulations requiring that all cluster or conservation design development proposed in an Agricultural Resource Area be buffered appropriately with existing natural resources, such as hedgerows or trees, or with new buffers to avoid conflicts between non-agricultural development and agricultural activities, and to protect existing agricultural uses and sensitive environmental resources.
Objective 3A5c	Implement regulations requiring that all land preserved in perpetuity for environmental protection or agricultural purposes as a result of clustering be subject to a conservation easement enforceable by the Highlands Council and at least one of the following: the appropriate municipality, for agricultural purposes the County Agriculture Development Board or the State Agriculture Development Committee and for environmental purposes Green Acres or a qualified non-profit organization.
Objective 3A5d	Where the preserved land in the cluster project area is preserved for agricultural purposes, support continued agricultural viability of the agricultural land and require the implementation of best management practices through the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or New Jersey Department of Agriculture (NJDA) staff, and approved by the local Soil Conservation District (SCD).
Policy 3A6	To permit through local development review and Highlands Project Review limited development, including family and farm labor housing in Agricultural Resource Areas which are necessary to support the viability of the agricultural operation, in coordination with the NJDA and the SADC, and subject to compliance with the resource management and protection requirements of the RMP.
Objective 3A6a	Implement regulations allowing for construction of ancillary structures and family and farm labor housing that is necessary to support the viability of the agricultural operation, upon a demonstration that the proposed development is consistent with the resource management and protection requirements of the RMP.
Policy 3A7	To implement programs which encourage owners and operators of farmland with woodlots within Agricultural Resource Areas to prepare and implement approved Forest Management Plans that conform to the resource management and protection

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	requirements of the RMP.
Objective 3A7a	Coordinate with the NJDEP State Forester and conservation experts to provide guidance for the development of Forest Management Plans that improve the maintenance of ecosystem and water resource values of the Highlands Region.
Policy 3A8 (new)	To serve as a regional clearinghouse for information regarding agriculture preservation programs and funding sources, protection and enhancement of the agricultural industry, and technical assistance for public and private organizations in order to maximize agriculture preservation efforts in the Highlands Region.
Objective 3A8a (new)	Encourage coordinated activities of appropriate federal, State, county, municipal and non-profit representatives for agriculture preservation and funding programs, and technical assistance in order to maximize agriculture preservation efforts in the Highlands Region.
Objective 3A8b (new)	Coordinate with the State Historic Preservation Office and the State Agriculture Development Committee to include historic structures in tax incentive and adaptive reuse funding programs.

GOAL 3B PROTECTION AND ENHANCEMENT OF AGRICULTURAL SUSTAINABILITY AND VIABILITY OF THE AGRICULTURAL INDUSTRY WITHIN THE HIGHLANDS REGION.

Policy 3B1	To encourage private and public owners of lands within an Agricultural Resource Area to lease open lands to farmers and/or to manage open space lands in a manner which is compatible with adjoining agricultural uses.
Policy 3B2	To promote research and study, and support proposals to enhance the long-term viability of the agricultural industry in the Highlands Region through innovative programs including, but not limited to, health care, banking practices, housing, food distribution, education, energy, and labor.
Policy 3B3	To seek additional funding from any and all state and federal funding programs to maintain and enhance sustainability and continued viability of the agricultural industry within the Highlands Region.
Policy 3B4	To advocate for the amendment of the Farmland Assessment Act to permit the inclusion of credits for the control of invasive species, white-tailed deer reduction programs, and the water value of well-managed agricultural lands.
Policy 3B5	To promote and enhance innovative agricultural practices and programs that promote long-term viability of the agricultural industry including, but not limited to, direct marketing, organic farming, agri-tourism such as farmers markets and road side stands, niche markets, and community supported agriculture.

GOAL 3C MINIMIZE CONSTRUCTION OF NON-AGRICULTURAL DEVELOPMENT-INDUCING WATER AND WASTEWATER INFRASTRUCTURE IN AGRICULTURAL RESOURCE AREAS.

Policy 3C1	To prohibit through Plan Conformance, local development review and Highlands Project Review the development of additional water and wastewater infrastructure in a Agricultural Resource Area (ARA) within the Conservation and Protection Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will
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maximize the preservation of agricultural lands within the ARA.

GOAL 3D	PROTECTION AND ENHANCEMENT OF SURFACE AND GROUND WATER QUALITY AND NATURAL RESOURCES IN THE HIGHLANDS REGION AND AGRICULTURAL RESOURCE AREAS.
Policy 3D1	To work with the State Agriculture Development Committee and the Garden State Preservation Trust to establish incentives for any landowner in the Highlands Region seeking to preserve land under the farmland preservation program that would be provided in exchange for the landowner agreeing to permanently restrict the amount of impervious surface and agricultural impervious cover on the farm to a maximum of five percent of the total land area of the Farm Management Unit.
Policy 3D2	To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of greater than 3% but less than 9%, to develop and implement a Farm Conservation Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.
Policy 3D3	To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of 9% or greater to develop and implement a Resource Management System Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.
Policy 3D4	To promote the use of appropriate alternative and innovative wastewater treatment systems to provide enhanced protection of surface and ground water quality in Agricultural Resource Areas of the Conservation Zone.
Policy 3D5	To promote efforts to increase the use of USDA NRCS and Farm Service Agency cost-share programs, Integrated Pest Management, and Integrated Crop Management programs and other innovative management techniques, in coordination with the NJDA and Rutgers Cooperative Extension, that reduce pesticide and fertilizer use and promote best management practices in conjunction with agricultural activities.
Policy 3D6	To identify subwatersheds with elevated nitrate levels and develop and implement management plans to enhance water quality in these subwatersheds while maintaining and enhancing agricultural viability.
GOAL 3E	CONFORMING MUNICIPALITIES AND COUNTIES INCLUDE AGRICULTURE RETENTION/FARMLAND PRESERVATION PLAN ELEMENTS IN THEIR MASTER PLANS AND DEVELOPMENT REGULATIONS.
Policy 3E1	To prepare technical guidelines for the preparation of an Agriculture Retention/Farmland Preservation Plan (AR/FPP) element for inclusion in municipal and county master plans and development regulations.
Policy 3E2	To require conforming municipalities and counties to include an AR/FPP element consistent with the RMP in municipal and county master plans and development regulations.
Policy 3E3	To require conforming municipalities and counties to incorporate Right to Farm

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provisions, in accordance with N.J.S.A. 4:1C-1 et seq. and N.J.A.C. 2:76-2, in their master plans and development regulations.

Policy 3E4 (new)

To address agricultural or horticultural development and agricultural or horticultural use through Plan Conformance in accordance with the Right to Farm Act, N.J.S.A. 4:1C-1, and in coordination with the New Jersey Department of Agriculture, the State Agriculture Development Committee, and the County Agriculture Development Boards.

Objective 3E4a (new)

To cooperatively develop, in coordination with the State Agriculture Development Committee, specific Agricultural Management Practices that address air and water quality control, noise control, pesticide control, fertilizer application, integrated pest management, labor practices and other related activities consistent with the resource management and protection requirements of the RMP.

Objective 3E4b (new)

To develop municipal and county development regulations through Plan Conformance that are consistent with the Right to Farm Act and necessary to address agricultural practices that pose a direct threat to public health and safety.

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For Comparison Purposes - Policies and Objectives Referenced in Policy 3A5 and Policy 3C1

Policy 2J4 with Objectives 2J4a through 2J4d:

Policy 2J4. To minimize, through Plan Conformance, local development review and Highlands Project Review, the creation or extension of public water supply systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area, and to allow for the creation or extension of public water supply systems where appropriate within the Existing Community Zone.

Objective 2J4a. Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2 and 4, the project must maximize the protection of sensitive environmental resources such as Open Water buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat Areas. For approvals regarding part 3, the project must avoid disturbance of Open Water buffer areas, Riparian Areas, Steep Slopes and Critical Habitat Areas, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are:

1. to address a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety. Such needs shall have highest priority for allocation of existing system capacity;
2. to serve a designated Highlands Redevelopment Area;
3. to serve a cluster development that meets all requirements of Objective 2J4b; or
4. to avoid the taking of property without just compensation.

Objective 2J4b. Clustered development served by public water supply within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met:

1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A6;
2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity;
3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity;
4. The clustered development preserves in perpetuity for environmental protection or agriculture purposes the following portion of the project area:
 - a. If served by septic systems, at least 80 percent;
 - b. If served by a public or community on-site wastewater system, at least 80 percent, and to the maximum extent feasible the developed portion of the project area (i.e. not including wetlands, open water buffers, and recreational lands) is no more than 10 percent;
5. Where the preserved land in the cluster project area is preserved for agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a USDA Natural Resources Conservation Service Farm Conservation Plan that addresses the protection of water and soil resources.

Objective 2J4c. Allow the expansion or creation of public water systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to Objective 2J4a within the Existing Community Zone, or to serve new areas for

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development that meet all other requirements of the RMP. TDR Receiving Zones, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than expansion of public water service areas within this Zone.

Objective 2J4d. All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by onsite wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster design in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total project area including the preserved agricultural lands.

Policy 2K3 with Objectives 2K3a through 2K3e

Policy 2K3. To provide adequate, appropriate, efficient and cost-effective wastewater management to all development in the Highlands Region, through Plan Conformance, local development review and Highlands Project Review.

Objective 2K3a. Areawide Water Quality Management Plan, including Wastewater Management Plan and project-specific amendments, shall be consistent with requirements of this Plan.

Objective 2K3b. Existing wastewater collection and treatments systems which are non-compliant with state water quality standards for wastewater treatment and effluent discharge shall be prohibited from collecting and treating additional wastewater until the treatment systems are fully compliant with State permit requirements.

Objective 2K3c. Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2 and 4, the project must maximize the protection of sensitive environmental resources such as Open Water buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat Areas. For approvals regarding part 3, the project must avoid disturbance of Open Water buffer areas, Riparian Areas, Steep Slopes and Critical Habitat Areas, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are:

1. to address a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety. Such needs shall have highest priority for allocation of existing system capacity;
2. to serve a designated Highlands Redevelopment Area;
3. to serve a cluster development that meets all requirements of Objective 2K3d; or
4. to avoid the taking of property without just compensation.

Objective 2K3d. Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met:

1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas;
 2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity;
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3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served;

4. The cluster development preserves at least 80 percent of the project area in perpetuity for environmental protection or agriculture purposes, and to the maximum extent feasible the developed portion of the project area (i.e. not including wetlands, open water buffers, and recreational lands) is no more than 10 percent.

5. Where the preserved land in the cluster project area is preserved for agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a USDA Natural Resources Conservation Service Farm Conservation Plan that addresses the protection of water and soil resources.

Objective 2K3e. Allow the expansion or creation of wastewater collection systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to Objective 2K3c within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.

Policy 2I1 and Objectives 2I1a and 2I1b

Policy 2I1. To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination or a Highlands Preservation Area Approval with waiver pursuant to N.J.A.C. 7:38.

Objective 2I1a. Designated sewer service areas in the Preservation Area shall be restricted to the Existing Area Served as of August 10, 2004, except to serve development that is approved through a Highlands Applicability Determination or a Highlands Preservation Area Approval with waiver pursuant to N.J.A.C. 7:38.

Objective 2I1b. The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a Highlands Preservation Area Approval with waiver pursuant to N.J.A.C. 7:38 shall maximize the protection of sensitive environmental resources including avoidance of Open Water buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat Areas.

Objective 6G1b

Objective 6G1b. Adopt municipal and county master plans and land development regulations which require that cluster developments preserve in perpetuity for environmental protection or agricultural purposes at least 80 percent of the project area, and to the maximum extent feasible that the developed portion of the project area (i.e., not including wetlands, open water buffers, recreational lands) is no more than 10 percent if served by a public or community on-site wastewater system.
