

APPENDIX D1: Land Development Resolution

This Resolution replaces the sample Resolution provided at Appendix D of the Plan Conformance Grant Program Instructions Document (Task D: County Petition for Plan Conformance).

**STATE OF NEW JERSEY
BOARD OF CHOSEN FREEHOLDERS**

SOMERSET COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State’s drinking water supplies and other significant natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

WHEREAS, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, September 8, 2008, each county located wholly or partially in the Preservation Area shall submit revisions to the county master plan and associated regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

WHEREAS, portions of the County of Somerset are located in the Preservation Area of the Highlands Region as defined by the Highlands Act; and

WHEREAS, the Board of Chosen Freeholders of the County of Somerset affirmatively seeks to align its master plan and regulations with the policies, goals and provisions of the RMP as applicable to the Highlands Preservation Area, in full accordance with the requirements of the Highlands Act;

NOW THEREFORE BE IT RESOLVED, that the Land Development Review standards of Somerset County, titled _____, adopted by Resolution # _____, dated _____, are herewith amended to incorporate the new section titled, “Highlands Preservation Area Requirements,” as provided herein following.

HIGHLANDS PRESERVATION AREA REQUIREMENTS

A. ***Application Completeness Requirements.*** Any application to the Somerset County Planning Board involving property located within the Preservation Area of the New Jersey Highlands Region shall neither be deemed complete nor considered for review by the Planning Board, until or unless one or more of the following, as applicable, has been submitted to the Planning Board in support of the application:

1. A certified resolution issued by the municipal land use board having jurisdiction in the matter indicating that the development application proposing the project has received approval of such local board and is authorized to proceed; or
2. A formal notice of public hearing, provided to the County in accordance with the requirements of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-12), indicating that the proposed project is the subject of an application for development which has been filed with and is scheduled for consideration by the municipal land use board having jurisdiction in the matter; or
3. In the absence of 1 or 2 above:
 - a. A Highlands Applicability Determination (HAD) issued by the NJDEP indicating that the proposed projects is exempt from the requirements of the Highlands Act; or
 - b. A Highlands Preservation Area Approval (HPAA) issued by the NJDEP; or
 - c. A Highlands Regional Master Plan Consistency Determination issued by the New Jersey Highlands Council indicating that the proposed project is consistent with the Highlands Regional Master Plan.

B. ***Final County Reports.*** All final County Reports on applications for development that involve property located in the Preservation Area of the Highlands Region, shall include the following provisions:

1. Pursuant to Section 17.c. of the Highlands Act (N.J.S.A. 13:20-17.c.):
 - a. The Highlands Council may review, within 15 days of receipt of County Planning Board approval, rejection, or approval with conditions, any application for development in the Preservation Area that involves the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more.
 - b. Upon determining to exercise such authority, the Highlands Council shall transmit, by certified mail, written notice thereof to the person who submitted the application to the County Planning Board.

- c. Pending completion of review by the Highlands Council of any final Planning Board approval or approval with conditions of such an application for development, and the issuance of the Council's decision thereon, the applicant shall not proceed with the development.

C. *Reporting Requirements.* Wherein any application for development of property located in the Preservation Area of the Highlands Region involves the ultimate disturbance of two acres or more of land, or a cumulative increase in impervious surface by one acre or more, a copy of the final County Report in the matter shall be provided to the Highlands Council. The County Planning Board shall provide certified copies of such Reports in the same manner and within the same timeframe as set forth under the County Planning Act for delivery of such reports to the applicable municipal agencies (N.J.S.A. 40:27-6.7).

BE IT FURTHER RESOLVED, that this Resolution shall take effect upon adoption by the Board of Chosen Freeholders in the manner prescribed by law.