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Executive Director

MEMORANDUM TO: Director Rendeiro
FROM: Matt Blake, P.P., AICP
RE: Highlands RMP Consistency Review
DATE: October 16, 2020

Please accept this memo certifying my determination that the Highlands Regional Master Plan (RMP) and subsequent amendments are substantially consistent with the Statewide Goals, Strategies and Policies as set forth in the New Jersey State Development and Redevelopment Plan ("State Plan," "SDRP"). Having reviewed the RMP and enclosed Petition of the New Jersey Highlands Water Protection and Planning Council ("Highlands Council") for Plan Endorsement with respect to the Highlands Planning Area consistency with the SDRP, it is my recommendation that the State Planning Commission ("SPC") provide its full endorsement upon the review and recommendation of the Plan Implementation Committee in accordance with N.J.S.A. 13:20-8.

Pursuant to the State Planning Act, the SPC developed Plan Endorsement as the tool to bring municipal, county and regional plans into consistency with the goals, policies and strategies of the SDRP. In recognition of the SDRP, the Highlands Act requires the Highlands Council to submit the RMP to the SPC for Plan Endorsement for the Planning Area of the Highlands Region, and coordinate with the SPC and other State agencies to implement both the RMP and the SDRP as applicable. In addition, upon the SPC's endorsement of the RMP, any municipal or county master plan and development regulations that are found by the Highlands Council to be in conformance with the RMP, shall be considered the equivalent of, and will be treated as, State Plan Endorsement.

It is in furtherance of the requirement for SPC endorsement of the RMP, that I was tasked with reviewing the goals and policies of the RMP to certify Planning Area consistency with the SDRP. While my review examined the RMP and associated materials in their entirety, my finding of consistency with the SDRP as provided in this certification, is limited to addressing those aspects of the RMP, which exclusively address the Planning Area as required under the Highlands Act.

It should be noted that during the development phase of the RMP, the Highlands Council sought and received extensive input from the involved state agencies including, but not limited to, the SPC, OPA (then OSG) and others, which informed RMP revisions in furtherance of aligning the document with both the requirements of the Highlands Act, and the goals and policies of the State Plan and associated Special Resource Planning Area for which it was designed to address. In addition, in 2008, the Highlands Council did previously submit the RMP for endorsement in accordance with Section 8.b of the Highlands Act, which was never completed for reasons outside of the control of either the Highlands Council or the SPC. As part of its petition, the Highlands Council provided the enclosed *Self Assessment Report*, which includes a table with an overview of the RMP's consistency with the goals, policies, indicators and strategies of the SDRP. The document remains relevant to this day and was relied on as part of my analysis.

Under the SDRP, the general plan strategy is to achieve all of the State Planning Goals by coordinating public and private actions to guide future growth into compact, ecologically designed forms of development and redevelopment and to protect the environs, consistent with the Statewide Policies and the State Plan Policy Map. The State Planning Act (N.J.S.A. 52:18A-196, et seq) contains three key provisions that mandate the approaches the SDRP must use in achieving State Planning Goals. The State Plan must:

1. encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services or facilities and discourage development where it may impair or destroy natural resources or environmental qualities;
2. reduce sprawl; and
3. promote development and redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds.

Similarly, the RMP, sets forth goals and policies for both the Preservation and Planning Area, “to protect, preserve and enhance precious water resources, open space and unique natural resources within the Highlands Region, and promote a balance of environmental protection and comprehensive land use that provides for the preservation of environmentally sensitive lands and resources that are essential to the character of the Region.” In the Planning Area it establishes specific development goals, policies and programs to support economic growth opportunities and sound investment decisions that promote the continuation, renewal and expansion of compatible land uses and development patterns consistent with the State Plan and related smart growth strategies and principles. It likewise discourages sprawl and inappropriate development, while “protecting the Highlands environment from the individual and cumulative adverse impacts thereof.”

In keeping with the SDRP, the RMP serves as a guide to where and how future development should occur; incorporating natural resource information and capacity analysis to guide land use policy and foster smart growth and prohibit or limit construction or development which is incompatible with spatially defined preservation goals. It identifies specific resources, growth management strategies and ecosystem services, and addresses these through a variety of regulations, as well as incentive programs, guidance documents, technical assistance and grants. The non-regulatory assistance is also available to Planning Area municipalities and counties that voluntarily opt to implement Plan Conformance with the RMP. In jurisdictions conforming only for their Preservation Areas, such assistance may in certain instances, apply to Planning Area projects addressing Plan Endorsement (e.g., where such Highlands Council funded projects have municipal- or county-wide applicability).

In the Planning Area, the RMP further encourages adoption and implementation of specific programs and planning activities that advance sustainable development and smart growth, including a variety of housing choices and compliance with affordable housing obligations. It includes the efficient provision of community facilities, utilities, services, and balanced transportation improvements, as well as the protection, preservation, and enhancement of natural resources in order to ensure that new growth and development is consistent with the goals, policies, and objectives of the RMP – all concepts which are clearly aligned with the State Plan.

Similar to the State Plan Policy Map, implementation of the RMP is guided by a land use policy map; the Highlands Land Use Capability Zone Map that, through the identification of geographic zones, provides for a comprehensive evaluation of both resource constraints and development opportunities. It addresses the potential for conflict between natural resource protection and desired economic growth by identifying constraints and capacity limitations of land and infrastructure, and identifying those areas within the Highlands that can best support appropriate and varying levels of development activity, which includes recognition of the various State Plan Centers designated throughout the 860,000-acre region.

While the RMP is substantially consistent with the SDRP, it does not however, fully address the State Plan Policy No. 1, regarding Equity as necessary to comprehensively address environmental justice in light Executive Order No. 23 and

recent landmark legislation passed on the issue (S232/A2212), as well as to incorporate climate change and resiliency planning pursuant to Executive Order No. 89. Future amendments to the RMP should specifically address equity and environment justice as defined in the SDRP, executive orders, legislation and related policies and regulations. In recent discussions with staff from the Highlands Council, it is my understanding that work on these updates is already in progress in an effort to bring the RMP into consistency with the above-mentioned executive orders and legislation. As such, should the SPC determine to endorse the RMP as recommended in this certification, it may wish to condition said action upon the timely adoption of future amendments addressing the above items to its satisfaction.