



Local Participation

2008

Prepared by State of New Jersey Highlands Water Protection and Planning Council in Support of the Highlands Regional Master Plan

**Technical
Report**

HIGHLANDS REGIONAL MASTER PLAN

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EXECUTIVE SUMMARY

Local participation is a critical aspect of any planning process and has been a priority for the Highlands Council in the development of the Regional Master Plan (RMP). Since its creation in 2004, the Highlands Council has coordinated numerous outreach programs and events. The overall efforts can be categorized into three separate programs: the Partnership, the Technical Advisory Committees (TACs), and the Network. The Partnership is a consortium of government representatives of the 88 municipalities and 7 counties of the Highlands Region. It was formed to provide a forum for disseminating information on the Highlands Regional Master Plan and implementation process, as well as to create a direct line of communications between the Highlands Council and its constituent governments to address any questions that may arise. The TACs consist of technical experts and practitioners from a variety of relevant fields - including planning, science, engineering, agriculture, transportation, real estate appraisal, business, etc. - convened to serve as resources to the Council and staff on specific topic areas. The Network was created in order to open the door to stakeholders, including the general public, to share information about progress on the Highlands Regional Master Plan, gain their insight and comments on significant issues, and address individual questions of concern.

While this report is not meant to be a comprehensive inventory of outreach efforts, since much is done on a case-by-case basis, it serves as a general overview of the communication efforts extended by the Highlands Council and staff. The Council operates in a transparent environment and will continue to promote and maximize public participation and stakeholder involvement. The Highlands Council website will continue to serve as a communication tool and reduce the need for physical production, distribution or packaging of Highlands Council documents.

INTRODUCTION

This technical report provides information on the extent and details of local participation outreach by the Highlands Council and Staff and the continuing efforts that will be made in support of the Regional Master Plan.

Local participation is a critical aspect of any planning process and has been a priority for the Highlands Council in the development of the Regional Master Plan. Since its inception, the Highlands Council has coordinated outreach programs and events for a variety of audiences. The overall efforts can be categorized into three separate programs: the Partnership, the Technical Advisory Committees (TACs), and the Network. The TACs, consisting of technical experts and practitioners from a variety of relevant fields, including but not limited to planning, science, engineering, agriculture, transportation, real estate appraisal, and business were convened to serve as resources to the Council and Highlands Council staff on specific subject matter. The Network was created in order to open the door to stakeholders, including the general public, to share information about progress on the Highlands Regional Master Plan, gain local insight and comments on significant issues, address individual questions of concern, host special stakeholder events, conduct public availability sessions and provide web access.

LEGAL REQUIREMENT FROM THE HIGHLANDS ACT

Sections 6, 8, and 11 of the Highlands Water Protection and Planning Act state that:

6. The council shall have the following powers, duties, and responsibilities, in addition to those prescribed elsewhere in this act:

j. To appoint advisory boards, commissions, councils, or panels to assist in its activities, including but not limited to a municipal advisory council consisting of mayors, municipal council members, or other representatives of municipalities located in the Highlands Region;

k. To solicit and consider public input and comment on the council's activities, the Regional Master Plan, and

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other issues and matters of importance in the Highlands Region by periodically holding public hearings or conferences and providing other opportunities for such input and comment by interested parties;

8. a. *The council shall, within 18 months after the date of its first meeting, and after holding at least five public hearings in various locations in the Highlands Region and at least one public hearing in Trenton, prepare and adopt a Regional Master Plan for the Highlands Region...*

11. a. *The Regional Master Plan shall include, but need not necessarily be limited to:*

(3) A component to provide for the maximum feasible local government and public input into the council's operations, which shall include a framework for developing policies for the planning area in conjunction with those local government units in the planning area who choose to conform to the Regional Master Plan;

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"The Highlands Council understands that during the planning process many residents and local officials in the Highlands Region will have questions on a wide range of issues... The Council recognizes that this law has changed people's rights, and they deserve straightforward and proactive responses to their questions. The Council has maintained constant and thorough communication with each of these stakeholder groups" (2005 Annual Report).

The local participation requirements set forth in the Highlands Act specifically call for the establishment of opportunities for public input in the regional planning process, including coordination with county and local governments, stakeholders, and the general public. This type of public participation is frequently utilized in land-use planning in order to involve citizens in the decision-making process. Henry Sanoff noted in his book, Community Participation Methods and in Design and Planning, that when citizens are actively involved in planning and management of their built and natural environments instead of being treated as passive consumers, the outcome is often times enhanced and a sense of stewardship established. Moreover, citizen participation may add a parochial source of knowledge to the planning process regarding local conditions, needs, and concerns that might otherwise go unaddressed. In general, when citizens are involved in the planning process, the quality is improved, ensuring that good plans remain intact over time (Moore & Davis 1997).

According to the National Park Service (NPS 2002), public participation should:

- ◆ Provide the public with information so they can understand the process, the issues, and the values, to participate effectively;
- ◆ Provide full opportunities for the public to share their views and to influence the outcome of the planning process;
- ◆ Build consensus and public support for the vision and goals of the plan and the entity charged with developing and implementing the plan; and
- ◆ Ensure that the planning effort addresses issues of importance to those affected by the plan.

To be successful, specific public participation strategies should be tailored to the needs of the individual planning effort and the relevant stakeholder groups. The Highlands Council has used a multi-faceted approach to involve stakeholders and interest groups in the development of the Regional Master Plan that will continue through the implementation of the Plan. The Council is confident that the Highlands Regional Master Plan will enhance and maintain the natural, cultural, and economic resources of the Highlands for years to come.

HIGHLANDS LOCAL PARTICIPATION PROGRAM

Public participation is a fundamental component of developing the Regional Master Plan. Ensuring public input to the Regional Master Plan development process has been advanced on three fronts through what the Highlands Council has called the "Partnership" (a county/municipal advisory group consisting of elected and appointed officials throughout the Highlands Region); the "Technical Advisory

Committees" or TACs (groups of experts in a variety of fields relevant to the Highlands Regional Master Plan); and the "Network" (members from the general public and other interested stakeholder groups).

PARTNERSHIP

The first of three fronts used to define the scope and promote development of the Regional Master Plan while ensuring public input, is the Partnership. This program was created to make certain that local and county representatives and officials continue to have an active role in shaping their future. The program serves to provide information about the Regional Master Plan process from the Council staff to both levels of government and allows for towns and counties to offer information on local issues and visions that relate to elements being considered on a regional basis.

The Highlands Council launched the first phase of the Partnership meetings on May 16, 23, and 24, 2005. The meetings in May 2005 focused on getting feedback from local and regional officials; as well as identifying and prioritizing issues related to the Regional Master Plan that were most important to those officials, including environmental protection, open space and land preservation, agriculture and forestry, economic development, ratables, affordable housing, infrastructure capacity, transfer of development rights, developing model ordinances, and potential legal issues and challenges. The Council then produced a comprehensive report on the meetings, detailing the feedback as well as outlining ways to move forward productively. The second round of Partnership meetings took place on October 18, 19, and 20, 2005. These meetings focused on specific issues relevant to the development and implementation of the Regional Master Plan- specifically the plan framework, legal mandates of the Regional Master Plan, and the interpretation of DEP and COAH rules. Appendices A and B contain summary reports of these Partnership meetings and were previously released by the Council.

Partnership meetings also took place with Highlands municipalities on an individual basis, some of which occurred with a combined municipal planning board. These events included local outreach meetings where municipal officials were invited to hear about Regional Master Plan progress and to solicit input as well as answer questions. Individual meetings also took place with municipalities to talk about Highlands Council grants programs including Municipal Partnership Pilot Projects and Third Round COAH assistance, as well as open space and TDR programs. Between January of 2007 and July 2008, the Highlands Council staff gave 57 presentations in 34 municipalities and held 62 informational meetings in 50 municipalities. In that time period, staff met with 66 municipalities or 75% of Highlands municipalities.

Highlands Council and staff have also reached out to the seven counties. Since late 2005, Highlands Council staff has met regularly to discuss the development and implementation of the Regional Master Plan with County Planning departments. These meetings are generally held monthly to discuss issues related to the Regional Master Plan, as well as more general discussion relating to regional planning in New Jersey. In addition, staff members attended County-sponsored planning events and explained individual issues that Counties had on panels and forums. The Council has adopted a data-sharing agreement with all of the seven Highlands Counties in order to facilitate the production of the Regional Master Plan. The agreement known as the County Planning Partnership program allows staff to collect and share data with counties, such as parcel data, which will be helpful to sister agencies and the individual municipalities. This agreement will facilitate contact between the Council and the seven Counties as well as assist the Council and staff in creating a sound, data-rich plan.

TECHNICAL ADVISORY COMMITTEES (TACS)

The second outreach program was convened by the Highlands Council in order to gain a range of expertise in areas related to the Regional Master Plan development. The Highlands Council has called these gatherings of experts on various topic areas relevant to the Regional Master Plan, Technical Advisory Committees or TACs. Technical experts representing academic institutions, business and

industry, regulatory agencies, and non-governmental organizations were sought "to help the Council follow a planning process that is based upon sound science and informed, practical experience" (2005 Highlands Council Annual Report). The 18 committees focused on subject matter that the Highlands Act mandated the Council to address as part of the Regional Master Plan. Topics included water resources; land use planning; ecosystem management; land preservation; green construction; sustainable agriculture and forestry; eco-tourism; recreation; housing; community investment; regional development; brownfields; redevelopment; transportation; cultural, historic, and scenic resources; utility capacity; and transfer of development rights.

The TACs, acting in the capacity of "volunteer consultants" met in July and August, 2005. Eighteen meetings took place where individual issues to be dealt with in the plan were discussed amongst the experts and Highlands staff where information pertaining to the scientific and technical basis for sections of the Regional Master Plan was exchanged and expert opinions offered on a course of action for each topic. In March 2006, the TACs met again in an innovative two-day conference forum held by the Highlands Council and staff known as a charrette. A charrette is a collection of ideas or an intensely focused activity intended to build consensus among participants. The TAC Charrette was funded by the Dodge Foundation, whose President and CEO, David Grant, was the keynote speaker. Local and regional experts with a vested interest in the Highlands Region also had the opportunity to participate in the planning process and contribute their expertise at this event. During the charrette, the existing TAC groups along with other stakeholders, discussed issues and a course of action related to the areas of Community Investment, Brownfields Redevelopment & Regional Development; Ecosystem Management and Sustainable Forestry; Cultural/Historic/Scenic Resource Preservation Ecotourism, and Recreation; Land Preservation; Land Use Planning/Green Construction/Housing; Sustainable Agriculture; Transfer of Development Rights; Transportation; Utility Capacity; and Water Resources.

The objective of the TAC Charrette was for Highlands Staff and the participants to discuss and record a spectrum of approaches and strategies for addressing the goals of the Regional Master Plan. On the first day, experts for each topic area were gathered in homogeneous groups to identify issues to be addressed by the Regional Master Plan sections and offer potential strategies for their individual subject area of expertise. Workbooks were given out to each group to demonstrate the requirements of the Highlands Act for the particular topic and to present the objectives to be reached in the Regional Master Plan. Data input sources, analyses, and technical approaches as well as problem statements with potential approaches and data gaps were also provided in an attempt to spur constructive feedback. On the second day, the participants reconvened bringing with them any additional thoughts that developed overnight. The groups were strategically reorganized with the participants redistributed in a manner that brought a mix of experts to each gathering spot (at least one from each topic area). Members of these interdisciplinary groups shared strategies pertaining to their individual subject area and listened to those of the other groups. They then discussed necessary and optional provisions for each subject area, flagged issues that might require prioritization in terms of importance, and attempted to identify and offer means for reconciling conflicts to the greatest degree possible. With a handle on the mix of issues to be addressed the participants went back to their original groups from day one and refined their recommendations with a broader picture of the overall Highlands Regional Master Plan in mind.

Summary reports from the initial TAC meetings in the summer 2005 as well as the TAC Charrette Workbooks can be found are available at the Highlands Council website. The TAC Charrette Report which contains an overview of the events is located in Appendix C.

NETWORK

The Highlands Council has continually recognized the need for the general public and other interested stakeholder groups to have an active role in the development of the Regional Master Plan. For this reason the Network was created to provide such opportunities for the general public to become actively involved in reviewing and commenting upon the Plan as it is being developed. The Network database

contains over 650 citizens who have expressed interest in the Region. To address their concerns, the staff has produced programs to inform citizens and business interests about the process surrounding the Regional Master Plan and accept comments on any issues they may offer. To date, the Council staff has participated in over 100 constituent meetings, have received over a thousand phone constituent calls and have responded to all inquiries. The Highlands Council and staff have made hundreds of presentations to municipalities, interest groups and individuals.

Several times throughout the planning process, the Council and Staff proactively reached out to the Network in order to provide notice of the availability of new and updated information in the form of Regional Master Plan data releases.

Regular Public Meetings

The Highlands Council board meets on a regularly scheduled basis at the Highlands Council Office in Chester, New Jersey. The Council meetings are also available via an audio broadcast feature from the Council's website. Several standing committees of the Council meet on an as-needed basis. Both of these meeting forums are open to the public and include opportunities for public comment. In fulfillment of the requirements set by the Act, the Council met in each of the seven constituent counties to inform the public about the goals of the Highlands Council.

The standing committees exist in order to provide more of a direct exchange of information between members of the Council and Staff pertaining to certain areas of the Regional Master Plan and operational responsibilities of the agency. For a listing and description of each committee, see Appendix D.

Public Presentations

Highlands Council and staff members provide information to the public about a variety of topics related to the Highlands Regional Master Plan at regularly scheduled meetings of constituent municipalities and counties. Local concerns and comments are received at these meetings and addressed on an individual basis. The Council has and will continue to conduct work sessions to discuss policy issues. Public Comment is invited after each work session is completed and the minutes are documented and distributed to all Council members and staff. The Council will continue to conduct work sessions and open house meetings in support of the Regional Master Plan and stakeholder understanding and comment.

Constituent Services

The New Jersey Highlands Council is a public agency, in but not of the New Jersey Department of Environmental Protection. Oftentimes people have general concerns, questions, or request a follow-up after Highlands Council meetings by either writing to or calling the Council offices. All requests are forwarded to the appropriate staff and/or council members for prompt response. The Council maintains an open door policy whereby the public can drop in with a question or concern and staff will attempt to provide an immediate response or take down the request and get a response to the requester within a reasonable timeframe. The New Jersey Highlands Council and its staff are bound by the Open Public Records Act and have an established procedure for responding to any requests submitted via this course.

In response to constituent needs and concerns the Council has created a variety of outreach opportunities in order to provide details regarding the Regional Master Plan process, disseminate technical information, address individual comments and concerns, and meet the constituents of the Highlands Region. The mechanisms that the Highlands Council uses to deliver information to the public and addresses constituent matters include regular public meetings, public presentation and the provision of individual outreach and constituent services.

Outreach Opportunities and Annual Reports

General outreach by the staff and Council is handled on a case-by-case basis. There have been numerous meetings organized and/or attended by staff to interact and engage with property owners to provide specific information related to individual properties. Meeting handouts and other written documents have been prepared and distributed in an effort to educate the general public about the Highlands Region, the role of the Council, the Highlands Regional Master Plan and New Jersey Department of Environmental Protection's Highlands Rules. In addition, Highlands Council Annual Reports, containing a summary of the accomplishments of the year and a financial statement, have been produced for the years 2005 through 2007.

Media Relations

Outreach to the media is an important component of the Highland Council's efforts to keep the public informed of and engaged in the development and implementation of the Regional Master Plan. The staff distributes media advisories and press releases concerning new or updated information to local, state and national news services, including newspapers, radio stations, television stations and websites. In addition, notifications of upcoming meetings and meeting agendas are distributed to the media, and press packets containing the documents to be discussed are available before the start of each meeting. Finally, Council and staff members have been interviewed by reporters to answer questions and provide additional information as needed.

Special Stakeholder Events

Open meetings and special events geared toward addressing individual topics and/or stakeholder groups are another avenue for disseminating information to groups of constituents. This format was employed to inform Highlands landowners, particularly those in the Preservation Area, about the Highlands Act and the Regional Master Plan process in order for them to make educated decisions regarding the future of their land. The "Landowner Forum" convened early in the Regional Master Plan process, advised this special stakeholder group about landowner rights and options. More than 100 participants attended the forum which consisted of presentations by Highlands Council staff, the State Agriculture Development Committee (SADC), and Green Acres. The public was afforded the opportunity to meet with the various state, county, and non-profit land preservation entities, including Morris Land Conservancy, Trust for Public Land, New Jersey Conservation Foundation, Association of New Jersey Environmental Commissions, Passaic River Coalition, Hunterdon Land Trust Alliance, as well as representatives from Morris, Passaic, and Warren Counties to discuss preservation opportunities. Another special stakeholder event was a bus tour for Highlands staff and Council to view a variety of farms in the region with members of the New Jersey Farm Bureau and Highlands farmers to learn about the farmers needs and answer questions.

Interactive Web Access

The Highlands Council has maintained a website since shortly after the creation of the Highlands Act. As the work of the Council and staff progresses, important information is continually posted at www.highlands.state.nj.us. The site contains interactive and static maps, frequently asked questions, staff and Council contact information, legal requirements of the Act, and other information for stakeholder groups including the Council's calendar, agendas, meeting minutes, and press releases.

The stakeholder page provides specific information for many groups including homeowners, landowners, municipalities & counties, grassroots, and farmers. A "hot topics" section contains timely issues and recent public information. There are also links to other State websites that deal with Highlands issues or that might affect the stakeholders in the region.

An important tool for stakeholders is the interactive mapping applications. The applications are developed using Open Source programming which is freely distributed and leverages third party base data such as aerial photography, oblique imagery and road networks from Google and Microsoft Live. All applications are accessible to the public with connection to the Internet. The Property Search Application allows the public to search for their property by street address, block and lot designation or visual panning to determine if their property is in the Highlands Preservation or Planning areas and the Land Use Capability Zone(s). The Consistency Application identifies and reports out on natural resource features such as Open Water Protection Areas and Moderate and Severe Slopes on a particular property. The application then links the presence of a feature to policies and standards outlined in the Regional Master Plan. To view and create maps or to compare features on a more regional scale the Consistency Application offers an Interactive Map Application which uses the same information the Highlands Council will use for various review procedures. The Updates Application is a public participatory two-way communication application which uses the Internet and the Interactive Map as a medium to collect and validate new and/or updated information. Depending on the type of data collected, authorized users are verified and are given access to seamlessly update existing Highlands Council data. The Updates Application is designed around features such as parcels with water and/or waste water service or parcels which are designated as open space.

The website maintains a contact address for constituents to place concerns about information provided on the site or specific questions. The e-mail address, highlands@highlands.state.nj.us, is maintained by Highlands Staff and allows for a quick response of information over the internet. There is a mechanism on the website to track the number of users who visit the website and maintain statistics about which pages are viewed most often and when. For example, in April 2008 the site had an average of 700 visits per day and 21,000 visits over the entire month. (Webtrends 2008). This is important as many of the public releases and relevant documents provided by the Council have been posted to the website, as will be the release of the Regional Master Plan. The public is able to directly contact the Highlands Council electronically via a website link and provide comments on the Regional Master Plan. The website will continue to serve as a featured communication tool for the dissemination of technical information and stakeholder support.

REGIONAL MASTER PLAN TIMELINE

The Highlands Council followed a deliberate and thoughtful process in developing the Regional Master Plan, providing an array of technical memoranda and planning reports along with supporting data and mapping. The following provides a summary of major public releases of data and opportunities for public comment initiatives in support of the adoption of the Regional Master Plan.

The commencement of the release of preliminary technical information for the Regional Master Plan began on June 22, 2006. The documents were released as a work in progress in order for the public to gain a sense of the approach of the Regional Master Plan and to provide initial findings related to various elements of the Regional Master Plan. On November 30, 2006, the Highlands Council voted to release the Draft Regional Master Plan for public comment. Between January and March 2007, 16 draft technical reports were released covering various topics related to the Regional Master Plan. Following the release of the Draft Regional Master Plan in November of 2006, the Council convened a public comment period lasting more than 160 days ending on May 11, 2007. During the public comment period, the Council held nine public hearings, from January through March of 2007. The locations included The Frelinghuysen Arboretum (Morristown), Ramapo College, (Mahwah), Warren County Technical School (Washington), Voorhees High School (Lebanon), Sussex County Technical School (Sparta), New Jersey State Museum (Trenton), Passaic County Community College (Wayne), and Ridge High School (Basking Ridge).

Between August and November of 2007, the Council considered and revised all major sections of the 2006 Draft Plan to be as responsive as possible to the public comments. Proposed revisions to the Plan's

policy or programmatic approaches were discussed at regularly scheduled Council meetings and posted on the Highlands website. The process of considering the public comments led to changes of sufficient significance to the Draft Plan, and therefore the Council elected to issue a revised Final Draft Regional Master Plan for an additional round of public review and comment before considering adopting a final Regional Master Plan. The Highlands Council voted to release the Final Draft of the Regional Master Plan for Public Comment on November 19, 2007. A 90-day public comment period for the Final Draft Regional Master Plan closed on February 28, 2008. 3 Public hearings were held in February 2008, in Morristown, Patterson, and Lebanon Township.

Between March and July of 2008, final revisions were made to the final Draft Plan based upon public input while staying true to the mandates of the Highlands Act and utilizing the best scientific and planning data available. Again, proposed revisions to the Plan's policy or programmatic approaches were discussed at Council meetings and posted on the Highlands website. The Highlands Council voted to adopt the Regional Master Plan with amendments on 17 July 2008.

Following adoption of the Regional Master Plan, the Council finalized and released two Response to Public Comment documents, one responding to comments regarding the 2006 Draft RMP, and the other responding to comments regarding the Final Draft RMP. The technical reports were also revised and finalized based on public comments and additional work performed by the Council.

NEXT STEPS

As part of the continuing efforts of the Highlands Council in implementing the Regional Master Plan, several measures for the maintenance of public participation in the planning process are emphasized:

- The Highlands Council plans to continue constituent outreach on all levels. Outreach coordination will continue on a regular basis. The Highlands Council's Manager of Communication will serve to support this function.
- In support of Conformance, technical data sources, such as GIS data and model ordinances documents will be made available to county and municipalities.
- Technical assistance will continue to be provided by the Highlands Council and Staff through the implementation of the Regional Master Plan and the Plan Conformance Process. The Regional Master Plan Conformance Guidelines will define Plan Conformance details and facilitate local and county participation protocols and schedules.
- Public Availability or Open House sessions held at the Highlands Office will continue to be scheduled and serve as a means to invite the public to ask questions about the Regional Master Plan in an informal setting. The dates for these meetings are available at the Council's website.
- Repositories containing hardcopies of the Regional Master Plan are located at several local libraries and community colleges in order for the public to have enhanced public access to the documents for review. Currently, a repository for all hardcopy data released exists at the Highlands Council Headquarters in Chester, New Jersey and is available for public viewing upon request.
- The data sharing agreements enacted by the Council with county and municipal governments will provide updated information and resources on a continual basis. The information generated from this process maintains an investment to the participating entities as well as the Council.
- The Council is considering the establishment of a Highlands Interagency Teams to support Regional and local concerns and provide access to agency representatives at the Chester, NJ offices.

SUPPORTING INFORMATION

Acknowledgments

References

Appendix

The New Jersey Highlands Council gratefully acknowledges:

Jon S. Corzine | *Governor of the State of New Jersey*

for his commitment to the protection and preservation of the Highlands and for his support of the work of the Council.

The New Jersey Highlands Council also acknowledges the assistance of the individuals and agencies listed below, as well as others we may have missed, whose knowledge, expertise, commitment, and perspective were enormously helpful:

The Governor's Office and his Cabinet in particular the following individuals:

Lisa Jackson | *Commissioner of the Department of Environmental Protection*

Charles Kuperus | *Secretary of the Department of Agriculture*

Adam Zellner | *Director of Policy*

Nancy Belonzi | *Policy Advisor*

James A. Carey, Jr. | *Director of the Authorities Unit*

Hope L. Cooper | *Director of Administration*

Debbie Mans & Matthew Boxer | *Former Governor's Office Staff*

Former Council Members, Lois Cuccinello, Mikael Salovaara, Ben Spinelli, and Eileen Swan, for their dedication and assistance in the development of the Highlands Regional Master Plan.

Former Staff Members for their dedication and assistance in the development of the Highlands Regional Master Plan:

| | | |
|-----------------|-------------------|------------------|
| Steve Balzano | Chuck Gallagher | Patricia Sly |
| Nancy Benecki | Denise Guidotti | Lynn Brass-Smith |
| Emery Coppola | Aaron Kardon | Laura Szwak |
| Anthony Cortese | Geoffrey Knapp | Erin M. Thomsen |
| Beth Crusius | Ross MacDonald | Lisa K. Voyce |
| Dante DiPirro | Elizabeth Maziarz | Gail Yazersky |
| Chris Frost | Susan Schmidt | Adam Zellner |

The following individuals who worked in Chester with Council staff for their dedicated assistance in the preparation of the Highlands Regional Master Plan:

Ronald Farr | *North Jersey District Water Supply Commission*
Dag Madara | *North Jersey District Water Supply Commission*
Daniel Bello | *New Jersey Department of Environmental Protection*
Rick Brown | *New Jersey Department of Environmental Protection*
Debbie Alaimo Lawlor | *New Jersey Meadowlands Commission*
Ted Pallis | *New Jersey Department of Environmental Protection*

Former graduate studies interns:

David Ercolano
David Mello
Chris Percival
Andrew Szwak
Katarzyna Warzecha

The following individuals for their written contributions to the Highlands Regional Master Plan:

Nick Angarone | *New Jersey Department of Environmental Protection*
Lawrence Baier | *New Jersey Department of Environmental Protection*
Vivian Baker | *New Jersey Transit*
Brent Barnes | *New Jersey Department of Transportation*
Kevin Berry | *New Jersey Department of Environmental Protection*
Fred Bowers | *New Jersey Department of Environmental Protection*
Robert Canace | *New Jersey Department of Environmental Protection*
Robert Cartica | *New Jersey Department of Environmental Protection*
Susan Craft | *State Agriculture Development Committee*
Steven Domber | *New Jersey Department of Environmental Protection*
H. David DuMont | *New Jersey Department of Environmental Protection*
Ted Gable | *Picatinny Arsenal*
Dorothy Guzzo | *New Jersey Department of Environmental Protection*
Barbara Hirst | *New Jersey Department of Environmental Protection*
Jeffrey Hoffman | *New Jersey Department of Environmental Protection*
Nancy Kempel | *New Jersey Department of Environmental Protection*
Sandy Krietzman | *New Jersey Department of Environmental Protection*
Leigh Lager | *New Jersey Department of Environmental Protection*
Louis Millan | *New Jersey Transit*
Monique Purcell | *New Jersey Department of Agriculture*
Michelle Putnam | *New Jersey Department of Environmental Protection*
Michael Serfes | *New Jersey Department of Environmental Protection*
Amy Shallcross | *New Jersey Water Supply Authority*
Angela Skowronek | *New Jersey Department of Environmental Protection*
Ben Spinelli | *Office of Smart Growth*
Lawrence Thornton | *New Jersey Department of Environmental Protection*
Elena Williams | *New Jersey Department of Environmental Protection*
Peter Winkler | *New Jersey Department of Environmental Protection*
Yongzhen (Jen) Zhang | *New Jersey Water Supply Authority*

The following agencies for their assistance in providing information and advice that aided in the preparation of the Highlands Regional Master Plan:

Garden State Preservation Trust
New Jersey Commerce Commission
New Jersey Council on Affordable Housing
New Jersey Department of Agriculture
New Jersey Department of Banking and Insurance
New Jersey Department of Community Affairs
New Jersey Department of Environmental Protection
New Jersey Department of Law and Public Safety
New Jersey Department of Transportation
New Jersey Department of the Treasury
New Jersey Economic Development Authority
New Jersey Environmental Infrastructure Trust
New Jersey Meadowlands Commission
New Jersey Pinelands Commission
New Jersey Redevelopment Authority
New Jersey State Agriculture Development Committee
New Jersey Transit
New Jersey Water Supply Authority
North Jersey District Water Supply Commission
North Jersey Transportation Planning Authority
Office of Smart Growth
Pinelands Development Credit Bank
State Planning Commission
State Transfer of Development Rights Bank
United States Environmental Protection Agency
United States Department of the Interior, Fish & Wildlife Service
United States Department of Agriculture, Natural Resources Conservation Service

The following agencies and organizations that were retained by the Council to provide technical support, information, and analysis, in the preparation of the Highlands Regional Master Plan:

AKRF, Inc.
Civil Solutions
Consilience, LLC
Demicco & Associates, Inc.
Fountain Spatial Inc. (aka Applied GIS, Inc.)
Hatch Mott Macdonald
Integra Realty Resources
Lane H. Kendig of Kendig Keast Collaborative
New Jersey Water Supply Authority
Photo Science
Quadra Graphics, Inc.
Rutgers University, Center for Remote Sensing and Spatial Analysis
Rutgers University, Center for Urban Policy Research
Rutgers University, Alan M. Voorhees Transportation Center
Rutgers University, National Center for Neighborhood and Brownfield Redevelopment
URS Corporation
U.S. Army Corps of Engineers
U.S. Geological Survey
VERTICES, LLC

The following Technical Advisory Committees for their assistance in providing technical advice and information that aided in the preparation of the Highlands Regional Master Plan:

| | |
|---------------------------------|---------------------------------|
| Brownfield Redevelopment | Land Preservation |
| Community Investment | Land Use Planning |
| Cultural and Historic Resources | Regional Development and Design |
| Ecosystem Management | Sustainable Agriculture |
| Eco-Tourism and Recreation | Sustainable Forestry |
| Education | Transfer of Development Rights |
| Geographic Information Systems | Transportation |
| Green Construction | Utility Capacity |
| Housing | Water Resource Management |

Dwight Hiscano, who provided much of the wonderful and descriptive photography that accompanies the Highlands Regional Master Plan.

Additional photography credit: front cover, left to right: Wilma Frey, Nathan McLean, Mick Valent, Dwight Hiscano; back cover, left to right: Dwight Hiscano, Nathan McLean, Nathan McLean, Dwight Hiscano.

The many, many individuals, non-profit groups, and local government officials who informed and enriched the development of the Regional Master Plan through their participation at Council meetings and public hearings, and through their written comments and suggestions.

ACKNOWLEDGMENTS

The New Jersey Highlands Council gratefully acknowledges Governor Jon S. Corzine for his commitment to the protection and preservation of the Highlands and for his support of the work of the Council

The New Jersey Highlands Council gratefully acknowledges the assistance of the Governor's Office and his Cabinet in particular the following individuals:

Lisa Jackson, Commissioner of the Department of Environmental Protection
Charles Kuperus, Secretary of the Department of Agriculture
Nancy Belonzi, Policy Advisor
James A. Carey, Jr., Director of the Authorities Unit
Hope L. Cooper, Director of Administration
Former Governor's Office Staff: Debbie Mans & Matthew Boxer

The New Jersey Highlands Council gratefully acknowledges its former Council Members for their dedication and assistance in the development of the Highlands Regional Master Plan. They include Lois Cuccinello, Michael Salovaara, Ben Spinelli, and Eileen Swan.

The New Jersey Highlands Council gratefully acknowledges its former Staff Members for their dedication and assistance in the development of the Highlands Regional Master Plan:

| | | |
|-------------------|-----------------|-----------------|
| Steve Balzano | Nancy Benecki | Anthony Cortese |
| Beth Crusius | Dante DiPirro | Chris Frost |
| Chuck Gallagher | Denise Guidotti | Aaron Kardon |
| Geoffrey Knapp | Ross MacDonald | Emery Coppola |
| Elizabeth Maziarz | Susan Schmidt | Patricia Sly |
| Lynn Brass-Smith | Laura Szwak | Erin M. Thomsen |
| Lisa K. Voyce | Gail Yazersky | Adam Zellner |

The New Jersey Highlands Council gratefully acknowledges the following individuals who worked in Chester with Council staff for their dedicated assistance in the preparation of the Highlands Regional Master Plan:

Ronald Farr, North Jersey District Water Supply Commission
Dag Madara, North Jersey District Water Supply Commission
Daniel Bello, New Jersey Department of Environmental Protection
Rick Brown, New Jersey Department of Environmental Protection
Debbie Alaimo Lawlor, New Jersey Meadowlands Commission
Debbie Mans, Governor's Office
Ted Pallis, New Jersey Department of Environmental Protection

The New Jersey Highlands Council gratefully acknowledges its current graduate studies interns:

Casey Ezyske
Megan Saunders
Jennifer Reed

The New Jersey Highlands Council gratefully acknowledges its former graduate studies interns:

David Ercolano
David Mello
Chris Percival
Andrew Szwak
Katarzyna Warzecha

Highlands Local Participation Technical Report

The New Jersey Highlands Council gratefully acknowledges the following individuals for their written contributions to the Highlands Regional Master Plan:

Nick Angarone, New Jersey Department of Environmental Protection
Lawrence Baier, New Jersey Department of Environmental Protection
Vivian Baker, New Jersey Transit
Brent Barnes, Department of Transportation
Kevin Berry, New Jersey Department of Environmental Protection
Fred Bowers, New Jersey Department of Environmental Protection
Robert Canace, New Jersey Department of Environmental Protection
Robert Cartica, New Jersey Department of Environmental Protection
Susan Craft, State Agriculture Development Committee
Steven Domber, New Jersey Department of Environmental Protection
H. David DuMont, New Jersey Department of Environmental Protection
Ted Gable, Picatinny Arsenal
Dorothy Guzzo, New Jersey Department of Environmental Protection
Barbara Hirst, New Jersey Department of Environmental Protection
Jeffrey Hoffman, New Jersey Department of Environmental Protection
Nancy Kempel, New Jersey Department of Environmental Protection
Sandy Krietzman, New Jersey Department of Environmental Protection
Leigh Lager, New Jersey Department of Environmental Protection
Louis Millan, New Jersey Transit
Monique Purcell, New Jersey Department of Agriculture
Michelle Putnam, New Jersey Department of Environmental Protection
Michael Serfes, New Jersey Department of Environmental Protection
Amy Shallcross, New Jersey Water Supply Authority
Angela Skowronek, New Jersey Department of Environmental Protection
Ben Spinelli, Office of Smart Growth
Lawrence Thornton, New Jersey Department of Environmental Protection
Elena Williams, New Jersey Department of Environmental Protection
Peter Winkler, New Jersey Department of Environmental Protection
Yongzhen (Jen) Zhang, New Jersey Water Supply Authority

The New Jersey Highlands Council gratefully acknowledges the following agencies for their assistance in providing information and advice that aided in the preparation of the Highlands Regional Master Plan:

Garden State Preservation Trust
New Jersey Commerce Commission
New Jersey Council on Affordable Housing
New Jersey Department of Agriculture
New Jersey Department of Banking and Insurance
New Jersey Department of Community Affairs
New Jersey Department of Environmental Protection
New Jersey Department of Law and Public Safety
New Jersey Department of Transportation
New Jersey Department of the Treasury
New Jersey Economic Development Authority
New Jersey Environmental Infrastructure Trust
New Jersey Meadowlands Commission
New Jersey Pinelands Commission
New Jersey Redevelopment Authority
New Jersey State Agriculture Development Committee
New Jersey Transit
New Jersey Water Supply Authority
North Jersey District Water Supply Commission

Highlands Local Participation Technical Report

North Jersey Transportation Planning Authority
Office of Smart Growth
Pinelands Development Credit Bank
State Planning Commission
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The New Jersey Highlands Council wishes to especially thank Dwight Hiscano, who provided much of the wonderful and descriptive photography that accompanies the Highlands Regional Master Plan.

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APPENDIX

- A August 2005 Report from Regional Partnership Meetings
- B Fall 2005 Partnership Report
- C Technical Advisory Committee Charrette Report
- D Highlands Council Standing Committees

APPENDIX A

AUGUST 2005 REPORT FROM REGIONAL PARTNERSHIP MEETINGS

New Jersey Highlands Council
Community Partnership
Municipal and County Advisory Council

Report from Regional Partnership Meetings

August 2005

Introduction

The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value. –Theodore Roosevelt

Sustained protection of New Jersey's most critical resource, water, is at the heart of the Highlands Water Protection and Planning Act ("Highlands Act") passed into law on August 10, 2004. The Highlands Act itself testifies as to the critical nature of the Highlands natural resources and acknowledges that "sprawl and the pace of development in the region" jeopardize the future of those resources, and thus, the future of the Garden State. The Highlands Act further acknowledges that, while home rule is essential to the political and social fabric of New Jersey, the continued, "uncoordinated land use decisions of 88 municipalities, seven counties, and a myriad of private landowners" does not provide adequate safeguards.

The Highlands region accounts for more than 850,000 acres that are the source of drinking water for over 5 million residents - 65% of New Jersey's population. More than 70 % of its land area is considered environmentally sensitive including extensive forests, wetlands, rivers, streams, rare species and historic sites.

The Highlands Act establishes a 15-member Highlands Council charged with developing and implementing a comprehensive Highlands Regional Master Plan ("HRMP") for the entire highlands region. The Act envisions adoption of the HRMP by June 2006. The goals of the HRMP are to:

- Protect and conserve drinking water
- Protect natural and cultural resources
- Preserve extensive and contiguous areas of land in its natural
- Promote compatible agricultural, horticultural, recreational, and cultural uses
- Discourage incompatible and inappropriate development
- Promote a sound and balanced transportation system
- Encourage appropriate patterns of development and economic growth

The objective of the HRMP is to promote a coordinated regional approach to integrate land use planning efforts at the local level with the broader goals of protecting the regions critical natural resources. It looks to build on the growth management efforts currently underway by individual municipalities and counties.

The growth management goals of the HRMP include the following:

- Manage future growth in order to protect natural resources
- Encourage future growth that is consistent with smart growth strategies and principals - “in or adjacent to areas already utilized for such purposes”
- Discourage “piecemeal, scattered, and inappropriate development”
- Identify existing developed areas that have the capacity to sustain redevelopment

Although the role of the HRMP is to encourage appropriate patterns of economic growth, nothing in the Highlands Act mandates that a municipality accept any particular amount or type of growth.

The Act encourages that the HRMP be developed through the cooperative effort of the region’s 88 municipalities and 7 counties, all of whom have a history of positive contribution to resource protection as well as a substantial stake in the regional planning process. In response, the Highlands Council established an advisory board made up of elected and appointed representatives of Highlands Communities, hereafter the “Partnership”, to provide maximum public input in crafting a common vision for the HRMP. While the raw material of this Partnership derives from statute, the first steps toward forming a practical and purposeful relationship began at the first regional Partnership Meetings conducted on May 16, May 23, and May 24, 2005.

The outcome of these meetings is summarized in this Report documenting the beginning of an open dialog between the Highlands Council and the municipalities and counties that constitute the Highlands Region.

Background

“The hard truth is that the best efforts of towns and counties have, alone, not been enough to guarantee the full and uncompromising protection of the Highlands. But neither will the Highlands Council be up to the task without local and county involvement. We’re in this together.”

- Jack Schrier, Morris County Freeholder Director and Vice Chair of the Highlands Council

The Highlands Council, whose membership derives predominantly from experienced municipal and county officials, chose to take their first steps toward regional planning in partnership with the towns and counties of the region, soliciting the input of those who have long grappled with New Jersey’s toughest land use issues. This is an important first step. The evaluations of the Partnership Meetings, submitted to the Highlands Council by participants, were overwhelmingly positive. The general sentiment seems to be that this is indeed going to be hard, but that together we can begin to find meaningful solutions.

As part of the first Partnership meetings, the Highlands Council extended invitations to the mayor and chairs or representatives of each of the 88 municipal planning boards, zoning boards, boards of education, open space committees, and environmental commissions. The Highlands Council also invited county freeholder directors, county executives, and the chairs for each of the seven county planning boards, county agricultural boards, and county open space committees. As a result, more than 160 municipal and county officials participated in the Partnership meetings.

For the convenience of attendees and the management of staff resources, the Highlands Council held one Partnership meeting in each of the three regional zones: North (Bergen, Passaic and Sussex Counties); Central (Morris County); and South (Hunterdon, Somerset, and Warren Counties). The meetings, held on May 16, May 23, and May 24, were designed to provide basic information on the Highlands Act and to

gain insight and perspective from municipal and county officials as to those key issues that should be addressed in the HRMP.

As a “first step”, small breakout sessions at each meeting provided a forum in which participants could freely identify and prioritize their concerns. These sessions covered a range of subjects including:

- Environmental Protection
- Open Space and Land Preservation
- Agriculture and Forestry
- Economic Development
- Ratables
- COAH
- Infrastructure Capacity
- Transfer of Development Rights
- Developing Model Ordinances
- Legal Issues and Challenges

This report summarizes the key issues identified by Partnership attendees in each of the breakout sessions. Results of the breakout sessions for each of the three regional meetings are included at the end of this report for reference.

Summary of Key Issues

We choose to go to the moon in this decade and do the other things, not because they are easy, but because they are hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win, and the others, too. - JFK

If we regionalize land use planning and development, but do not equitably address other growth supporting services like education, police and fire protection, and infrastructure support services, how will “growth communities” cover the cost of these vital services? How will non-growth communities deal with a loss of ratable growth? Will the very act of establishing a mandatory Preservation Area and a voluntary Planning Area shift significant new growth pressure to the Planning Area or beyond? What happens if a town neither wants, nor can accommodate, additional growth? Do we change minds or change plans? If TDR results in the transfer of development from the Preservation Area to the Planning Area, what impact does this have on a municipal COAH obligation? If new transit is the preferred solution toward getting more cars off the road, how can we control new growth pressures that inevitably follow the transit corridor?

The above questions provide a sampling of the difficult and complex issues raised in the course of Partnership meetings. Forgetting for a moment regional planning challenges, even within the familiar structure of “home rule”, our ability to maintain the character of our communities, protect our natural resources, pay for our schools and other public services, reduce congestion on our roads, and chart a reasonable course for the future of our communities seems restricted at almost every turn.

Conflict, complexity, and contradiction seem to attend each policy shift, plan change and new strategy. Unintended consequences often keep pace with those that were planned. In the midst of such an environment, a shift toward regional planning provides as much anxiety as it does hope for improvement. But there exists broad agreement that we need to chart a new course and that the challenges we face cannot be postponed. This agreement is reflected in the passage of the Highlands Act which sets

in motion a comprehensive mechanism for planning to protect our natural resources and future quality of life.

Given that the Partnership meetings were organized regionally, it is interesting to note that, while there was some regional shift in emphasis, there was marked agreement as to the issues of paramount concern.

Comments regarding the challenges posed by COAH affordable housing obligations and builder remedy lawsuits, perhaps not surprisingly, pervaded almost every topic area. Determining how the HRMP will impact existing and future municipal COAH obligations will be an important part of the planning process. Of highest priority, specifically, is the need for COAH and the Highlands Council to coordinate a common sense regional approach in light of the regulatory and planning constraints necessitated by the Highlands Act.

There was strong general support among all partners in all sessions for creating a secure, dedicated and adequate funding source to accomplish the myriad of goals set forth in the Highlands Act. There appeared to be universal support for the enactment and implementation of a “water fee” as one means of raising revenue. The water fee (or other related mechanism) enjoys broad appeal because it spreads the cost of protecting the Highlands (and its watersheds) to all beneficiaries, including water users outside of the Highlands Region. But the demand on any new revenue source will be great. One of the challenges of the HRMP will be to quantify funding needs and explore alternative means to gain the financial support necessary to achieve the goals of the Act that is fair and equitable.

Balancing the needs, objectives and treatment of the Planning and Preservation Areas is considered essential. For example, in regard to open space funding, there is concern that funding will now shift to Planning Area towns, in lieu of Preservation Area towns, where open space is now thought to be at greater risk. There is also fear that the Highlands Act has already skewed land values in advance of assessing land for Transfer Development Rights (TDR) and general equity protection purposes. And funding and

equity protection aside, there is concern that the Planning Area will be asked to accommodate all of the growth that might have occurred in the Preservation Area but for the Highlands Act. Partnership comments generally encouraged that the HRMP provide equal treatment, and should make no distinction between the Preservation and

Planning Areas, when identifying and protecting the critical natural resources and sensitive areas of the Highlands Region.

The Partnership meetings raised the closely related matters of education funding, property tax reform and service and ratable sharing. There was some suggestion that the Highlands Act did not go far enough in that regional land use planning should be supported by regional financial planning. Absent a long-term, secure and adequate funding source capable of balancing the financial needs of Preservation and Planning Areas, the Highlands Council may simply need more tools. While the Highlands Act does provide a mechanism to achieve tax stabilization, provides new funding for planning grants to municipalities, provides the ability to assess impact fees in TDR receiving areas, and further provides a range of technical assistance and legal support to towns that gain compliance with the Plan, the general view is that more assistance will ultimately be required. The challenge to the HRMP is to identify the additional tools and revenue required and to outline those additional legislative initiatives, programs, and creative solutions that will promote balance, equity, cost control and sustainability.

The Partnership attendees expressed appreciation for the Council's outreach efforts and encouraged continued coordination and outreach during the preparation of the HRMP. The public needs to understand and support the rationale for increased emphasis on protection of Highlands' resources. There is also considerable misinformation on the intent and goals of the Highlands Act that a continued outreach program can address.

And finally, Partnership attendees encouraged coordination with local and county government to take advantage of the good planning efforts already being done at the local level to protect natural resources, acquire open space and promote smart growth opportunities.

Partnership Issue Identification

Environmental Protection:

To a large degree, many of the goals of the Highlands Act derive from our need to protect invaluable resources of the Highlands for future generations. The extent to which the Act truly achieves environmental resource protection will be the primary measure of our success. Partnership breakout sessions focused on identifying those issues that are considered key to insuring the HRMP's success. Not surprisingly, protection and enhancement of water quality and quantity issues topped the list of concerns. However, there was also broad support for the other environmental protection goals of the Highlands Act.

The HRMP should be based, in large part, on good data and real science. Carrying capacity analysis, particularly, must be based on science and our ultimate approach needs to be detailed and understandable to the general public. Getting accurate mapping of waters and related buffer areas is essential. Other mapping of steep slopes, ridgelines, view sheds, threatened and endangered species habitat, aquifer recharge areas, limestone areas, wetlands, forested upland and historic resources should be coordinated throughout the Highlands Region.

Habitat protection needs to be supported by a strategic approach toward open space acquisition that is geared toward sustaining or enhancing habitat and functional ecosystems.

Partnership comments in all meetings touched upon the need for continued identification and delineation of sources of pollution related to sewer, septic, pesticides, herbicides, fertilizer and pollution. It was suggested that the Highlands Council needs to coordinate with our regional neighbors and that the HRMP must give impetus to stronger enforcement against violations that threaten water quality.

The Highlands Council, through the HRMP, should support the restoration of Highlands' lakes and other water resources. Septic system management, particularly in regard to existing lake communities densely developed using on-site disposal, was a concern to many participants. Partnership discussion encouraged that the HRMP set out a process for "getting a handle on" septic system failures. In terms of protecting future water quality, identifying and addressing past mistakes or simply repairing failing systems is as important as safeguarding and verifying new system installations. Improved septic system maintenance is also considered a priority. It was suggested that more education of the public in regard to required septic system maintenance would be helpful. The HRMP can also explore opportunities for alternative septic designs for small lot developments.

Open Space and Land Preservation:

Funding for acquisition and for stewardship and management of preserved lands is considered key to the ultimate success of the HRMP. There is concern that acquisition funding through the State should continue to be balanced between Preservation and Planning Areas and targeted at important resource lands. One concern is that the Highlands Council needs to adopt fair, reliable criteria to prioritize acquisitions. Some Partnership participants wanted to see those criteria based on water resource protection values. Others felt that some resources, such as forests, received a greater level of priority than others, such as farmland. Partnership comments were supportive of spreading the cost of preserving land in the Highlands through a broad water fee or similar approach. The participants also wanted to see a wider range of incentives directed to landowners to encourage them to preserve land.

The HRMP should look to promote more creativity, flexibility and coordination from open space protection and acquisition funding entities. Presently, it is difficult, at times, to “marry” diverse funding sources such as: municipal and county programs; the State Agriculture Development Committee (“SADC”); the New Jersey Green Acres program; private and non-profit conservation groups; foundations; private landowners; and federal assistance programs. The Partnership comments also encouraged use of more creative financing to stretch limited funds. Funding tools should be broadened and diversified. The HRMP should promote coordination through and with these existing organizations to accomplish regional objectives such as greenways, trails and inter-municipal and inter-county programs.

Prior to initiating the acquisition of land for preservation, the HRMP can outline the range of acquisition goals and objectives that will guide purchases. The interaction of various uses, including recreation, should be fully considered at the outset to avoid conflict. Being clear, at the outset of any land acquisition, as to what future uses are thought compatible with acquisition goals, will limit some of the problems of the past, such as insufficient maintenance of preserved lands and conversion of protected lands to uses not intended as a purpose of the original acquisition. Conflict will also be

avoided if the “right to farm” provisions of all agricultural preservation acquisitions are acknowledged and supported in advance of and following the easement purchases. Enforcement of easements and acquisitions is essential and that job will be made easier if the original acquisition intentions are clear and well documented.

Finally, there is a perception that the very act of designating a Preservation and Planning Area has created “winners and losers” both in terms of the HRMP’s impact on land values and future farmland and open space acquisition priorities. Ultimately the Plan needs to address this issue and provide a way to insure that all future acquisition efforts will be fair, balanced and strategic – on both sides of the Preservation Area line.

Agriculture and Forestry:

The agriculture and forestry discussions framed the current issues and strategies to promote sustainable farming and forestry practices throughout the Highlands Region. Of paramount concern was the need to protect landowner's equity, obviously, a theme across all issue sessions. Other specific concerns expressed by Partnership attendees included the following:

- The HRMP should strive to support a broader understanding of the needs and challenges of farmers and land managers. The Plan should be used to educate the public about agriculture and forestry in the Highlands and about their changing nature as a business enterprise. Ag-tourism and other new creative approaches to enhancing agricultural viability should be explored.
- Upholding "Right to Farm" protections will be essential to keep agriculture viable in increasingly suburban settings.
- Creative funding to protect farmland, support farming, protect against excessive taxation of farmland and provide an incentive to new young farmers should be built into Highlands funding considerations.
- There is a need for the HRMP to support land management activities including developing best management practices including technical support to farmers and farming operations; invasive species management; sustainable forestry practices including regeneration; and improved ordinances to support deer and geese management control.
- Also, Partnership comments stressed that sound forest management practices is key to achieving the goals of water quality protection. The HRMP should make effort to develop necessary sustainable forestry practices and best management practices such as the coordination of forest management plans including education, training and technical support.
- Tree removal and land clearing activities need to be monitored within both the Planning and Preservation Areas; this might best be achieved through local ordinances.

Economic Development:

The HRMP should be a catalyst to energize the process of building a sustainable, responsible, regional economic engine, sized to the Highlands unique markets and opportunities and attuned to its environmental and cultural characteristics. The concern is that this will not happen without better coordination of the various state agencies and without the vital and strategic cooperation with and between our communities and other stake-holders. If the HRMP is to fulfill “smart growth” opportunities, there will need to be an unprecedented effort to clearly define the goals, plan for the infrastructure, financially support and actively facilitate smart growth opportunities. The Plan must articulate the vision and strategies to accomplish that goal.

There is uncertainty as to how COAH obligations will change in communities that accept growth. There is concern as to what the criteria will be for designation of “receiving areas” for transferred growth. There is also concern that some communities will be targeted for growth because they have sewer or water capacity but that other growth constraints such as: traffic; resource limits; school capacity and cost; and quality of life issues, will not be factored into the planning equation. The HRMP needs to clearly articulate the criteria used for designating growth areas that are comprehensive and not exclusively tied to infrastructure capacity. The designation for growth areas should be anchored in broad criteria and comprehensive carrying capacity analysis.

Other economic issues include: planning for successful eco-tourism in the region and the provision of realistic “green infrastructure” guidance that renders new growth more compatible with resource protection goals and more sustainable in regard to energy consumption. The process for identifying, qualifying, reclaiming and re-developing brownfields needs to be clarified under the Plan. We need to make smart growth easier to accomplish by providing clear guidance and design standards, access to infrastructure and predictable permit processing in identified growth areas. COAH issues need to be regionally coordinated and such coordination should result in common sense provision

of low and moderate income housing in ways that support healthy, integrated, sustainable communities. This means that the Plan will need to advance the strategic targeting of funds, services and planning assistance to growth areas but will also need to come to agreement with COAH as to how regional planning will impact local responsibilities to provide affordable housing. Balance, sustainability, and “smart growth” are the destination. The Highlands Regional Master Plan needs to be the road map.

Ratables:

Establishing a balance between growth and natural resource protection is a challenge. However, there was general consensus that the HRMP should continue to build on the good work that municipalities and counties have begun toward promoting “sustainable” growth in their communities.

However, in all three economic development sessions, there was sentiment that municipal competition for ratables is neither producing desired outcomes, nor delivering meaningful tax relief. As a means of funding education and other public services, it was generally agreed that the “ratable chase” as an economic model is not sustainable.

It was expressed in one session that “the ratable chase is over.” The point of this comment was, generally, that the ratable chase is one that does not end and that may lead where you never planned to go. In Partnership sessions, some Planning and Preservation Area municipal officials shared a common concern that their municipal taxes would likely rise as a result of the Highlands Act but they reached the same conclusion for opposite reasons. In Planning Areas, it is thought that taxes will rise because new growth will generate service costs, particularly education costs that will not be fully covered by new revenue. In Preservation Areas the belief is that the tax’s will rise because, in the absence of growth, tax revenues will not keep pace with the rising cost of providing municipal services, particularly education services.

It is acknowledged that some towns continue to focus on landing ratables that provide tax revenue while not demanding significant new services. It is further acknowledged that such an approach to town planning and community development does not always result in the best use of land and resources. One example discussed are so called “McMansions” that, on balance, are thought to generate as much revenue as cost. While admittedly not a great use of land and resources, such low-density housing is thought by some to be “better than the alternatives”. The avoidance of projects with the potential to bring in new school age children has become a standard local planning goal for reasons of political or financial survival.

What came out of discussion is that, at present, the “bottom line” on ratables is difficult to pin point but that the key issues are as follow:

- Highlands communities will need funding assistance. A dedicated revenue source through a water use fee will be essential and appears to be the favored approach for spreading the cost for continued growth management efforts of protecting Highlands’ resources across all beneficiaries
- The HRMP needs to specifically outline and clearly articulate an approach for dealing with problems of ratable development created by the Act. Clear guidance and a strategy for future financial planning are essential.
- The Plan should try to clearly articulate the opportunities and strategies for growth in both the Preservation and Planning Area. Inter-agency issues that could impede appropriate growth must be identified and resolved.
- The Highlands Council should address tax stabilization issues and look beyond the existing Highlands tax stabilization fund for assistance. The HRMP should explore ratable and service sharing opportunities and work toward real and long-term solutions to rising school costs.
- The HRMP should look to provide guidance and direction and set the wheels in motion toward promoting alternative industries, such as agri-tourism/ecotourism, that build upon the heritage, habitat and beauty of the region.

COAH – Meeting Our Affordable Housing Obligations:

Partnership comments and discussion regarding COAH spilled over into virtually every other topic session. Municipal efforts to meet fair share obligations has resulted in a host of unintended consequences including sprawl, impaired natural resources, loss of farmland, overcrowding of schools, increased public service cost, mounting legal bills, infrastructure demands and political and community turmoil. To add to the frustration, for all the struggle, Partnership attendees felt there is question whether New Jersey has become a more balanced, integrated or equitable state in terms of access to affordable housing.

However, there is also some recognition that attempting to achieve the broad goals of fair share housing through the independent planning of 88 municipalities, all of whom are fighting for “good ratables” and all of whom want to keep taxes low by limiting the demand for new services, puts us at a distinct disadvantage toward meeting those goals. The general feeling of most COAH session participants is that we have to do better.

Partnership attendees generally agreed that affordable housing obligations in the Highlands Region should reflect the environmental constraints identified in the HRMP. The attendees emphasized the need for the HRMP to deliver a common sense approach to providing fair housing and social equity and COAH needs to be part of the solution. Close coordination of DEP regulations, COAH requirements and the evolving HRMP is considered critical. The Plan needs to spell out an approach for such cooperative planning and action.

Not surprisingly there remain many questions to be answered in regard to this issue. How will the HRMP impact on a town’s prospective fair share set-aside? How should towns proceed with round three assessments prior to adoption of the HRMP? How will TDR affect the obligation of the towns accepting regional growth? Will there be any form of state aid to support school costs in towns that accept regional growth? These are the issues that need to be clarified. It was recommended that the Highlands Council work toward providing guidance to educate and clarify on the broad range of issues surrounding COAH.

Infrastructure Capacity:

A key consideration to “smart growth” is infrastructure capacity. Although Partnership thoughts on this topic are varied there was broad agreement that planning for compact, well designed, healthy communities begins and ends with a clean and reliable source of drinking water. It has been suggested that gaining sewer and water capacity that would support regional growth areas is going to be a challenge. It was suggested that the DEP rules and permit process are burdensome and access to updated reliable information on capacity is not readily available. Expanding capacity in some communities can be controversial because of the fear of overdevelopment.

While growth in the Highlands Region will require infrastructure capacity, identifying appropriate growth areas and then providing sewer, water and other needed infrastructure capacity remains a difficult enterprise, even where the goals are clear and well supported. Planning for smart growth is one thing, making it a reality is another. What will make smart growth real is a coordinated, well-ordered, efficient funding and permitting review process for appropriate infrastructure development. If new economic development is to be more focused, strategic and restricted to areas deemed appropriate for growth, then the HRMP must provide the timing sequence that allows this new economic engine to run smoothly. All of the various State agencies need to be coordinated in reviewing Highlands projects. Government agencies must all pull in the same direction. It has got to be a partnership and one outcome of the HRMP must be the clear strategy to promote such cooperation and coordination.

Partnership comments stressed that the transportation component of the HRMP should be strategic and unambiguous and, in part, be directed toward getting more cars off the road. We must not plan for the Highlands Region as if it exists in a vacuum. The Highlands bisects a critical national corridor linking the New York metropolitan area with the rest of the nation. Our neighbor to the west, Pennsylvania already accommodates a large segment of new home owners who work within or to the east of the Highlands. Many of these western home buyers have not been able to find affordable housing in New Jersey that meets their financial needs or lifestyle goals. For

those living in the Highlands, planning around traffic congestion is already a part of daily life. In terms of our future economic viability and our quality of life, the HRMP should look to coordinate with the Department of Transportation (“DOT”) and other agencies on developing a regional and inter-regional strategy.

Highway infrastructure in many areas of the Highlands is already stressed. Partnership comments suggested targeting new development around existing and expanded transit. Many Partnership attendees felt that we need to provide broader access to public transit and improve upon recreational and pedestrian linkages. Smart growth should dictate that new employment and residential opportunities are consistent with mass transit opportunities. The HRMP should strive to present a realistic strategy for moving forward.

There was strong support for including schools under the heading of “infrastructure”. Generally, it was encouraged that the HRMP look into the potential for regional funding approaches that complement proposed regional land use planning. Partners felt that school capacity should be considered in the criteria for selection of future growth areas.

Transfer of Development Rights:

The HRMP will need to clearly articulate the goals and objectives of the Transfer of Development Rights (“TDR”) program. The goals for growth resulting under the Highlands TDR program are identical to those established for all other growth in the Region. The TDR program and the growth that derives from it must be balanced, sustainable and smart. However, one of the goals unique to TDR, the protection of landowner equity in areas designated for limited growth, makes this planning tool more complex and controversial. The HRMP will need to demystify TDR. TDR needs to be presented and formulated in a way that is easier to understand and easier to implement.

There is also concern regarding the viability of transferring growth from one town to another. It was expressed that some Planning Area towns cannot accommodate the growth they are presently experiencing. It was argued that “base densities” in existing growth areas are set at levels thought appropriate given the community goals outlined in the municipality’s Master Plan. Traditionally, TDR promotes that density be allowed to increase beyond established limits. It was further argued that even where higher densities can be justified and where they may, in fact, be necessary to support/justify existing or planned public infrastructure services (such as transit service), there can be a general and public lack of support for increased levels of growth.

There is concern as to how a community accommodating regional growth will fund school and service costs on a local tax base. While the Highlands Act provides a new ability for local governments to assess impact fees across higher density TDR projects, a concern is that this is a one time fee that will not address long term costs where new growth brings new demand for public services, particularly education. It was suggested that any new dedicated funding to the Highlands needs to help offset increased local education costs linked to accommodating regional growth through a TDR program. There was also sentiment that, in general, we need to provide regional cost sharing ability for education and other services. The HRMP should acknowledge that regionalizing growth will require changes as to how we pay for services necessary to support growth and it was encouraged that the Highlands Council recommend the appropriate legislative reforms required.

The Partnership session discussions explored the argument that TDR could act as a disincentive to smart growth because it adds costs to projects through the required purchase of TDR credits and through the imposition of municipal impact fees as provided for in the Highlands Act. It was suggested that the HRMP needs to detail as to how TDR will be used, strategically, to accomplish the goal of equity protection without negatively impacting on the overall viability of designated growth areas. One idea was to use a sliding scale approach to TDR credit valuation, discounting the price of credits used in approved growth areas and increasing the cost of credits used to boost density outside of growth centers. There was general concern as to how TDR credits might be uniformly valued across a Highlands Region that has multiple and diverse markets.

On the equity protection side of the TDR equation, there is concern that given the reluctance of some communities to accommodate new growth and because of many of the concerns cited above, there may be limited markets for the sale of TDR credits within the Highlands Region. The HRMP needs to fully explore the market potential and viability of the TDR program. There needs to be a real market for credits or, in the alternative, a steady and adequate funding source for acquisition of development rights that are simply retired, not transferred. The potential for TDR receiving areas within the 7 Highlands counties but outside of the 88 Highlands municipalities must be considered and fully explored.

It was also suggested that the HRMP should be flexible enough to allow for smaller scale TDR opportunities or isolated municipal programs that transfer growth from preservation areas to growth areas within their own borders.

The HRMP needs to promote cooperation among the various state agencies that will be called upon to support, review and approve new and higher density development. The Plan also needs to gain consistency in the methodology for allocating credits; consistency in the approach to fairly compensating landowners; consistency in an approach toward awarding planning grants and technical assistance to TDR receiving area towns; and consistency in the criteria used in the designation of sending and receiving areas for TDR's.

Developing Model Ordinances:

If there is a critical link between all of the goals and strategies of the HRMP and successful outcomes, that link is the implementing ordinance. This section of this Partnership Report will be brief. The bottom line of all Partnership sessions was simply this: the HRMP must look to provide municipalities with model ordinances that will accomplish the planning and resource protection goals identified. The ordinances must be based upon sound science and research. They must be founded in legal principal; they must be enforceable; and they must be consistent and integrated with the myriad of state and county programs whose rules and regulation also impact upon the ordinance focus area.

Beyond crafting workable model ordinances, there is also a need for practical legal and technical guidance that will allow permit review processes to move expeditiously. Comprehensive checklists of all application requirements and necessary ordinance compliance support documentation are examples of what the HRMP can provide.

Specific model ordinance needs discussed at Partnership sessions included: protection of sole source aquifers and groundwater resources; historic resource preservation; tree removal for upland forested areas; protection of steep slopes; “useable area” ordinances; impervious surface and stormwater management; downtown and center redevelopment design standards; cell tower construction; and ordinances to implement TDR programs. The Partnership attendees emphasized the good work currently being done by municipalities throughout the Highlands Region and encouraged a coordinated approach to developing model ordinances and design standards.

Legal Issues:

Not surprisingly, almost all of the key issues raised during Partnership sessions were also raised within the breakout sessions dealing with legal issues. What legal steps are available to regionalize funding of education and other services? How solid are the legal mechanisms for implementing TDR and will the implementing ordinances be provided by the Highlands Council? Exactly how will tax stabilization dollars be allocated? How will property in the Preservation Area be valued for acquisition, easement purchase and TDR purposes? To what extent can the Highlands Regional Master Plan establish limits to growth in Planning Area communities? How will the growth area designation process work and will it be criteria driven? What are the ways that built-out communities can craft ordinances that will promote development of new ratables? Will there be legal education for towns dealing with new rules, regulations and plans? How will Preservation Area towns legally meet COAH obligations? Will new growth, directed to the Planning Area, result in more COAH litigation and will the Highlands Council defend towns that are in compliance with the Regional Plan? The key Partnership message in all this is that the HRMP needs to acknowledge that there are legal issues and nuances that attend each and every aspect of a shift into regional planning and the Highlands Council and Council staff will need to provide explicit legal guidance and support during implementation of the HRMP.

Other legal issues raised in the course of the Partnership sessions were unique to the regional planning effort. Will the Highlands Council have the power to grant variances in regard to the Department of Environmental Protection's enhanced standards? May the HRMP impose standards more or less aggressive than those provided in the DEP rules? What legal assistance or representation can the Council provide regarding local property tax appeals? To what extent is the Municipal Land Use Law ("MLUL") pre-empted in the Preservation Area or in the Planning Area when communities opt-in to the HRMP? How will land use review processes at the local level be affected by the Highlands Act and the HRMP? Will the Highlands Council provide experts to assist in local land use disputes? To what extent does existing local land-use case law apply in a regional plan setting? If a town agrees with some provisions of the final HRMP but not all provisions, will there be a procedure for allowing such towns to "partially opt-into"?

There are numerous exemptions permitting new development in the Preservation Area under the DEP rules. Will all of these exemptions be allowed under the HRMP? What are the legal ramifications for not opting-in/complying with the HRMP? From the perspective of those attending the Partnership sessions, these are some of the key issues that should be addressed and clarified.

Taking the Next Step

“In theory there is no difference between theory and practice. In practice there is.”

-Yogi Berra

The Partnership Meetings focused on identification of important resource and growth management issues highlighted in this report. As we move toward crafting a Highlands Regional Master Plan, we hope to be as collaborative in developing planning solutions as we have been in articulating the challenges. Taking care to address the challenges that this regional planning initiative brings to Highlands communities remains a guiding principal of the Council.

In the course of the Partnership sessions, we heard many times of municipalities’ fears of “unintended consequences”. We realize that all land use and growth management decisions have impacts that are not always direct, or anticipated, or desired. We also acknowledge that there often is a gap between planning theory and practical implementation. We will strive to do what is necessary to close that gap. And we acknowledge that our success in closing that gap will depend upon how, where and with whom we take the necessary next steps.

One way to close the gap between theory and reality is to be better informed. Over the next several months, the Highlands Council staff will continue to work toward collecting, developing, analyzing, and sharing the best available data, statistics, mapping, studies and information related to Regional Plan development needs. Efforts will be strategically directed at informing a comprehensive assessment of Highlands’ resources: environmental, economic and cultural. We need to better define and better understand the region’s capacity to support growth. Identifying our existing infrastructure, in its broadest sense, and quantifying local and regional capacity to grow is essential. Identifying and quantifying the natural and human constraints to future growth is of equal importance. Better information will yield better decisions. Assembling the data for review is a next step.

Another way to close the gap is to enlist the support of scientists, economists, realtors, farmers, foresters, appraisers, attorneys, planning practitioners and many others to provide insight, ideas and technical advice to the Highlands Council throughout the development of the Regional Plan. The Council has formed a Technical Advisory Committee (“TAC”) covering a range of issues including those crystallized in Partnership meetings. The purpose of the TAC is to provide the Council with fast access to information and perspectives from experienced professionals and to get an “early read” on the merits and practicality of proposed solutions. Processing and vetting issues to be addressed in the HRMP through the TAC is a next step.

A third way to advance from theory to successful practice is to continue to work with Highlands municipalities and counties on “thinking through” or actually testing ideas that hold promise. The Council will continue to work closely through the “Partnership” to engage Highlands communities in developing workable solutions in order to gain practical insight into the host of unanticipated challenges sure to be waiting. As the Partnership discussions highlighted, formulating real solutions is sometimes only half of the battle. The other half often involves qualifying for funding or moving successfully through the myriad state and federal permits necessary to move forward. Moving through the program and plan development process with Highlands towns will help troubleshoot and avoid problems down the road. Such purposeful collaboration is a next step.

It is the Highlands Council’s plan to reconvene the Partnership meeting in the fall of 2005 once this analytical period has progressed further. The Highlands Council also is planning a series of Municipal Workshops once draft results become available and we have concrete data, evidence and analysis to share.

In closing, the Highlands Council extends our thanks and appreciation to all of those who participated in this series of Partnership meetings. We hope you will continue to work with us as we take the necessary next steps together toward developing a regional approach to land use planning in an effort to protect the Highlands for this and future generations.

Appendix A

Summary of Issues Identified by Individual Partnership Session

These pages were intentionally removed

Please see the Highlands Council website for the full version of the Report:

<http://www.highlands.state.nj.us/njhighlands/stake/tacs.html>

Appendix B

List of Partnership Meeting Participants

Participants by zone

North

Jim Armstrong
 Joanne Atlas
 James Benson
 Jon Berry
 John Biale
 Robert A. Brady
 John Brotherton
 Brian Campion
 Thomas F. Carroll
 Steven Cea
 Mark Cirillo
 Barbara F. Corzine
 Jerry Crean
 Eskil Danielson
 John DaPuzzo
 Frank N. Dolce
 Joy Farber
 Marie Fletcher
 Christine Foster
 Michael Francis
 Ted Gall
 Edward Gilson
 George Hagl
 William C. Hookway, III
 Martin E. Hughes
 Erich H. Kamm
 Kathleen M. Caren
 Maria Kent
 Jim Kilduff
 Donna Kurdock
 Richard Lepre
 Tom MacAllen
 Teri Massood
 Margaret McGarrity
 Kathy McGinnis
 Carl Miller
 Craig Ollenschleger
 Stuart Ostrow
 Arthur Pierfy
 Carl Quazza
 Frank Rotunda
 Stephen Sangle
 Vi Shipley
 George Shivas
 Linda Shortman
 Andrew Silverstein
 Edward W. Simoni
 Marianne Smith

Central

Barry Ableman
 James Brown
 William Budesheim
 James Buell
 Buraszkeski
 Karen Coffey
 Larry Cohen
 Nanette Courtine
 Barbara Davis
 William Deane
 William Denzler
 Morton Dicker
 Sally Dudley
 Jeff Duncan
 Joseph Falkoski
 Bud Fehr
 Tricia Fragale
 Ralph Goodwin
 Bernhard Guenther
 Joseph Heywang
 Judith Hirky
 Paul Hollick
 James Humphreys
 Wayne Jacobus
 R. Gregory Jones
 Kenneth Kasper
 Walter Kirch
 Walter Kullen
 Theodore Largman
 James Leach
 Sara Dean Link
 John Lovell
 John Mania
 Dolores Martin
 Pat Matarazzo
 Kathy Murphy
 John Murray
 Allen Napolliello
 Catherine Natafalusy
 Arthur Neff
 Kenneth Nelson
 Sara Jane Noll
 Margaret Nordstrom
 Stephen O'Mara
 Arthur Ondish
 Gene Orcutt
 John Palko
 Ralph Phodes

South

Victor "Bud" Allen
 Frank Arch
 Stephen Babinsky
 David Banisch
 Carol Bastow
 Betty Ann Bechtold
 Mike Bolan
 Tom Borkowski
 Jeffery D. Bruinooge
 Karen Buckley
 Bob Bzick
 Nancy L. Chambellan
 Thomas K. Charles
 Kevin Cimei
 Shana L. Crane
 Nina Crivello
 Becky D'Alleinne
 David Dech
 Douglas Diehl
 Gary DosSantos
 Antje Doyle
 Charlie Duffy
 Janice Eppler
 Michael Ferri
 Paul Ferriero
 William J. H. Foster
 Sherry Frawley
 Wilma Frey
 Robt I. Frey
 Harry Fuerstenberger
 Vincent A. Girardy
 Donald Goehle
 Eileen Greason
 Gil Greene
 William E. Hann, Jr.
 Deborah M. Hirt
 Carol Hoffmann
 J. Matthew Holt
 James Imbriaco
 John R. Jimenez
 Skip Jonas
 Thomas G. Kenyom
 James E. Kesler
 Mark W. Kirby
 Donald Knudsen
 Thomas Koven
 Laurette Kratina
 Danielle Krone

North

Eric Snyder
 Evelyn Spath-Mercado
 Betsy Stagg
 Adam Strobel
 John P. Szabo, Jr.
 Wenke Taule
 Michael Tfank
 Santo Berrilli
 Richard A. Vohden, Jr.
 Robert M. Walker
 Scott Wallis
 William Walsh
 Craig Williams
 Ted Williams
 Lorraine Bender
 Bruce Rossi
 Dinah M. Rush
 Sam Santini
 Betty Schultheis
 Kenneth Schwartz
 Richard Sheola
 Gragory A. Sipple
 Eric Sween
 Alan Thomson
 Judy Thornton
 Marianne VanDeursen
 Garrett Van Vliet
 Susan Wagner
 Daria A. Wasserbach
 Mike Wright
 Maureen Zeglen
 Nick Zripko
 Jack Reed
 Anne Blaine

Central

George Ritter
 W. Daniel Saragnese
 Martin Schmidt
 Craig Schwemmer
 Joanne Sandler
 Bernard Senger
 Adam Slutsky
 Frank Stimmler
 Donald Storms
 Dick Tighe
 Sandy Urgo
 Paul VanGelder
 Tracy Wadhams
 Gary Webb
 Dana Wefer
 Gerald Weisberg
 Marlene Wendolowski
 Richard Zoschall

South

Gary MacQueen
 John Matsen
 Tim Matthews
 William A. Miller
 David Mills
 Miriam Murphy
 Richard Myers
 Bradley Myhre
 Harry Noble
 Pap Pappa
 Doris Rayna
 Robert J. Resker
 Steve Romanowitch
 Bernie Rooney

Highlands Council Members:

Chairman John Weingart, Vice Chairman Jack Schrier, Kurt Alstede, Tracy Carluccio, Lois Cuccinello, Tim Dillingham, Janice Kovach, Mimi Letts, Debbie Pasquarelli, Mikael Salovaara, Ben Spinelli, Eileen Swan, Glen Vetrano, and Scott Whitenack.

APPENDIX B

FALL 2005 PARTNERSHIP REPORT



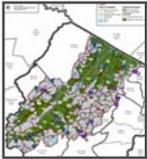
New Jersey Highlands Council Partnership Report Fall 2005

WHAT ARE THE BENEFITS OF CONFORMING TO THE REGIONAL MASTER PLAN?

- ◆ Highlands Council Planning Grants, Smart Growth Grants and technical aid
- ◆ State Plan endorsement
- ◆ Legal shield and legal representation
- ◆ COAH, DEP and other interagency coordination and assistance
- ◆ Tax Stabilization Funding
- ◆ Enforcement of the Regional Master Plan
- ◆ Transfer of Development Rights (TDR), impact fees and enhanced planning grants
- ◆ Priority for Green Acres and Farmland Funding
- ◆ Model land use ordinances, technical guidance, and professional staff services

WHAT RESOURCES WILL THE HIGHLANDS COUNCIL PROVIDE TO MUNICIPALITIES?

- ◆ Natural resource inventory and mapping
- ◆ Build out and fiscal impact analysis
- ◆ State of the art mapping and technical service
- ◆ Over 30 economic, socio-economic, and planning indices
- ◆ Professional staff services for planning, environmental project reviews, economic development and legal assistance
- ◆ Transportation planning assistance
- ◆ Topographic mapping
- ◆ A regional plan and subsequent support to assist municipalities in realizing their vision



New Jersey Highlands Council

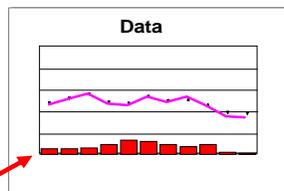
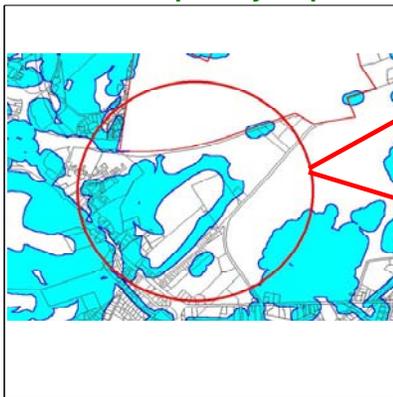
100 North Road • Chester, New Jersey 07930 • (908) 879-6737 • Fax (908) 879-4205
www.highlands.state.nj.us

I. OUR PARTNERSHIP

The Highlands Council (Council) has established an advisory board made up of elected and appointed representatives of Highlands communities - hereafter referred to as the "Partnership" - to provide maximum public input in developing the Regional Master Plan (RMP). The Partnership began at the first regional meetings conducted on May 16, 23 and 24, 2005. These meetings were summarized in a report, available on our web site, that documents the beginning of the open dialogue between the Council, municipalities and counties in the Highlands Region.

The second Partnership meetings took place on October 18, 19 and 20, 2005 with more than 100 local officials participating. These meetings provided an opportunity for county and municipal officials to engage with Council members and staff on issues relevant to development and implementation of the RMP. The meetings featured Q&A sessions with representatives from the Council on Affordable Housing (COAH) and Department of Environmental Protection (DEP). An outline of the issues raised and the Council responses, including references to additional information, are contained in this Report.

**NEW JERSEY HIGHLANDS
REGIONAL MASTER PLAN**
Land Capability Map



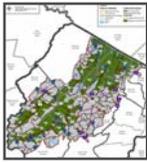
The Council staff has been meeting with both DEP and COAH in order to create Memoranda of Understanding (MOUs) to establish the role each plays with regard to the RMP. Both agencies attended the October Partnership Meetings to address issues related to their agency programs.

As a result of these efforts and comments from the hundreds of stakeholders from throughout the region, the Council is continuing to help municipalities address concerns by providing both technical and financial resources to local governments.

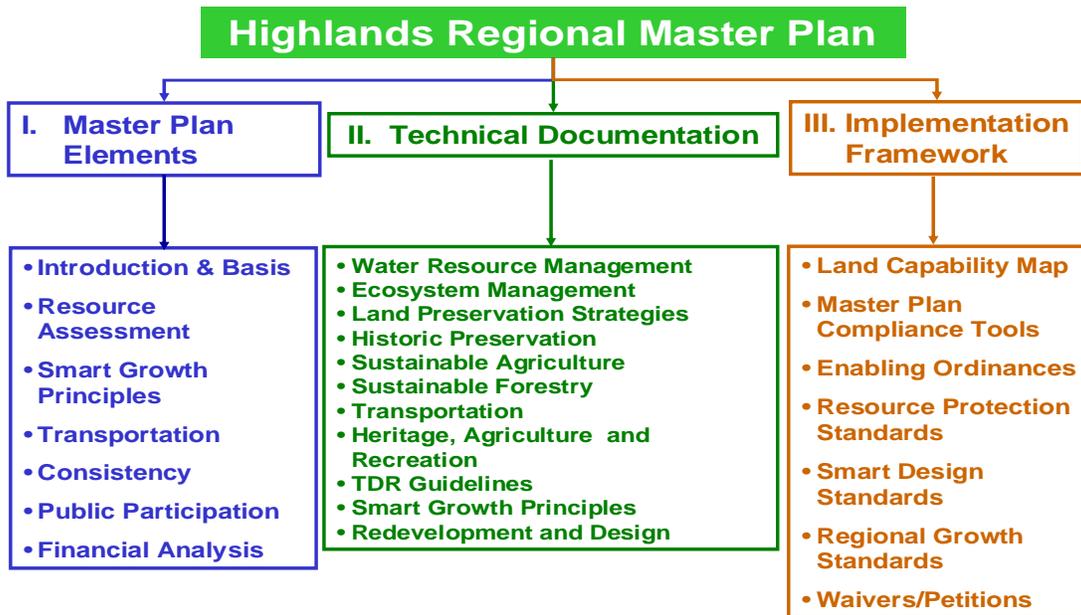
To date, the Council has approved over \$350,000 in local planning grants to assist municipalities in COAH compliance and municipal planning partnership program incentive grants (MP3s) to help municipalities meet their COAH obligation and assist in the Council in the development of the RMP.

The Council will be providing municipalities with the technical resources and data needed for RMP conformance and implementation. Currently, the Council is focused on preparing the resource assessment and smart growth components of the RMP which will develop the standards necessary to protect the critical resources of the Highlands while encouraging appropriate economic development opportunities in the future.

We hope this information is helpful. Please take the time to visit our web site and the links provided. We look forward to continuing to work with you as we develop a plan that will protect the critical natural resources and economic vitality of the Highlands.



II. WHAT WILL THE HIGHLANDS PLAN LOOK LIKE?



Master Plan Elements: These will include statements of policies, goals and “next steps” necessary to achieve the intent of the Act.

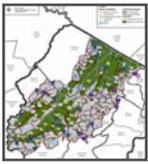
Technical Reports: The technical reports will address science, planning and economic goals and issues involved in RMP development and provide the documentation to support the resource assessment, land capability map and implementation framework.

Implementation Framework: The implementation framework will include the land use capability map, Master Plan compliance tools, enabling ordinances and standards for resource protection, smart growth design and regional growth. This framework will also include a description of the waiver and petition processes.

Next Steps: The Council will continue its work and will be providing regular updates at Council meetings and through a series of progress reports. The next steps for municipalities is to stay informed and participate in the RMP development process. The next Partnership Meetings are scheduled for March - where we will be outlining progress on developing the RMP.

Our next Partnership Meeting is scheduled to be held in March 2006 - Please visit our website for a schedule of upcoming Council meetings and events.

Thank you for your participation.



III. COUNCIL ISSUES RAISED AT THE PARTNERSHIP

Q Can the Regional Master Plan (RMP) help protect natural resources for towns in the Planning Area?

A Through its natural resource assessment, the RMP will identify areas in the Preservation and Planning Areas that contain critical natural resources. The RMP will mandate the protection of those areas that are in the Preservation Area. The RMP will also protect important resource areas in the Planning Area where the municipality decides to voluntarily conform to the RMP.

Q Will there be mandatory growth in the Highlands?

A No. There are no mandatory growth provisions in the Highlands Act and the Council has publicly stated that it does not intend to mandate growth in the RMP. The Council is currently considering options for how the standards in the RMP will be applied. Please refer to our abstract on our web site entitled *Second Round of the Highlands Partnership* for a discussion of mandatory vs. voluntary elements of conformance with the RMP.

Q How does a town access money from the Tax Stabilization Fund?

A The Highlands Act sets up both a monitoring system and tax stabilization board to help municipalities in the Preservation Area with potential fiscal impacts that may result from the Highlands Act. In addition to the broad range of exemptions that exist in the Act (e.g., single family homes, existing impervious cover and Brownfield redevelopment) the Council may identify appropriate redevelopment opportunities. If a municipality's property tax revenue is reduced as a result of the Act, the municipality can apply for property tax stabilization funds through the Department of Treasury. Link: <http://www.state.nj.us/treasury/taxation>.

Q What happens once the RMP is adopted?

A A municipality that has land in the Preservation Area (wholly or partially) is required to thereafter bring its municipal master plan into conformance with the RMP (for those areas in the Preservation Area). Towns in the Planning Area have the option of choosing to conform (opt into the RMP). The Act provides 9 to 15 months for municipal conformance. The implementation process will be outlined in the RMP.

Q What is opting into the RMP?

A Opting in is a voluntary choice on the part of a Planning Area town. By opting in, a town would bring its municipal ordinances into conformance with the goals, policies and guidelines established in the RMP. Benefits to conforming with the plan include: a legal shield (legal representation provided by the Council and an enhanced presumption of validity for local planning decisions); grants; technical support available to support municipal conformance efforts; assistance with COAH and DEP coordination; priority funding; and automatic state plan endorsement. Please review our abstract entitled *The Highlands Regional Master Plan and the Benefits and Incentives to Municipal and County Conformance* on our web site.

Q Can a municipality opt in now?

A A municipality is unable to opt in until the RMP is adopted in June 2006 and plan conformance will begin then. A municipality that wishes to protect its natural resources in the interim period may adopt its own ordinances.

Q Where are the future growth opportunities?

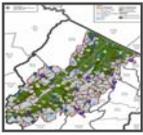
A Appropriate growth can occur in both the Preservation and Planning Areas. The RMP will outline the criteria and programs for sites and areas to be considered for development, in-fill, or redevelopment projects. The council will also provide assistance with redevelopment and Brownfields projects where appropriate.

Q What is TDR?

A The Transfer of Development Rights (TDR) Program is designed to facilitate private transactions that would "send" density from areas that are being preserved to areas where development would be appropriate. Under the Act, the "voluntary receiving" zones can be established in the Planning Area or outside the Highlands Region within one of the seven Highlands Counties. These voluntary receiving zones can only be established where the municipality petitions the Highlands Council. A TDR bank will be established to coordinate transactions and the financing necessary to facilitate the TDR program. The program is currently under development by the Highlands Council.

Q Is the Council working to establish a dedicated funding source for land preservation?

A Yes. The Council continues to work through the Legislature to identify and support policies and programs that would provide dedicated open space and farmland preservation funding for the Highlands.



IV. DEP ISSUES RAISED AT THE PARTNERSHIP

Q Do the DEP enhanced environmental standards apply outside the Preservation Area?

A No. They only apply in the Preservation Area. Note, however, that the RMP will also provide certain environmental standards. It is important to note that when a Planning Area town opts in, it will opt into the standards in the RMP, not the DEP enhanced environmental standards.

Q What environmental standards apply in the Planning Area?

A The Highlands Act did not require immediate regulatory changes in the Planning Area, so the processes and standards are as they were prior to passage of the Act. If a Planning Area town opts in, then the municipal ordinances and Master Plans will need be updated to conform with the RMP.

Q When the RMP is complete, what will be the roles of the Council and DEP?

A The DEP will continue to operate its regulatory program in the Preservation Area. The Council will adopt the RMP, assist municipalities in the implementation of the RMP, and review development within the region.

Q Is a municipality supposed to process exemptions?

A No. A municipality is not authorized to issue exemptions from the Highlands Act. Towns have three general options when reviewing projects: (1) Issue the necessary permits and authorization, allowing the property owners to proceed at their own risk; (2) Issue municipal permits and authorization conditional on the property owner obtaining a Highlands Applicability Determination (HAD) or Highlands Preservation Area Approval (HPAA); (3) Require a property owner to obtain a HAD before considering the project for local approval.

Q Whom can towns contact at DEP for questions on exemptions, HADs and HPAA's?

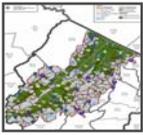
A Exemptions and general questions: Highlands Applicability Determinations (HAD), Division of Watershed Management, (609) 984-6888; Highlands Preservation Area Approvals (HPAA), Highlands Resource Assessment Determinations (HRAD) - Division of Land Use Regulation, (609) 633-6563, Violation or enforcement issues: DEP Hotline, (877) WARN-DEP (1-877-927-6337). Further guidance can be found at the DEP Highlands web site www.state.nj.us/dep/highlands.

DEP Releases Interim Highlands Rules For The Preservation Area

On May 9, 2005 the Department of Environmental Protection adopted interim rules, effective immediately, to implement the Highlands Water Protection and Planning Act. Thereafter the DEP consulted with the Highlands Council, the State Planning Commission, and the Departments of Community Affairs, Transportation, and Agriculture. In the next few weeks, DEP is expected to propose another set of rules that, in May 2006, will replace the interim rules. The Department take public comment before those rules are adopted.

DEP TIMELINE





V. COAH ISSUES RAISED AT THE PARTNERSHIP

Q. What can Highlands towns do to retain its COAH substantive certification approved by COAH?

A. First, towns should be sure to file their COAH plans on time (see COAH timeline below). Note that the Highlands Act requires COAH to consider the RMP prior to taking action on any municipal plan under COAH’s third round rules. This will ensure that environmentally constrained lands will be treated as such. Second, towns should take advantage of grants the Council is making available to assist them in meeting their affordable housing obligations. Available are grants in the amount of \$12,500 for towns that do not yet have an approved substantive certification and \$7,500 for the upcoming Round 3 filings. Finally, if a town has an individual project they are concerned with they should feel free to contact the Highlands Council staff.

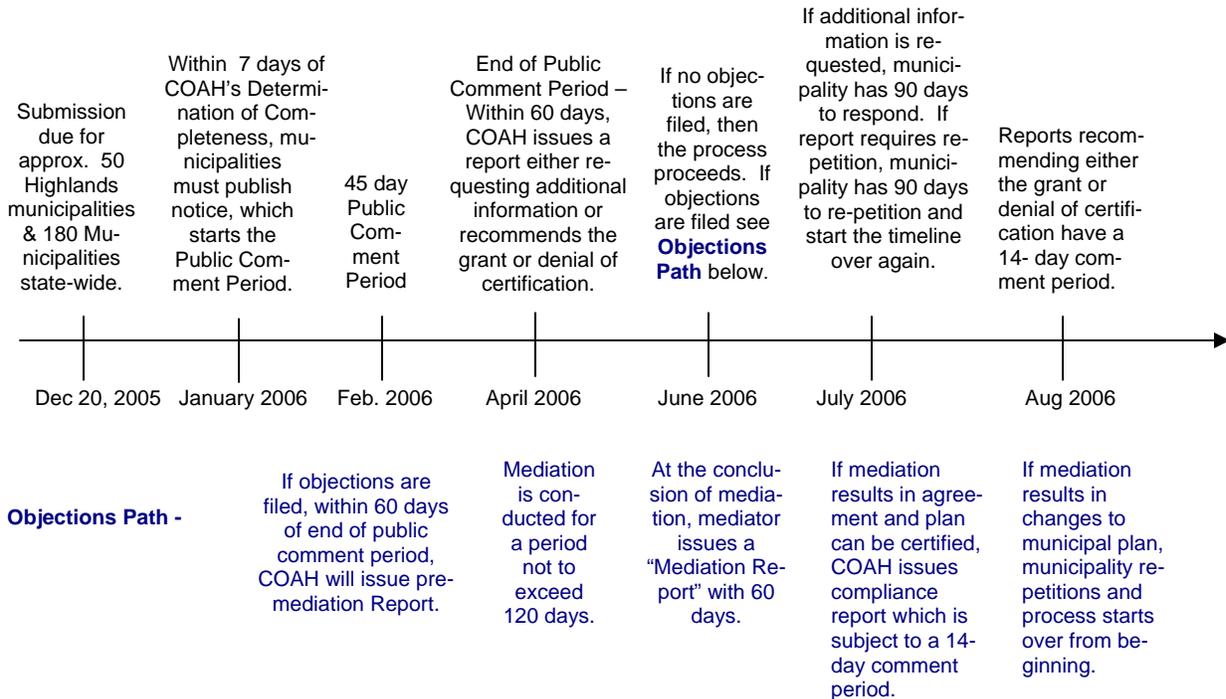
Q. How are COAH and the Highlands Council working together?

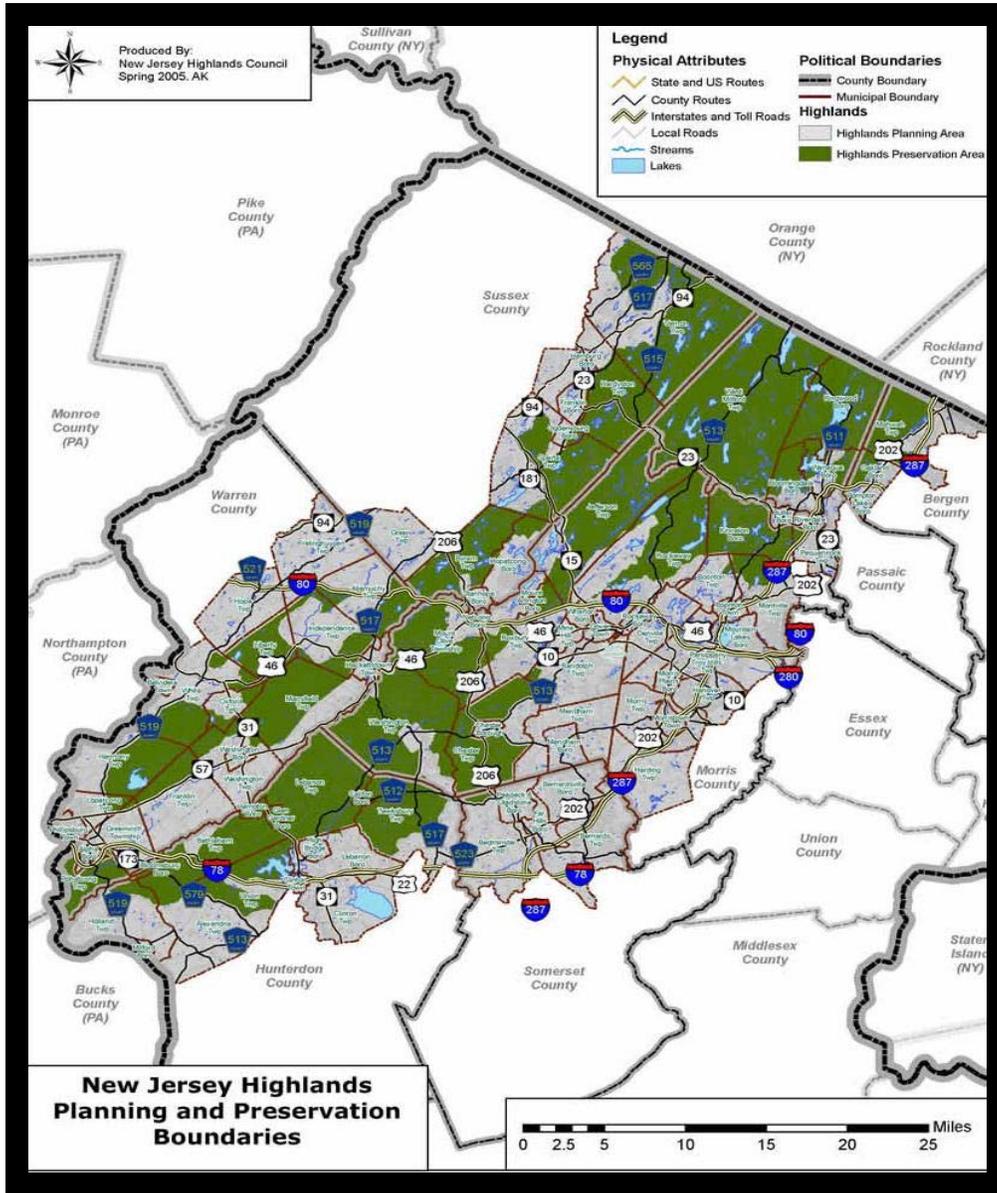
A. The Highlands Council and COAH are working to develop a memorandum of understanding (MOU) between the two agencies aimed at spelling out how the two agencies will work together to resolve issues that come up during both plan implementation and plan conformance.

Q. How does TDR work with COAH?

A. As presently conceived, a TDR receiving area town must still meet its COAH obligations. The Council staff is currently working with COAH to address these rules and requirements. The Council is also considering a variety of new incentives and programs, in addition to the existing impact fee authorization, planning grant and smart growth benefits that current receiving areas receive, to attract towns outside the Highlands to accept Highlands TDR credits.

COAH TIMELINE





NEW JERSEY HIGHLANDS COUNCIL
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APPENDIX C

TECHNICAL ADVISORY COMMITTEE CHARRETTE REPORT

NJ Highlands Council



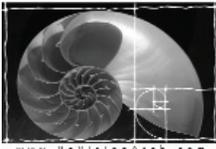
Technical Advisory Committee Charrette Report

*In support of developing
the Regional Master Plan*

*Prepared by the New Jersey
Highlands Council
with assistance from*



Re: Vision
ARCHITECTURE



May 2006



Special thanks to the **Geraldine R. Dodge Foundation** for supporting this effort and for encouraging the educational, cultural, social and environmental values that contribute to making our society more humane and our world more livable.

HIGHLANDS COUNCIL TAC CHARRETTE REPORT

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JON S. CORZINE
Governor

JOHN R. WEINGART
Chairman

DANTE DI PIRRO
Executive Director

May 22, 2006

Dear Friend of the Highlands,

On March 28th and 29th the Highlands Council convened a planning workshop, known as a charrette, of all our Technical Advisory Committees (TACs). The charrette was an opportunity to collaborate with a diverse group of experts in developing strategies for reaching the goals of the Highlands Act.

The workshop was very well-attended, dynamic and productive. Eleven groups met throughout the course of the two days to investigate approaches and strategies aimed at incorporating the goals of the Highlands Act into the Regional Master Plan. The groups crafted vision statements, debated alternatives, and moved toward consensus on key elements of planning, design, protection and stewardship. The participants were eventually reorganized to form interdisciplinary groups and joined together to discuss the issues from a broader perspective.

The following report provides an account of the charrette and the efforts that went into it. The Highlands Council appreciates the hard work and commitment that was given by the nearly 200 participants, and is now working diligently to build from the findings, ideas and suggestions identified during the process. An electronic version of the report is also available at the Highlands Council website.

Thank you for your continued interest and participation in the important work of providing advice and support in the important mission of developing the Regional Master Plan for the Highlands Region.

Sincerely,

A handwritten signature in cursive script that reads "John R. Weingart".

John R. Weingart, Chairman



a society more humane –
a world more livable

June 1, 2006

Dear Friends of the Highlands,

In my remarks to the dedicated professionals who came together for the Technical Assistance Committees Charrette, I referenced an idea presented in the book *High Noon: 20 Global Problems, 20 Years to Solve Them* by Jean-Francois Rischard. I return to that idea again now. Rischard says that territorial and hierarchical institutions are not adequate to solve complex global issues that lack boundaries. He goes on to say that what is needed are Global Issues Networks built on substance, not posturing, and organized around joint deliberations by a large group of people deeply concerned and knowledgeable about an issue.

The gathering that took place on March 28 and 29 provided precisely the forum and the structure necessary to build the capacity of the Council in order to successfully develop a Regional Master Plan. The task of the Highlands Council is daunting, historic and critical. Their willingness to tackle land use planning issues head on and come up with creative solutions will, we hope, inspire people across the nation.

With best regards,

Sincerely,

David Grant
President and CEO

SUMMARY OF CHARRETTE EVENTS

Background

To provide continuing input on the complex technical issues and approaches that would inform the development of the Regional Master Plan (RMP), 18 Technical Advisory Committee (TAC) work groups, comprised of content experts and stakeholders, were established early in the planning process. The first major effort of the TACs was to identify critical issues for the Technical Reports that would support the development of the RMP.

The original TAC meetings were held in July of 2005. A Scoping Document for the RMP was released for public comment in January 2006. Comments were received in writing as well as via Council meetings which are open to the public and held about every two weeks. Many comments echoed the need for the RMP to address stakeholder concerns and be based upon the best available data and information.

As the Highlands Council continued to develop the technical reports and began outlining the policy guidance documents and implementation tools, they identified a series of important issues to be addressed in the RMP and again sought advice from the TACs. The Highlands Council welcomed the assistance of the Geraldine R. Dodge Foundation in funding a two-day TAC Charrette to bring together all of the TACs with the twin goals of fostering interdisciplinary cooperation and building consensus around an integrated set of strategies for reaching the goals of the Highlands Act.

The TAC Charrette was held March 28th and 29th. The Highlands Council, under a grant from the Dodge Foundation, coordinated efforts with Consilience, LLC and Re:Vision Architecture in facilitating the event. Each TAC group was individually facilitated by a trained volunteer from within the TAC. The expertise, poise and personal commitment of these individuals were integral to the progress of each group.

Charrette Summary (March 28th, 2006)

On the first day of the charrette, each TAC group was charged with responding to unresolved “problem statements” that were central to moving forward with the RMP. The process involved: 1. brainstorming a comprehensive list of possible strategies for addressing each problem statement; 2. critical evaluation of each strategy; 3. prioritizing the top 5-7 strategies to vet with other TAC groups for “cross-pollination.” Note: Some TAC groups were combined to better facilitate input from multiple TACs; the resulting 10 break-out groups were: Water Resources; Land Preservation; Land Use & Housing & Green Construction (two sessions); Community Investment & Regional Development & Brownfield Redevelopment; Transportation; Sustainable Agriculture; Ecosystem Management & Sustainable Forestry; Eco-Tourism/Recreation & Cultural/Historic; Utility Capacity; Transfer of Development Rights. The GIS and Education TACs were invited to attend any of the 10 break-out sessions for the charrette, as they represent disciplines that are relevant and important to all.



State of New Jersey Highlands Water Protection and Planning Council



Charrette Summary (March 29th, 2006)

For each of the consensus-based strategies identified on day one of the charrette, the TACs spent the early morning adding details such as possible implementation steps, resources/data needed, and case studies. From that point, the TACs were re-combined into interdisciplinary groups comprised of “ambassadors” from each individual TAC. Each TAC representative solicited feedback on their TAC group’s vision and draft recommendations for the Highlands Council, with a specific focus on understanding possible synergies or conflicts between the recommendations of each TAC. This session was the first opportunity for individual TAC groups to meet with other TAC groups and the resulting conversation was informative and rich.

During lunch, the President of the Geraldine R. Dodge Foundation, David Grant, addressed the group and drew insightful parallels between the “horizontal” work of the TACs and the problem-solving approaches outlined by Jean-Francois Rischard’s book, High Noon 20 Global Problems, 20 Years to Solve Them.

In the afternoon, the TACs returned to their core groups and refined their draft recommendations based on what they had learned from other TACs.

As a final feedback loop, a plenary session was convened and each TAC posted and presented their high-priority recommendations for implementing the Regional Master Plan. Following each presentation, the audience had an opportunity to ask clarifying questions.

In closing, TACs were reminded of the outcomes toward which they had been working:

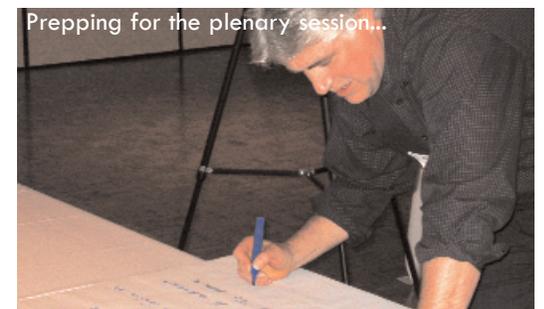
1. Advise the Highlands Council about how it may resolve specific technical issues and effectively implement the Regional Master Plan;
2. Identify trends and synergies between TAC groups;
3. Build bridges and open communication with TAC groups.

It was also affirmed that the on-going advice of TACs is valuable in assembling a holistic and science-based Regional Master Plan.

Next Steps

A record of each TAC’s charrette workgroup is included in this report so that all of the ideas discussed are represented. It is important to note that not all of the issues that were raised resulted in universal support, although they may continue to stimulate critical conversations. Concepts that were widely supported by the TACs are noted as such.

Input from the TACs will continue to be solicited as the RMP is developed and refined. Prior to the charrette, it had been difficult to balance the coordination of TACs with the rigorous demands of the RMP deadlines. Going forward, two specific mechanisms are planned to enhance collaboration with the TACs and build upon momentum from the charrette:



1. Inclusion of the TACs in regular RMP Highlands Council sub-committee meetings. At these meetings, TAC members will be able to interact directly with Highlands Council Members and staff;
2. Electronic release of draft segments of the RMP, as they are available for peer review and comment. To date, there has been diligent and tremendous progress made on the development of the Regional Master Plan with ongoing input of the Highlands Council's agency partners, consultants, and members of both the Technical Advisory Committee and the Partnership. Throughout the development of the Regional Master Plan, the emphasis has been on the careful advancement of good science and planning and taking the necessary time to receive input from technical experts, local officials and the public.

Timeline through Plan Adoption

- May-Dec: Committee meetings, including TAC members
- June: Initiate early electronic release of select elements of the RMP including resource assessments and infrastructure capacity analyses as they are completed*
- Oct: Draft Regional Master Plan, including a Land Use Capacity Map and accompanying land use standards and statement of policies
- Nov: Six public hearings to provide comments on the draft plan, to ensure the plan is balanced and defensible
- Dec: Final plan adoption

**Resource Assessments and Infrastructure Capacity Analysis*

Water Resource Assessment

- Water Supply Growth Area Analysis
- Surface Water Supply Availability
- Ground Water Recharge Analysis
- Ground Water Availability Analysis
- Septic Density and Nitrate Dilution Assessment

Ecosystem Assessment

- Riparian Corridor Analysis
- Stream Integrity Model
- Steep Slope Analysis
- Forest Integrity Analysis
- Forest Sustainability Strategies
- Critical Habitat Areas Identification
- Significant Natural Areas Identification

Land Preservation, Agricultural, Historic and Scenic Elements

- Land Preservation Goals and Strategies
- Identification and Evaluation of Existing Agricultural Resources
- Identification and Evaluation of Existing Historic Resources
- Scenic Resource Protection Strategies

Utility Capacity Assessment

- Potable Water Supply Analysis
- Wastewater Treatment Capacity Analysis

Smart Growth, Transportation, TDR and Financial Elements

- Build-Out Analysis reflecting the baseline Trend scenario
- Build-Out Analysis reflecting a State Plan scenario
- Transportation System Capacity Analysis
- TDR Program Framework Alternatives Evaluation
- Establishment of Preliminary TDR Credit Valuation Method, Tracking System and Highlands TDR Bank Requirements
- Cash Flow Timetable Trend Analysis
- Baseline Fiscal Impact Analysis reflecting Trend and State Plan Scenarios

Technical Advisory Committees Charrette

EXECUTIVE SUMMARY

Following are the high level conclusions drawn from the work produced by the Technical Advisory Committees through the charrette and the vision statements and key recommendations to the Highlands Council generated by each workgroup.

Conclusions:

Overarching the specific technical and policy recommendations of the TACs, four major themes emerged from the participants:

1. **DATA COLLECTOR:** The Highlands Council should continue in its current role as data collector for the many complex and interconnected environmental, economic and cultural systems which are affected by the Regional Master Plan. This work should be undertaken using the best methodologies and science available. It should also be transparent, and the data should be made public as it is collected. In the spirit of the Act and acknowledgement of the extreme complexity of these systems, the Council (and the Legislature) should commit to carrying on this work as an ongoing effort that will be used to continuously refine the Regional Master Plan after its initial publication.
2. **EDUCATOR:** The Highlands Council needs to take on the role of educator in order to create buy-in and commitment by the many constituencies affected by the Act in order to insure the successful implementation of the Regional Master Plan. Outreach and education should be customized for each constituency and should address economic, cultural, environmental and quality of life issues. The education plan should also include partnerships to educated school children as a means to ensure both current and future success of the Regional Master Plan.
3. **COLLABORATOR:** The Highlands Council should actively cultivate partnerships with other federal, state, and municipal agencies, Nongovernmental Organizations, citizen groups, and school systems and leverage those partnerships to aid with the implementation of the Regional Master Plan.
4. **ECONOMIC ENGINE:** The Highlands Council needs to advocate for the funding needed to successfully implement the Regional Master Plan. In addition to funding for data collection, plan synthesis, education, land acquisition, and ongoing analysis of and correction to the RMP, the Highlands Council should act as a clearinghouse for public and private funding initiatives and regional economic flows (such as a TDR bank) required to facilitate the Plan's success.

TAC Vision Statements and Key Recommendations to the Highlands Council:

Community Investment, Brownfields Redevelopment and Regional Development

Recommendations:

1. The Highlands Council should identify all brownfields using all available information, outreach, field proofing, and an inventory. This information should also be used to prioritize sites. Priority sites criteria should include proximity to infrastructure among other factors.
2. The Highlands Council, in partnership with municipalities, non-profits, and developers should clean-up and redevelop brownfield sites, targeting the most appropriate end use for each site. The primary end uses should range from natural resource protection and open space preservation through greenfield development, commercial and industrial uses.
3. Expedite [development] approvals based on clear and concise information, so that everyone understands the permitting process.
4. Identify regional and community infrastructure capacities and needs.
5. Recognize the economic value of water resources to establish a dedicated funding source. This can be accomplished through a water tax.
6. Watershed offset aid and other financial mechanisms should be guaranteed and predictable in order to stabilize taxes.
7. Analyses must be performed using up-to-date qualitative and quantitative information.
8. Eliminate the Builder's Remedy for affordable housing in the Highlands.
9. The Department of Environmental Protection should designate brownfields managers for the Highlands region. This can be modeled on the BDA program.
10. There should be a transparent Waiver Process.

Ecosystem Management and Sustainable Forestry

Vision Statement:

Philosophical agreement that active management, stewardship and habitat restoration on public and private land is required for all resources in order to meet the goals of the Highlands Council to achieve objectives of the Highlands Water Protection and Planning Act.

Recommendations:

1. Science-based management on public and private lands should address all natural resources within the Highlands Region with the goal of maximizing public benefit. This should be accomplished by:
 - Preparation and implementation of forest and resource management plans with third party verification or peer review;
 - Reduction in deer herd, invasive species and overabundant native species;
 - Maintaining a mosaic of patch sizes, habitat types, and age classes;
 - Reducing permanent disturbances and sprawl;
 - Biodiversity friendly development;
 - Maintaining and enhancing the upland/wetland continuum; and
 - Basing plans on good data, inventories and species abstracts.
2. Science-based management includes the entire spectrum of activities from intensive silvicultural activities to the delineation of wilderness areas.
3. Science-based management should be the rubric that clarifies the terminology associated with protection, preservation, conservation, wise use and restoration.
4. Deer and Invasive Species: There is a need to reinvent the fundamental system of deer management and to conduct further research on the biological control of invasive species.
5. Highlands open water protection links to biological indicators: The wetland regulations are not sufficient to protect waters, and there is a need to protect the upland/wetland relationship and watershed systems.

Cultural/Historic/Scenic Resource Preservation, Ecotourism, and Recreation

Vision Statement:

The Highlands is about our heritage. We are losing money by not capturing, retaining and promoting the character of the region. Historic resources leverage private investment. We need to create a Highlands tourism entity to attract funding, promote redevelopment, reduce loss of resources, and educate the public about the value of historic resources. We need to be more central in the planning process. Resources have value sustained over time. Priority leads to the perception that we are saving everything.

Recommendations:

1. Develop a stable source of funding to inventory and survey [existing resources] as a basis for protection, management, education and utilization.
2. Develop a stable source of funding for stewardship of historic resources.
3. Require (encourage?) historic preservation elements in municipal master plans.
4. Require (encourage?) conservation elements that include scenic areas in municipal master plans.

5. Designate historic districts to promote tourism, recognition, reservation and categorization for tourism potential.
6. Adopt historic property reinvestment tax credit to leverage private investment.
7. Promote regional and national tourism by creating a Highlands Regional Tourism Council.
8. Use historic structures to accommodate new uses and generate income.
9. Balance ecology and tourism; balance promotion and protection.
10. Redefine/rename state tourism regions, i.e., Highlands vs. Skylands identity. Identify & develop themes to promote tourism [see 6].
11. Simplify state lease process to encourage preservation and use of resources

Land Preservation

Vision Statement:

An interconnected system of publicly & privately preserved lands and farms to achieve and maintain multiple benefits (farming, watershed protection, biodiversity, recreation, wildlife habitat, others). (Active management implied in preservation.)

Strategic Objectives:

- Adequate & additional funding for land acquisition and stewardship
- Highlands Council in coordinating role with education
- Promote wilderness values & restoration of wildland values
- Preserve wild quality of the Highlands landscape and functioning ecosystems
- Public & private management partnership to sustain multiple benefits

Recommendations:

1. Develop an interconnected system of publicly & privately preserved lands and farms to achieve and maintain multiple benefits (farming, watershed protection, biodiversity, recreation, wildlife habitat, others). (Active management implied in preservation.)
2. Develop additional stable funding sources for land acquisition & stewardship (Implementation of the RMP cannot succeed without them).
3. Highlands Council should coordinate efforts & information (toolkits) to educate
 - a. Landowners about land preservation acquisition and stewardship options (i.e. one-on-one basis, groups, networking)
 - b. Municipalities about importance and incentives in adopting the RMP.
 - c. Public about ecotourism opportunities in the Highlands

- d. Public about the long-term importance of the Highlands in providing drinking water.

Land Use Planning/Green Construction/Housing (Group 1)

Recommendations:

1. Need a clear, tough plan based on data and that meets the goals of the Act.

Implementation Steps:

- A. Request additional time to complete the Highlands Regional Master Plan.
- B. Release a first draft as follows:
 1. Highlands Council articulates the goals and objectives of the RMP as defined by the Act.
*** **Release document to the public.** ***
 2. Assemble data – enough data to define the ecological address of the Highlands and develop a clear process for updating.
*** **Release information to the public.** ***
 3. Conduct analysis and interpretation of data, develop possible scenarios.
*** **Consult with local officials, release printed materials, post on website, conduct sub-regional forums.** ***
 4. Produce a working land use capability map.
 5. Prepare a draft plan map and detailed policies and standards – this is the Draft Regional Master Plan.
 6. Conduct Public Hearings.
 7. Develop a process for conformance and amendments and updates based on improved data.
 8. Develop a process for monitoring success and establish an effective “call-up” process to ensure local implementation.
 9. Adopt the Highlands Regional Master Plan!

2. Integrate policies and plans at all levels.

Implementation Steps:

- A. Ensure that the RMP is internally consistent.
- B. Integrate RMP with other plans at the state level, i.e., DEP, DOT, DCA, etc.
- C. Integrate RMP with county and municipal plans.

3. Clarify the process for resolving the tension between competing goals.

Implementation Steps:

- A. Examine the existing land use pattern.
- B. Determine what a desired land use pattern looks like.
- C. Resolution of existing land use pattern vs. desired land use pattern.

4. Provide for a full range of housing and employment.

Implementation Steps:

- A. Correlate housing need to the types of jobs being created.

- B. Provide choice in types of housing and types of communities.
5. Clearly articulate best practices and standards.

Implementation Steps:

- A. Define and explain green policies.
 - B. Define and explain smart growth principles for the Highlands.
6. Include both carrots and sticks in implementation.

Implementation Steps:

- A. Identify or develop a stable source(s) of funding.
 - B. Funding for planning, implementation and monitoring at every level.
 - C. Water Tax.
7. Highlands Council should provide data and technical support to municipalities.

Implementation Steps:

- A. Increase local capacity to do planning.
 - B. Increase funding to support municipal planning functions.
8. Communication must continue throughout the process.

Implementation Steps:

- A. Reach out to groups which have yet to be contacted, ex. Hispanics in Morris County.
 - B. Utilize printed material, ex. newspaper inserts.
 - C. Conduct sub-regional forums to reach out to the public.
 - D. Coordinate with local watershed groups.
 - E. Provide links from the Highlands website to other sites which will help educate and inform about the resources, the planning process and intended results.
 - F. Ensure that education and communication are integral components of each step of the planning process.
9. Secure legislative and executive leadership for the Regional Master Plan.

Land Use Planning/Green Construction/Housing (Group 2)

Recommendations:

- 1) Encourage innovative land use, design and construction approaches for regional Master Plan implementation.
 - Regulatory framework based on “Performance Standards”
 - Encourage private sector innovation
 - Highlands Council serve as an advocate for development and use of innovative/alternative technologies, e.g. Wastewater, storm water, green building
- 2) Ensure state agency consistency in support of the Regional Master Plan, e.g. Plan Endorsement prioritized for towns proposing Highlands TDR Receiving

- 3) The Highlands Council should develop customized outreach and education packages including:
 - Visioning
 - Technical training
 - Scenario Planning
 - Asset Mapping
 - Graphics
- 4) Identify innovative finance mechanisms. E.g. work with financial sector on loans that support smart growth principles and the Regional Master Plan, allow the Highlands Council to grant to inter municipal and county groups, pursue tax base sharing.
- 5) Ensure that the Plan Conformance process includes a petition to COAH for substantive certification as a mandatory/required component of approval by Council, e.g. minimize “builders remedy” litigation.
- 6) Ensure ongoing implementation of Plan Conformance e.g. develop a “feedback loop” model to communicate with stakeholders to insure success, develop indicators in support of the feedback loop model.

Sustainable Agriculture

1. Dedicated funding for equity protection/compensation
 - a. TDR
 - b. Water Consumption Fee
 - c. GSPT reauthorization
 - d. State loan guarantee program
2. Agriculture friendly municipalities
 - a. Uniform thresholds for ordinances/policies used by towns
 - b. Re-examine existing ordinances
 - c. Re-examine fee structure for permitting
 - d. Establish agriculture committees with power, enabling legislation needed
 - e. Right to Farm ordinance based on State model
 - f. Deed Notice to all residential development and resale neighboring farms about right to farm
 - g. Treat silviculture as agriculture
 - h. Educate and outreach to government and public about farming
 - i. Simplified/streamlined site plan review for farm activities
3. Stewardship
 - a. Water Stewardship Bonus from State – payments based on recharge rates/acreage/soil type/ conservation management plan
 - b. Address environmental issues with farm conservation plans – not regulations
 - c. Have cost share funding and technical assistance for State and federal conservation programs

4. Temper DEP rules to consider agricultural perspective
 - a. Clarify exemptions in rules – i.e. conservation restriction and exempt single family construction
 - b. Ease restrictions on labor housing
 - c. Ensure water supply for farming
5. Wildlife Control
 - a. Make deer and geese a commodity to help reduce crop damage
 - b. Restore “Earn A Buck” program
 - c. Active management and stewardship for natural resources
6. Viable Agriculture
 - a. Make healthcare and pensions available
 - b. Affordable land
 - c. New farmer programs to foster future farming
 - d. Expand markets
 - e. Provide forums to resolve issues/disputes between the agriculture community and others

Transfer of Development Rights

Vision Statement:

Allocate TDR credits and plan receiving areas with an eye towards protecting sending area landowner equity while making sure that TDR credits are only used in well planned and well prepared receiving areas that, when built, will meet the goals of the Regional Master Plan.

Recommendations:

1. Keep allocation of credits simple, regional and uniform
2. Use an active Highlands TDR credit bank to serve as an “exchange” to account for regional valuation differences in both sending and receiving areas
3. Allocated TDR credits to undevelopable resource lands as well, because these lands have a unique value not reflected in traditional valuations of development rights
4. The Highlands Council needs to establish other means for credit demand, including:
 - a. Settlement of natural resource damages (NRD) claims
 - b. Variances
 - c. Allow private land trusts to buy TDR credits for retirement
5. The Highlands Council needs to make a long-term commitment to balance supply and demand of credits to maintain their value over time
6. Ensure appropriately designated and designed receiving areas that do not exceed the carrying capacity (both ecological and infrastructure-related).

Transportation

Vision Statement:

Create a more efficient and sustainable multi-modal system that will provide mobility and accessibility while supporting environmental goals.

Recommendations:

1. Revise Municipal Land Use Law to require Multi-Modal Circulation Element
 - a. Traveler safety
 - b. Sustainable
 - c. Accessible
 - d. Efficient
2. Within the Highlands the Land Use, Environmental, Transportation and Water Allocation Plans must be coordinated and integrated and must focus development (Transit villages, etc.) where transportation infrastructure can support it.
3. Modify restrictions against additional roadway capacity (per H. Act) so that multi-modal efficiencies can be obtained.
4. Invest in Transportation Demand Management (TDM) and Enhancements
 - a. Small opportunities can make big changes
 - b. Spot improvements (signage, agri-tourism, intersections, corridors)
 - c. Utilization of shoulders for bus, van and carpools
5. Highlands Council must participate in transportation planning and programming at the North Jersey Transportation Planning Authority (NJTPA)
6. Support dedicated gas tax and other pricing strategies to fund transportation enhancement and to balance travel demand
7. Accessibility and mobility for all travelers is critical; important to focus on much more than commuters and automobile travel

Utility Capacity

Recommendations:

1. Collect and develop adequate baseline data on water allocation, water usage, untapped/available water and wastewater capacity. Data, data, data!!

The Highlands Council is currently collecting and developing data that includes water availability statistical analyses (discussed in more detail with the water resources TAC), HUC14 level sub-basin characteristics and water use. Other data compilation related to water demand, ground water recharge, safe yield, well and stream withdrawals, ambient water quality and impacts on water resources is also being completed under contract to USGS and others. More specific information related to water and wastewater service areas and

actual areas served has been gathered through NJDEP records and from the purveyors and dischargers themselves. Data on allocation and discharge limits, and several other data sets that support the overall utility capacity analysis is being both developed and collected and added to the GIS database being used in development of the Regional Master Plan.

2. Coordinate water and wastewater policy with potential impacts on growth. For example, we must understand the TMDL process, how it works and potentially impacts growth potential, especially in developing the RMP – in terms of designating growth vs. preservation areas, TDR sending/receiving zones and the policies and implementation steps that will be required to keep things from coming to a screeching halt.

The Council is developing the resource assessment and Land Use Capability Map (LUCM) with the intent of integrating the information on water and wastewater with that related to constraints on these utility systems – both natural (e.g., assimilative capacity of the streams, water available from an aquifer) and man-made (discharge limits, safe yields, TMDLs).

3. Participate in Development of the Statewide Water Supply Master Plan Update

The Highlands Council has been invited to participate in the Statewide Water Supply Plan Update process.

4. Analyze interbasin transfers and allocations

The issue of interbasin water transfers, particularly the difference in potential impact from transfer of water withdrawn from ground water sources versus water taken from surface water storage reservoirs, should be reviewed in terms of the potential for increasing water utility capacity in areas deemed appropriate for growth without unacceptable impacts to the water resource.

5. Review the potential for innovative technology to increase treatment plant capacity.

The Council will be reviewing the natural, regulatory and physical plant constraints involved in wastewater utility capacity determinations. How innovative technology could be used, following the lead of successful local examples, is a natural extension of these analyses in cases where wastewater treatment capacity is the factor restricting growth in otherwise appropriate areas.

Water Resources

Recommendations:

1. Test, compare and evaluate a broad range of methods to assess remaining capacity and deficits for water availability for both ecological and human water needs. (Both currently feasible and long-term method).

The Highlands Council is currently using several methods (Low Flow Margin of Safety, Base Flow Recurrence Interval, Hydro-ecological Integrity Method). Additional methods should be tested to determine their appropriateness for either immediate or future use. Case testing would be useful – including field testing of some methods that involve ecological analyses.

Methods suggested included Range of Values Analysis, New England Aquatic Base Flow, Tennant, R2 Cross and Stream Wetted Perimeter.

2. Improve surface and ground water monitoring systems to support sound science, modeling and methods from #1, including flow, quality and ecological indicators.

The current monitoring system is part of a statewide network developed for statewide purposes. USGS has identified a number of watershed and subwatershed areas that lack sufficient water flow or quality data to draw direct estimates of water availability and quality, for both ground and surface waters. The Highlands Council should engage in a science agenda including a regional monitoring system that is developed to meet regional needs.

3. Protect critical areas related to water resources, including through the use of model ordinances.

The Highlands Act requires the Highlands Council to develop implementation methods, including model municipal ordinances, which are needed for the protection of regional resources. The TAC emphasized the need for such tools.

4. Develop a Highlands-specific aquifer and ground recharge method for delineation and quantification of recharge from various land areas.

The NJGS GSR-32 method estimates ground water recharge by land polygon. It does not actually connect its estimate of ground water infiltration (the movement of water past the root zone) to recharge of underlying aquifers, and it was developed using a statewide approach. TAC members want the Highlands Council to pursue a method that is specific and appropriate to the Highlands and results in estimates of aquifer recharge by land polygon.

5. Increase water supply system storage and capacity to increase yields.

This strategy focuses on the increase of water supply availability through enhanced surface or ground water storage, whether related to new facilities or the enhancement of existing facilities.

APPENDIX

Detailed TAC Workgroup Reports

Invitation to TAC Members

Charrette Agendas (March 28 – March 29, 2006)

These pages were intentionally removed

Please see the Highlands Council website for the full version of the Report:

<http://www.highlands.state.nj.us/njhighlands/stake/tacs.html>



State of New Jersey

Highlands Water Protection and Planning Council
100 North Road - Route 513
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JON S. CORZINE
Governor

JOHN R. WEINGART
Chairman

DANTE DI PIRRO
Executive Director

March 1, 2006

Dear TAC Committee Member,

On March 28th and 29th, the Highlands Council will be convening a two-day charrette of all the Technical Advisory Committees (TACs) to collaborate on developing and recommending concrete strategies for addressing the issues previously surfaced by the TACs and other key constituents. At this time, TACs will work within their specified technical area as well as within interdisciplinary groups for “cross-pollination” of ideas and expertise.

A charrette is a collection of ideas or an intensely focused activity intended to build consensus among participants. The TAC Charrette is intended to continue the pursuit of expert opinion and input and bring the various committees together to learn from one another. The goal is to provide an opportunity and an outlet for interdisciplinary cooperation which will culminate in integrated strategies for reaching the goals of the Highlands Act.

Because the process will be a cumulative one, please plan to attend on both March 28th and 29th. If you cannot attend both days, you are welcome to attend on the 28th only. Only those who have participated on the 28th will be able to join the work on the 29th. This will allow us to effectively build upon the work generated on the first day. It is also important that you RSVP with your commitment to participate no later than March 10th so that the process can be fine-tuned for the specific expertise represented.

The first day (March 28th) will entail a half-day session for each TAC to provide feedback on work completed to date and develop strategies to address issues raised during the first set of TAC meetings. Half of the TACs will meet in the morning and the other half in the afternoon. Several of the TACs will be combined based on similar issues raised at the first set of TAC meetings. Please review the attached tentative agenda to determine if you are in the morning or afternoon session. The Geographic Information System TAC and Education TAC will not be meeting at this time and members of those TACs are invited to choose to attend one of the other TAC sessions.

On March 29th, TAC members will be assigned to interdisciplinary workgroups to share and test their recommended strategies, learn approaches from other TACs, and develop consensus. The day will end with a plenary session of all participants to share in a discussion of this work.

When you RSVP, please also let us know the following:

1. Are you willing to facilitate a small group on day one, day two or both? If you elect to facilitate a group, you will receive instructions from our event managers.
2. Are you willing to take notes in a small group on day one, day two or both? Note takers will be asked to bring a laptop computer for recording or to transcribe their notes for electronic transmittal to our event managers. Alternatively, please feel free to offer a staff member, intern or volunteer from your organization that you can bring along to fill this role.

The TAC Charrette is being funded by a grant from the Geraldine R. Dodge Foundation to further the goals of the Highlands Act and the development of a Regional Master Plan. The events will be facilitated by Consilience, a professional consulting organization with extensive experience in the subject areas.

To RSVP please complete the attached TAC Charrette Response Form and reply via the following link <http://www.highlands.state.nj.us/charrette.html> or mail to Charrette Response, Highlands Council, 100 North Road, Chester, NJ 07930. You may also fax your response to Charrette Response at (908) 879-4205. Please be aware that we have a limited budget and registration will be on a first come first serve basis.

The TAC Charrette will be held at The Skylands at Randolph on Route 10 West in Randolph. Continental breakfast will be available each morning and lunch will be served on the second day of the charrette. Directions and tentative agendas are included.

I hope you will be able to participate in the TAC Charrette and will continue to be involved as we develop a Regional Master Plan for the Highlands. Thank you again for your continued efforts and commitment to this important endeavor.

Sincerely,



John R. Weingart
Chairman



State of New Jersey

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Governor

JOHN R. WEINGART
Chairman

DANTE DI PIRRO
Executive Director

HIGHLANDS TECHNICAL ADVISORY COMMITTEE CHARRETTE DAY ONE – MARCH 28, 2006

Goal: Identify, prioritize and develop possible approaches and strategies for effective implementation of the Regional Master Plan.

- 8:30 am- 9:00 am** **REGISTRATION AND CONTINENTAL BREAKFAST**
- 9:00 am- 9:15 am** **WELCOME AND INTRODUCTION**
- 9:15 am- 12:15 pm** **INDIVIDUAL TAC MEETINGS**
(Water Resources; Land Preservation; Land Use Planning/Housing/Green Construction (x2); Community Investment/Regional Development/Brownfield Redevelopment; Transportation)
- 12:30pm - 1:00pm** **AFTERNOON REGISTRATION**
- 1:00pm - 1:15pm** **WELCOME AND INTRODUCTION**
- 1:15pm—4:15pm** **INDIVIDUAL TAC MEETINGS**
(Sustainable Agriculture; Ecosystem Management & Sustainable Forestry; Eco-Tourism/Recreation & Cultural/Historic; Utility Capacity; Transfer of Development Rights)

Major Goals of the Regional Master Plan:

- Protect & conserve the quality and quantity of drinking water;
- Protect natural, scenic, recreational, historic, and cultural resources;
- Preserve contiguous lands in a natural state;
- Preserve farmland and farming;
- Promote compatible land use opportunities;
- Discourage incompatible land use practices;
- Promote a sound and balance transportation system;
- Encourage appropriate development, redevelopment and economic growth.

Charrette Groundrules:

- Focus on implementation & solutions, not on methodology and problems.
- Think about the greater good and future generations.
- Work towards consensus.
- Be concise.
- Expect a little chaos; help each other through it.
- Facilitators hold the "trump card."

APPENDIX D

HIGHLANDS COUNCIL STANDING COMMITTEES

Highlands Council Standing Committee List
January 2008

| Committee | Chair | Other Members |
|----------------------|---------------------|---|
| Agency Coordination | Schrier, Jack | Alstede, Kurt Calabrese, Liz Dillingham, Tim Pasquarelli, Debbie Vetrano, Glen Way, Tahesha |
| Agriculture | Alstede, Kurt | Carluccio, Tracy Cogger, Bill Pasquarelli, Debbie |
| Audit | Calabrese, Liz | Dillingham, Tim Vetrano, Glen |
| Audit Evaluation | Carluccio, Tracy | Way, Tahesha Whitenack, Scott |
| Budget & Finance | Bill Cogger | Kovach, Janice Peterson, Erik |
| Land Conservation | Pasquarelli, Debbie | Cogger, Bill Way, Tahesha Whitenack, Scott |
| Natural Resources | Dillingham, Tim | Alstede, Kurt Carluccio, Tracy Peterson, Erik Whitenack, Scott |
| Personnel | Weingart, John | Carluccio, Tracy Kovach, Janice Letts, Mimi Schrier, Jack |
| Plan Development | Weingart, John | Alstede, Kurt Dillingham, Tim Letts, Mimi Pasquarelli, Debbie Schrier, Jack Whitenack, Scott |
| Public Participation | Letts, Mimi | Calabrese, Liz Carluccio, Tracy Schrier, Jack Whitenack, Scott |
| TDR | Whitenack, Scott | Letts, Mimi Vetrano, Glen Way, Tahesha Weingart, John |