

RESOLUTION 2021-07

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE AND CENTER DESIGNATION FOR THE BOROUGH OF WASHINGTON, WARREN COUNTY

WHEREAS, the New Jersey Highlands Region (Highlands Region) is an area of over 859,358 acres that consists of 88 municipalities in parts of seven counties – Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren; and

WHEREAS, the New Jersey Legislature found that the Highlands Region is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the population of the State of New Jersey, and also contains other exceptional natural resources such as clean air, contiguous forest lands, agricultural lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as sites of historic significance and recreational opportunities; and

WHEREAS, the Legislature found that the Highlands Region also provides a desirable quality of life and place where people live and work, that it is important to ensure the economic viability of Highlands communities and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities; and

WHEREAS, the Legislature found that the Highlands Region contains agricultural lands in active production and that these lands are important resources of the State that should be preserved, that the agricultural industry in the Region is a vital component of the economy, welfare, and cultural landscape of the Garden State and that maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible; and

WHEREAS, the Legislature found that the pace of development in the Highlands Region has dramatically increased, that the Region, because of its proximity to rapidly expanding suburban areas, is at serious risk of being fragmented and consumed by unplanned development and that the existing land use and environmental regulation system cannot protect the water and natural resources of the Highlands against the environmental impacts of sprawl development; and

WHEREAS, deeming protection of the Highlands Region an issue of State level importance, the Legislature enacted the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), to establish a regional approach to land use planning for the Highlands Region; and

WHEREAS, the Highlands Act delineates two areas in the Highlands Region: a Preservation Area, containing approximately 415,000 acres, and a Planning Area, containing approximately 445,000 acres; and

WHEREAS, the Legislature created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council) to advance a new regional approach to land use planning and to prepare a Regional Master Plan to protect and enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

WHEREAS, the Preservation Area is an area with exceptional natural resource value that should be subject to stringent water and natural resource protection standards, policies, planning and regulation; and

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WHEREAS, the Planning Area is the area outside of the Preservation Area that should likewise be part of a comprehensive planning approach that serves to protect the water and other significant resources of the entire Highlands Region while also accommodating appropriate patterns of development, redevelopment and economic growth; and

WHEREAS, the Highlands Act establishes development goals in the Preservation Area, to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with the Preservation Area; and

WHEREAS, the Highlands Act establishes development goals in the Planning Area, to encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from individual and cumulative adverse impacts; and

WHEREAS, the Highlands Act creates a bifurcated system for municipal conformance with the Regional Master Plan – mandatory Plan Conformance for any portion of a municipality located wholly or partially in the Preservation Area and voluntary Plan Conformance for the municipalities with lands wholly in the Planning Area or for any portion of a municipality lying within the Planning Area; 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; 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, pursuant to Sections 14 and 15 of the Highlands Act, the Highlands Council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate, after public hearing, within 60 days after the date of submission thereof; 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, the Highlands Council adopted Highlands Plan Conformance Procedures as an update to the Regional Master Plan as Addendum 2019-2 that provide guidelines for the submission, review, and approval of municipal and county Petitions for Plan Conformance; and

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WHEREAS, the Plan Conformance Procedures contained in Addendum 2019-2 provide a process for Plan Conformance requiring the submission of plans and regulations that are immediately necessary to ensure protection of the Highlands resources and resource areas with more complex tasks to be completed in accordance with an Implementation Plan and Schedule as a condition of Plan Conformance; 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 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; and

WHEREAS, Washington Borough is located in Warren County and the full extent of its 1,259 acres lies within the Highlands Region Planning Area; and

WHEREAS, on October 26, 2020, Washington Borough submitted a Petition for Plan Conformance and Center Designation including a resolution for all lands lying in the Planning Area; and

WHEREAS, the Highlands Council analysis determined that the proposed designation of a Highlands Center within Washington Borough, which is intended to advance the goals and intent of both the Washington Borough Master Plan and the RMP, is appropriate; and

WHEREAS, on November 23, 2020, the Highlands Council staff deemed the Petition for Plan Conformance and Center Designation administratively complete, and on the same day, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on November 23, 2020, the Highlands Council provided Washington Borough with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

WHEREAS, on November 23, 2020, the Highlands Council staff completed the Draft Consistency Review and Recommendations Report and posted a Public Notice, the Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before December 23, 2020; and

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WHEREAS, the Highlands Implementation Plan and Schedule includes a detailed accounting of the existing Plan Conformance grants and the allocation of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding; and

WHEREAS, no public comments on the Petition documents were received; and

WHEREAS, on February 12, 2020, the Highlands Council posted the Final Consistency Review and Recommendations Report and Draft Highlands Implementation Plan and Schedule on the Highlands Council website; and

WHEREAS, on February 18, 2021, the Highlands Council held a public hearing on the Borough of Washington Petition for Plan Conformance and provided an opportunity for public comment; and

WHEREAS, the Highlands Council accepts the staff recommendation as stated in the Final Consistency Review and Recommendations Report; and

WHEREAS, according to the Highlands Act and the Plan Conformance Procedures, Washington Borough's compliance with an approved Final Consistency Review and Recommendations Report shall maintain the Borough's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

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 that the Highlands Council hereby approves Washington Borough's Petition for Plan Conformance and Center Designation with conditions, as set forth in the Final Consistency Review and Recommendations Report; and

BE IT FURTHER RESOLVED, that the Executive Director or designee is authorized to make any amendments and publicly release the Final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council and the Department of the Treasury, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

BE IT FURTHER RESOLVED, that Washington Borough is hereby entitled to the statutory benefits associated with Plan Conformance and Center Designation as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Procedures in Addendum 2019-2, so long as Washington Borough remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

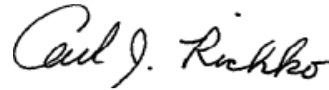
BE IT FURTHER RESOLVED, the Executive Director or designee is authorized, consistent with direction from the Council, to oversee and monitor Washington Borough's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

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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 February 2021.



Carl J. Richko, Chairman

| Vote on the Approval of The Resolution | Motion | Second | Yes | No | Abstain | Absent |
|---|--------|--------|-----|----|---------|--------|
| Councilmember Alstede | | | √ | | | |
| Councilmember Dougherty | | | √ | | | |
| Councilmember Dressler | √ | | √ | | | |
| Councilmember Francis | | | √ | | | |
| Councilmember Holtaway | | | √ | | | |
| Councilmember James | | | √ | | | |
| Councilmember Sebetich | | | √ | | | |
| Councilmember Van Abs | | √ | √ | | | |
| Councilmember Visioli | | | √ | | | |
| Councilmember Vohden | | | √ | | | |
| Councilmember Walton | | | | √ | | |
| Chairman Richko | | | √ | | | |