

Guidance for Municipal Plan Conformance with the Highlands Regional Master Plan
Right to Farm Conformance Standards
New Jersey Highlands Council

COMPONENT	STATUS ¹	STANDARDS	COMMENTARY
Environmental Resource Inventory		BASIC PLAN CONFORMANCE STANDARDS: 1. General: Incorporate by reference the Highlands Council maps of Land Use Capability Zones, the Preservation and Planning Areas, the Agricultural Resource Areas, the Agricultural Priority Areas, and incorporate by reference the definitions contained in the New Jersey Right to Farm Act (RTFA), N.J.S.A. 4:1C-3. 2. LUC Zones: RMP provisions apply equally to all Zones 3. Preservation Area Special Provisions: N/A	See Policy 3E3 requiring conforming municipalities and counties to incorporate Right to Farm Provisions in their master plans and development regulations.
		PLAN CONFORMANCE STANDARDS: 1. Mapping: None Needed. 2. Narrative: None Needed	
Municipal Master Plan and Farmland Preservation and Conservation Plan Element		BASIC PLAN CONFORMANCE STANDARDS: 1. General (Background Statement): Adopt by reference the Highlands Council maps of Land Use Capability Zones, the Preservation and Planning Areas, the Agricultural Resource Area, and the Agricultural Priority Areas and incorporate by reference Right to Farm provisions in accordance with the New Jersey Right to Farm Act (RTFA), N.J.S.A. 4:1C-1 et seq. and N.J.A.C. 2:76-2, in municipal master plans and development regulations. 2. Policy Statement: Adopt by reference RMP Policy 3E3 into the policies, goals, objectives section of the Master Plan. Relate the policies to MLUL purposes as appropriate. 3. LUC Zones: RMP provisions apply equally to all Zones. 4. N/A	See Policy 3E3 requiring conforming municipalities and counties to incorporate Right to Farm provisions in their master plans and development regulations
		PLAN CONFORMANCE STANDARDS: 1. Master Plan Requirements: Establish Right to Farm provisions in accordance with the RTFA N.J.S.A. 4:1C-1 et seq. and N.J.A.C. 2:76-2 as a policy of the municipality, enumerating the purposes and benefits as cited in the Farmland Preservation and Conservation Plan Elements. 2. Farmland Preservation and Conservation Plan Elements Requirements: Recognize the Right to Farm on commercial farms as defined in N.J.S.A. 4:1C-3 where permitted by local development regulations and where the farm operator	

¹ This column is for the municipal self-assessment. C = fully complete. P = partially complete, with a need for improvement. IP = in progress. NS = not started. NA = not applicable (e.g., for a municipality for which this component is not relevant).

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		is conducting activities that are consistent with, and covered by, approved management practices (AMP) or site specific management practices approved by the State Agriculture Development Committee (SADC). Municipalities will also incorporate into their master plans, development regulations and Board of Health regulations, standards and practices that must be considered by the County Agriculture Development Board (CADB) or SADC when it makes a determination as to whether or not an agricultural management practice poses a direct threat to public health and safety.	
Institutional Capability		1. Planning: The Council will provide assistance should planning board and zoning board of adjustment members and staff require assistance with this issue to ensure that members must have understanding of development regulations, Board of Health regulations, standards and practices to be considered by the County Agriculture Development Board (CADB) or SADC when the CADB or SADC makes a determination as to whether or not an agricultural management practice poses a direct threat to public health and safety; and to ensure that the development review ordinance is properly implemented, that conformance with the AMP is maintained, and that exceptions and waivers to the Right to Farm ordinance are limited to those situations allowed by the CADB or SADC.	To assist board members and staff regarding this topic and the implementing ordinance the Council will provide educational and training opportunities as requested. Council will work with the municipality's professionals if requested.
		2. Site Visit Authority: CADB and SADC staff must have ability to conduct site visits to visually verify any violations of RTFA and related resources.	
		3. Independent Projects: The municipality must periodically and in a timely manner inform the Highlands Council of special or independent projects developed and implemented regarding AMPs or site specific management practices not already approved by the SADC, as related to Plan Conformance or RMP implementation.	
Development Review Checklists		PLAN CONFORMANCE STANDARDS: 1. N/A	
Land Use Ordinance		PLAN CONFORMANCE STANDARDS: 1. General: Adopt by reference RMP Policy 3E3, Highlands Act definitions at N.J.S.A. 13:20-3, and incorporate ordinance provisions in accordance with the RTFA N.J.S.A. 4:1C-1 et seq. and N.J.A.C. 2:76-2.	
		2. Statement of Purpose: The purposes of the RTFA ordinance are to implement Policy 3E3 of the RMP and retain agricultural activities necessary to establish and encourage the maintenance of agricultural production and a positive agricultural business climate by protecting commercial farm operations from nuisance actions where recognized methods and techniques of agricultural production are applied. Make a direct link between the ordinance and municipal policy as stated in the Master Plan.	
Recommended Model or Example Ordinances		1. SADC Model Right to Farm Ordinance, www.nj.gov/agriculture/sadc/rtfprogram/resources/modelrtfordinance.pdf	Model and draft ordinances are listed for informational purposes only. Specific language from each ordinance must be

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(up to five, with model ordinances listed first)			reviewed by competent legal and planning experts to determine what is most appropriate for use in complying with the Highlands Council standards for Plan Conformance.
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