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Governor

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State of New Jersey

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JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEMORANDUM

TO: Council Members

FROM: John A. Maher, Chief Counsel 

SUBJECT: Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

DATE: August 3, 2017

With respect to the Procedure for Considering Proposals to Amend the Highlands Regional Master Plan (Procedure), Executive Director Nordstrom has asked me to briefly summarize for you what we have done so far and where we go from here.

What have we done so far?

- On January 19, 2017, the Council adopted a resolution to use the Procedure going forward to finalize the MPRR and to consider any proposals to amend the RMP arising out of the MPRR, and to adopt a final version of the Procedure as an amendment to the RMP. A copy of the 1/19/17 resolution is attached.
- At the January 19 meeting, the Council heard comments on the draft Procedure from members of the public. The RMP Amendment Committee considered those comments and recommended two revisions to the draft Procedure which are incorporated in the current draft and which are shown in the track changes version in your meeting material. A copy of the Committee's 2/6/17 memorandum recommending these changes is attached.
- On July 12, the Committee met in a public session to consider the draft Resolution. The Committee voted to recommend that the Council authorize Council staff to conduct the "five, plus one" hearings required before the Procedure can be adopted by the Council as part of the RMP.

Where do we go from here?

- At its August 17 meeting, the Council will be voting on a resolution to authorize Council staff to conduct the “five, plus one” hearings. **The Council’s vote does not adopt the Procedure, but simply authorizes public hearings so members of the public can be heard.** The Procedure will come back before the Council, after the public hearings, for final adoption.
- Staff anticipates that it will conduct the public hearings in September. One hearing will be in Trenton, the others will be in various locations in the Highlands Region.
- After the hearings, staff will prepare a Response to Comments document for the RMP Amendment Committee, which will review the comments, make suggestions for any revisions, and recommend adoption of the final Procedure.
- The Council will vote to adopt the final Procedure as part of the RMP.
- It is my opinion, which I shared with the RMP Amendment Committee, that the Procedure must be adopted as part of the RMP **before** the Council begins to consider any proposed amendments to the RMP that may arise out of the final MPRR.

If any members of the Council have any questions concerning the Procedure or the Resolution, I will be happy to address them at the 3:00pm sub-quorum meeting or at the Council meeting.

Attachments

RESOLUTION 2017-3

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION TO UTILIZE THE DRAFT PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act or Act), N.J.S.A. 13:20-1 et seq., created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council or Council); and

WHEREAS, Section 8(a) of the Highlands Act mandates that the Council prepare and adopt a Regional Master Plan (RMP) for the Highlands Region; and also states that the RMP “shall be periodically revised and updated at least once every six years, after public hearings;” and

WHEREAS, the Council has prepared draft Procedure for Considering Proposals to Amend the Highlands Regional Master Plan (draft Procedure); and

WHEREAS, the Highlands Council is in the middle of the six-year review of the RMP required by the Highlands Act and is preparing a Monitoring Program Recommendation Report (MPRR), which may include one or more recommendations to amend the RMP;

WHEREAS, the Highlands Council staff and the RMP Update Committee (Committee) have developed a procedure for considering proposals to amend the RMP that may arise out of the Monitoring Program, and the Committee has recommended that the Council utilize these procedures going forward to finalize the MPRR and to consider any proposals to amend the RMP recommended in the MPRR; and

WHEREAS, the Council believes that the draft Procedure should be utilized by the Highlands Council going forward to finalize the MPRR and to consider any proposals to amend the RMP, and that the final Procedure be adopted by the Council as an amendment to the RMP at such time that the Council adopts other proposed amendments to the RMP arising out of the MPRR;

NOW, THEREFORE, BE IT RESOLVED, that

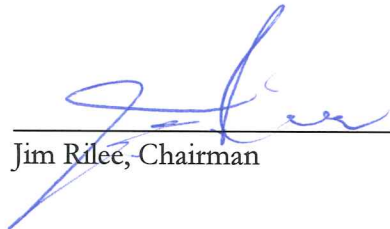
1. The Highlands Council shall utilize the draft Procedure going forward to finalize the MPRR and to consider any proposals to amend the RMP arising out of the MPRR; and
2. The Highlands Council shall adopt a final version of the Procedure as an amendment to the RMP in accordance with the Procedure at such time as the Council adopts any other amendments to the RMP arising out of the MPRR.

RESOLUTION 2017-3

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION TO UTILIZE THE DRAFT PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of January, 2017.



 Jim Riley, Chairman



**Vote on the Approval of
This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	✓	_____	_____
Councilmember Dougherty	_____	_____	_____	✓	_____	_____
Councilmember Dressler	_____	_____	_____	✓	_____	_____
Councilmember Francis	_____	✓	✓	_____	_____	_____
Councilmember Holtaway	✓	_____	✓	_____	_____	_____
Councilmember James	_____	_____	_____	✓	_____	_____
Councilmember Richko	_____	_____	_____	✓	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfrank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	✓	_____	_____	_____
Chairman Riley	_____	_____	✓	_____	_____	_____



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MEMORANDUM

TO: The New Jersey Highlands Council

FROM: The RMP Update Committee of the New Jersey Highlands Council

SUBJECT: Response to comments regarding the Draft Procedures for Considering Proposals to Amend the Highlands Regional Master Plan

DATE: February 6, 2017

The Committee responds to the following concerns raised at the January 19, 2017 Council meeting regarding the draft Procedure that the Council approved as a guideline moving forward with the finalization of the Monitoring Program Recommendation Report (MPRR) and any proposals to amend the Regional Master Plan (RMP) arising therefrom.

Public Comment Period

That a public comment period of no less than 30 days on the draft MPRR is not sufficient time for the public to digest and then comment on the MPRR or RMP amendments.

The intention was that the 30-day period would be the minimum duration of any public comment period, and that the draft Procedure would provide flexibility to the Council to provide a longer public comment period. We therefore recommend that the language in the draft Procedure be amended to provide that the public comment would be “for a minimum period of 30 days, unless extended by the Council up to 60 days.” This change makes clear that when the Council approves the draft MPRR to be released to the public for comment, it can stipulate the length of the public comment period, as long as it is at least 30 days long. The Committee believes that the public comment period on the draft MPRR will need to be longer than 30 days and expects that it will recommend a 60-day public comment period to the Council when it recommends that the Council release the MPRR for public comment.

Public Participation- Submitting Recommendations for Amendments to the RMP

That the list of information (on page 3 of the Procedure) required to be provided by a proponent in support of a RMP amendment poses an unrealistic burden on the proponent.

Our intention is that the proponent provide as much information possible to tie the proposal to a specific goal, policy, or objective in the RMP. If the proposal is not clear on

this point, the staff will work to tie the proposal to a specific section of the RMP and/or will attempt to obtain additional information from the proponent. It is not our intention that the Committee will summarily reject a proposal because of the proponent's failure to provide some of the information listed at page 3 of the Procedure.

Prior to final adoption of the Procedures, Council staff recommends the last sentence of the first full paragraph on page 3 be amended to read:

“Anyone wishing to suggest additional or different changes to the RMP than those proposed in the draft Recommendation Report will be asked to provide the information outlined below to support such changes to the best of their ability. Changes will not be rejected or discarded due to a lack of information; rather supporting information will be used by Council staff to provide context for any such amendment to the Committee.”

Public Hearings Outside of the Highlands Region

That the Highlands Council conduct additional public hearings on a proposed RMP amendment outside of the Highlands region.

The Committee appreciates this comment and will discuss the feasibility of conducting additional public hearings in addition to the ones required by the Highlands Act. Some proposed amendments may be appropriate for a hearing outside the Highlands, depending on topic. Council may make a determination on this point when it recommends a RMP amendment go out for public hearings.