



State of New Jersey

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MEMORANDUM

TO: Highlands Council

FROM: Lisa J. Plevin

SUBJECT: **Edits and Revisions to the Monitoring Program Recommendation Report in Response to Council Discussion**

DATE: August 31, 2018

The following is a log of all edits made to the Monitoring Program Recommendations Report Draft for Final Adoption (MPRR) in response to Highlands Council discussion and staff review and is in addition to edits described in the October 3, 2017 memo. MPRR Appendix B: Public Comments and Highlands Council Responses, beginning on Page 216, has been revised to reflect the changes below. This log does not include edits made due to typographical errors.

MPRR REVISION LOG

Page 14: In response to Council discussion, the following text was removed:

~~“The Highlands Council shall request an invitation to participate as a stakeholder in the NJDEP Forestry BMP Manual revision and update process, in order to highlight specific resource protection standards for the Highlands Region”~~

Page 15: In response to Council discussion, the following text was removed:

~~“Develop allowances for limited encroachment on compromised or non-functional open water buffer areas, whereby conditions of approval would require buffer restoration and mitigation plans yielding significant net improvement”~~

Page 31: In response to Council discussion, the following text was revised:

“Assist in and provide funding for the development of wastewater alternative treatment plans, particularly for developed Preservation Area municipalities currently not serviced by adequate wastewater treatment facilities, to address issues of public health and safety”

Page 50: In response to Council discussion, the following text was revised:

“Update the LUCZ Map to create a three-map LUCZ set depicting past and present on-the-ground conditions, as well as a map reflecting areas appropriate for ~~future-sustainable~~ growth.”

“Based on the resource assessment conducted under the Land Use Capability Map Series, establish a region-wide ~~Smart Sustainable~~ Growth ~~Capability~~ map depicting areas within the region that are appropriate for future development and redevelopment activity, and areas that are more appropriate for conservation and protection.”

Page 63: In response to Council discussion, the following text was removed:

~~“Pursue modifications to the Grow NJ Assistance Program legislation to include Preservation Area Highlands Redevelopment Areas and designated Highlands Centers as “Qualified Incentive Areas.” The Grow NJ Assistance Program, contained within the “Economic Opportunity Act of 2014,” excludes all lands within the Highlands Preservation Area from being considered “Qualified Incentive Areas.” This exclusion does not take into consideration the appropriateness of development within designated Highlands Redevelopment Areas. The designated Redevelopment Areas represent good opportunities for sustainable economic development within the Preservation Area of the Highlands and should receive the full support of state-sponsored incentives.”~~

Page 66: In response to Council discussion, the following text was revised:

“Municipal and County Plan Conformance: To date, monitoring results indicate significant progress on municipal Plan Conformance, with 61 petitions submitted and 50 approved. Importantly, this places most Highlands municipalities in the Implementation Phase of Plan Conformance, meaning that Highlands land use policies are in the process of taking hold at the municipal level where their effect will ultimately be felt. For a number of municipalities remaining outside of Plan Conformance, the full conformance process is less applicable and should be streamlined accordingly. County Plan Conformance has seen mixed participation and limited results thus far, and should be altered to more directly address the legal authority and capabilities of counties and particularly county planning agencies while maintaining the integrity of the process.”

Page 66: In response to Council discussion, the following text was added to the beginning of the Recommendations section:

“The following recommendations are intended to strengthen the Plan Conformance process. In instances where easing of some Plan Conformance requirements are recommended, it is the intent of the Highlands Council not to subvert the Goals of the Highlands Act and RMP but to provide flexibility in the process so as to encourage municipal and county conformance to the greatest extent practical.”

Page 67: In response to Council discussion, the following text was revised in the Program Issues section:

“The 2008 Plan Conformance Guidelines adopted as a component of the RMP are not suited to the municipalities that have not yet conformed. Certain aspects of the 2008 requirements have also been found unnecessary to ensure protection of the Region’s resources and should be removed to ease the process of developing a complete Petition for Plan Conformance.

Page 67: In response to Council discussion, the following text was revised:

“During the review of municipal Plan Conformance petitions, the Highlands Council recognized that the “one size fits all” approach envisioned under the adopted Plan Conformance Guidelines was not the most efficient or effective way to implement the RMP. While the guidelines provided for tailoring of petition materials to fit the circumstances of each municipality, as well as waivers for petition items that were inapplicable in particular cases, they did not foresee the cases in which the bulk of the typical implementation requirements would not apply, or would not achieve results that would further the goals or objectives of the RMP. For example, where a municipality’s Preservation Area consists entirely of preserved state parkland, there is no need for the adoption of the Highlands land use ordinances to regulate development. In such cases, the Highlands Council used the waiver provisions provided within the guidelines to allow for a streamlined petition submittal and approval with few, if any, of the usual implementation conditions. Where potential development in a municipality is de minimus, moreover, adoption of the full gamut of Highlands land use planning materials would constitute a significant burden and cost to taxpayers, with limited or no additional protection of Highlands resources to zero net effect in terms of Highlands resource protection. Accordingly, the Highland Council developed an approach by which a municipality could adopt an land use ordinance that would refer development applications to the Highlands Council, thereby making it unnecessary for such municipalities to adopt lengthy land development ordinances.

Given the number and characteristics of the municipalities remaining to conform in the Region, it is recommended that the Highlands Council adopt revised Plan Conformance guidelines that include these considerations at the outset. The Highlands Council would then provide the specific list of items required to further the goals, policies, and objectives of the RMP for to the municipality to for submit submission of a complete municipal petition for review and consideration.”

Page 67: In response to Council discussion, the following text was revised:

“The RMP and the 2008 Plan Conformance Guidelines treat county Plan Conformance similar to municipal Plan Conformance. However, counties do not regulate land uses in the same way as municipalities. The approach to Plan Conformance for counties would be more effective if a more proactive planning-based (rather than a regulatory-based) approach was taken. Expansion of the county Plan Conformance grant program to more specifically address county-wide economic development, stormwater management, resource management, and agricultural development issues will strengthen the program and encourage broader county participation.

This report recommends revision of the county Plan Conformance Guidelines to meet the requirements of the Highlands Act to include such revisions of the county master plan and development regulations, as applicable to the development and use of lands, as may be necessary in order to conform them with the goals, requirements, and provisions of the regional master plan, where within county authority as provided under the NJ County Planning Act. removal of all RMP references to county adoption of land use regulations not specifically within county authority as provided under the NJ County Planning Act. In addition, it recommends expansion of the county Plan Conformance grant program to more specifically address county-wide economic development, stormwater management, resource management, and agricultural development.”