RESOLUTION 2012-30
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF A WATER USE AND CONSERVATION MANAGEMENT PLANNING GRANT
FOR THE TOWNSHIP OF SPARTA, SUSSEX COUNTY

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a
public body corporate and politic with corporate succession known as the Highlands Water
Protection and Planning Council (Highlands Council); and

WHEREAS, the Highlands Act authorizes the Highlands Council to enter into any and all
agreements or contracts, execute any and all instruments to carry out any power, duty or
responsibility under the Highlands Act; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance
where municipalities, located wholly or partially in the Preservation Area, must revise and conform
their local master plan and development regulations, as they relate to development and use of land in
the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan
within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any
municipality located wholly or partially in the Planning Area may voluntarily revise and conform
their local master plans and development regulations, as they relate to the development and use of
land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan
at any time; and

WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance
entitles the conforming municipality with specific benefits including: planning grants, technical
assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and
extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant
funding program to reimburse municipalities for reasonable expenses associated with Plan
Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to
provide grant funding for the Highlands municipalities to cover the reasonable expenses associated
with revisions to master plans, development regulations or other regulations to conform them to the
Regional Master Plan; and

WHEREAS, under Resolution 2008-73, the Highlands Council authorized the Executive Director
to develop and implement a process for the solicitation and distribution of the Plan Conformance
Grants in a total amount not to exceed $7.5 million and up to a $100,000 allocation for each
individual municipality to address the immediate mandatory components of Plan Conformance; and

WHEREAS, in the Township of Sparta includes 11,488 acres of land in the Preservation Area and
13,335 acres of land in the Planning Area; and

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WHEREAS, on December 8, 2009, Sparta Township submitted a Petition for Plan Conformance which included one resolution for all lands lying in the Preservation Area; and

WHEREAS, on August 12, 2011, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition package on the Highlands Council website for a public review and comment period, with written comments due on or before August 30, 2011; and

WHEREAS, on September 9, 2011, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website, which addressed issues raised during the public comment period; and

WHEREAS, on September 15, 2011, the Highlands Council held a public hearing on Sparta Township’s Petition for Plan Conformance and provided an opportunity for public comment; and

WHEREAS, on September 15, 2011, after due consideration the Highlands Council approved Sparta Township’s Petition for Plan Conformance with conditions as set forth in Resolution 2011-30, the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

WHEREAS, the Highlands Council approval of Resolution 2011-30 authorized the Executive Director to amend the Sparta Township’s Plan Conformance Grant Agreement consistent with direction from the Highlands Council; and

WHEREAS, on July 17, 2008, the Highlands Council adopted Resolution 2008-27 thereby adopting the Highlands Regional Master Plan (RMP); and

WHEREAS, the RMP includes a goal to protect, restore and enhance water quality and quantity of surface and ground waters (Goal 2B); and

WHEREAS, the RMP includes Objective 2B8c requiring the development of Water Use and Conservation Management Plans through municipal Plan Conformance for all watersheds in order to meet the policies and objectives of Goal 2B; and

WHEREAS, the RMP includes a resource assessment of the water availability of the Highlands subwatersheds (the 14 digit Hydrologic Unit Code or HUC14) and the net water availability has been calculated for all 183 HUC14 subwatersheds of the Highlands Region and 114 are in deficit based on usage data and applicable RMP thresholds; and

WHEREAS, on September 5, 2008, Governor Corzine issued Executive Order 114 ordering the New Jersey Department of Environmental Protection to take appropriate action to ensure that no water allocation permit is issued for any development, and no approval is given to any portion of a
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Water Quality Management Plan amendment, in the Protection Zone, the Conservation Zone, or the Environmentally-Constrained Sub-Zones, within a HUC14 subwatershed that is in, or anticipated to be in, a deficit of net water availability, as identified by the Highlands Plan, until such time that a Municipal Water Use and Conservation Management Plan, consistent with the policies in the Highlands Plan, has been approved by the Highlands Council and has been fully implemented; and

WHEREAS, in order to address the complexity of subwatershed planning, to develop and implement Water Use and Conservation Management Plans, and to address the mandates of Executive Order 114, the Highlands Council may provide technical and financial assistance to municipalities and counties pursuant to Section 18.b of the Highlands Act using the Highlands Protection Fund; and

WHEREAS, Sparta Township has proposed the White Deer Plaza Sewer Treatment Plant Conversion project (the Project) in order to decommission an old treatment facility and connect to the Sussex County Municipal Utilities Authority Treatment Plant; and

WHEREAS, the Project must proceed as a Planning Area Exemption No. 11 which requires that the Highlands Council determine the Project's consistency with purposes and goals of the Highlands Act using the Highlands Regional Master Plan as a guide, and as part of that consistency determination, the Sparta Township is required to develop and implement a Water Use and Conservation Management Plan (WUCMP) to address net water availability impacts; and

WHEREAS, three subwatersheds affected by the Project are HUC14s: 02020007010010, 02020007010020, and 02040105040050; and

WHEREAS, Highlands Council staff recommends that the Highlands Council authorize the execution of an amended Plan Conformance Grant Agreement with Sparta Township to include the development of a WUCMP for the above Project,

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or his designee, is hereby authorized to amend the Plan Conformance Grant Agreement with Sparta Township not to exceed $50,000 for the development of a WUCMP for the Project with this Resolution.
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CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 18th day of October, 2012.

Jim Rilee, Chairman

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