

**RESOLUTION 2021-12**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR**  
**THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY**

**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, Somerset, 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 to replace the uncoordinated land use decisions of 88 municipalities, seven counties and a myriad of private landowners; 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

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**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

**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 county conformance with the Regional Master Plan – mandatory Plan Conformance for any portion of a county located wholly or partially in the Preservation Area and voluntary Plan Conformance for the counties with lands in the Planning Area; and

**WHEREAS**, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where counties, located wholly or partially in the Preservation Area, must revise and conform their county master plan and associated 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 county with lands in the Planning Area may voluntarily revise and conform their county master plans and associated 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 associated 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 county with specific benefits including: planning grants, technical assistance, state aid, priority for projects, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

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**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

**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 counties 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 counties 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**, the County of Hunterdon has 128,934 acres in the Highland Region, with 64,945 acres in the Preservation Area and 63,989 acres in the Planning Area. Of the 15 Highlands municipalities within Hunterdon County, all but one are conforming for at least some of their land area, with one municipality's petition pending. Of those, 11 municipalities are conforming for the entirety of their land area; and

**WHEREAS**, on November 7, 2018, the Hunterdon County Commissioners adopted a Resolution to Petition the Highlands Council for Plan Conformance with the Highlands Regional Master Plan ("RMP"). On February 28, 2021, Hunterdon County submitted a complete package of Plan Conformance documents to support the County's Petition; and

**WHEREAS**, on March 1, 2021, the Executive Director deemed the Petition for Plan Conformance administratively complete and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

**WHEREAS**, on March 29, 2021, the Executive Director provided Hunterdon County with a Final 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

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**WHEREAS**, on March 29, 2021, 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 documents on the Highlands Council website for a public review and comment period with written comments due on or before April 29, 2021; and

**WHEREAS**, on May 14, 2021, 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**, the Highlands Implementation Plan and Schedule includes an allocation of Plan Conformance grant funding in order to address the Highlands Act requirements for Plan Conformance funding; and

**WHEREAS**, on May 20, 2021, the Highlands Council held a public hearing on Hunterdon County's Petition for Plan Conformance and provided an opportunity for public comment; and

**WHEREAS**, the Highlands Council accepts the recommendation of the Executive Director as stated in the Final Consistency Review and Recommendations Report; and

**WHEREAS**, according to the Highlands Act and the Plan Conformance Procedures, Hunterdon County's compliance with an approved Consistency Review and Recommendations Report, the Highlands Implementation Plan and Schedule, and the Highlands Act shall maintain Hunterdon County'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 Hunterdon County's Petition for Plan Conformance with conditions as set forth in the Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

**BE IT FURTHER RESOLVED** that the Highlands Council hereby approves Hunterdon County's Highlands Implementation Plan and Schedule which includes an allocation of grant funding in order to address the Highlands Act requirements for Plan Conformance funding; and

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

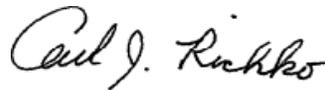
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**BE IT FURTHER RESOLVED**, that Hunterdon County is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act and the Regional Master Plan so long as Hunterdon County remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

**BE IT FURTHER RESOLVED**, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor Hunterdon County’s compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20<sup>th</sup> day of May 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			√			
Chairman Richko			√			