



State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
L. Governor

CARL J. RICHKO
Chairperson

LISA J. PLEVIN
Executive Director

MEMORANDUM

TO: RMP Amendment Committee

FROM: Lisa J. Plevin, Executive Director

SUBJECT: RMP Amendment – Plan Conformance Procedures

DATE: March 1, 2019

Attached please find a final draft of the Highlands Council's proposed **Plan Conformance Procedures**. These procedures are proposed to be adopted as an amendment to the Highlands Regional Master Plan (RMP). The procedures will follow the RMP Amendment adoption process which involves a 60-day public comment period and 6 public hearings.

History

The Highlands Water Protection and Planning Act (N.J.S.A. 13:20-14 and 15) sets forth the requirements for municipalities to conform their master plans and development regulations to the Act and the RMP. The Highlands Council previously approved Plan Conformance procedures (in 2008, at the time of the adoption of the RMP) that outline the process by which municipalities and counties may petition the Highlands Council for Plan Conformance. The Highlands Council subsequently acted on 52 municipal and county Plan Conformance petitions, including 13 Highlands Center Designations.

Updated Plan Conformances Procedures have been prepared to address certain issues identified during the 10 years of implementation since their initial adoption. Mainly, these surround the strict formula for both municipal and county Plan Conformance, which the staff believes has discouraged some communities from participating in the conformance process. A number of counties and municipalities have either not petitioned or not implemented components of approved petitions because the regulations they are required to adopt are not necessary for their specific town or county. Therefore a new more flexible approach to plan conformance is proposed that allows the local governments and the Highlands Council to work together to identify where existing municipal and county plans and regulations may already meet the requirements of the RMP, or where no plans or regulations are required because the resources they address are not present.

In addition, although the Council has approved a number of Highlands Centers, no formal procedures regarding their review, approval and implementation have ever been put into place. A Highlands Center is an area identified by the Highlands Council as appropriate for some level of

development/redevelopment based on availability of supporting infrastructure (e.g., public water, sewer, transportation resources) and dependent upon environmental conditions and other considerations. A Highlands Center is subject to a more rigorous planning effort to identify the municipality's goals for the area, provide for the planning studies/economic analyses that may be needed to assess viability, and lay the groundwork for local implementation and follow-through. The procedures outline the standards for the planning and implementation of Highlands Centers.

The draft procedures have been reviewed by the DAG's. Accordingly, the Highlands Council seeks to move forward with the process to review and consider adoption of these procedures as an amendment to the RMP.

Timing

The proposed schedule for adoption would be as follows.

- March 6, 2019: RMP Amendment Committee to review the draft at a closed meeting.
- March 21, 2019: RMP Amendment Committee Meeting open to the public during which Committee recommends the Council publish the RMP Amendment in preparation for public comment and public hearings.
- March 21, 2019: Highlands Council Meeting during which Council authorizes public hearings and a 60-day public comment period.
- March 27, 2019 to May 28, 2019: Public Comment period and 6 public hearings.
- June 1, 2019 to June 30, 2019: Prepare public comment response document.
- July 2, 2019: Post comment response document.
- July 18, 2019: RMP Amendment Committee Meeting open to the public to review comments and forward amendment to Council for adoption.
- July 18, 2019: Highlands Council approves RMP Amendment.