

DRAFT



Draft RMP Addendum 2017-1 Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

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

~~August~~~~July~~
~~June~~~~January~~
2017

PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN

Executive Summary

The Highlands Regional Master Plan (RMP) outlined a Monitoring Program to meet the statutory requirement of the Highlands Water Protection and Planning Act (Highlands Act) to review the RMP every six years. The RMP proposed development of a Monitoring Program to track and monitor regional indicators, and the preparation of a Monitoring Program Recommendation Report (MPRR or Recommendation Report) to present a summary of the data gathered and evaluated as part of the Monitoring Program and facilitate the Council's consideration of revisions to the RMP.

The MPRR is prepared by the Highlands Council staff based on ongoing monitoring of identified indicators, and may include recommendations to amend the RMP. The Highlands Council will consider amendments to the RMP only after proposed changes to the RMP have been reviewed by the RMP Amendment Committee and ample opportunity for public comment on proposed amendments.

This document summarizes the procedures the Council plans to follow in its review of the RMP and its consideration of amendments thereto.

Introduction

The Highlands Act requires the New Jersey Highlands Water Protection and Planning Council (Highlands Council) to review and update the Highlands Regional Master Plan RMP¹ “at least once every six years, after public hearings”.² The Act contemplates that amendments to the RMP will arise principally out of this six-year reexamination. This document sets forth the process the Highlands Council will follow to review and update the RMP in a manner that is consistent with the Highlands Act and ensures robust public participation.

Standards Governing the Review of the RMP

The goals, policies and objectives that comprise the RMP reflect the synthesis of applicable law, policy science, economics and relevant considerations from other disciplines. As such, the RMP and any amendments proposed to the RMP will be reviewed by the Highlands Council with these considerations in mind. Specifically, the RMP must conform to the Highlands Act. Further, the RMP was developed with the benefit of data drawn from multiple sources and disciplines to inform the judgements made by the Council in its adoption of the RMP in 2008. Accordingly, the Highlands Council's review of the RMP at this six-year interval will take into consideration changes observed since 2008 in water resource conditions, land use patterns, demographics and other benchmarks, as indicated by relevant data, as well as data that was not available when the RMP was adopted in 2008.

¹ The 2008 Regional Master Plan (including Addendum A, January 2011), 15 Technical Reports, and guidance documents that can be found at www.nj.gov/njhighlands/master/.

² N.J.S.A. 131:20-8(a)

The Highlands Council will also take into consideration public comment received through the procedure described further below.

Accordingly, all amendments to the RMP that are presented to the Highlands Council for consideration will be accompanied by a detailed analysis and justification that, among other things and to the extent applicable, sets forth: (1) the purpose/intent of the proposed amendment; (2) the text of the proposed amendment; (3) an explanation of how the proposed amendment is consistent with the Highlands Act and other applicable law; (4) any data that supports the proposed amendment, including the data considered by the Council in its adoption of the RMP in 2008, and any changes observed in the data or new data developed since 2008; (5) a summary of public comment received related to the proposed amendment.

Monitoring Program and Recommendation Report

The RMP calls for the development of a Monitoring Program to track and evaluate regional conditions, and to identify emerging issues and discern changes and trends, as observed in relevant data, which will “inform the development of future iterations”³ and “guide potential amendments.”⁴

The RMP contemplates the compilation of this information in a Monitoring Program Recommendation Report (Recommendation Report), together with any recommendations for potential changes to the RMP. To this end, the Highlands Council staff, under the direction of the Highlands Council, will gather and evaluate relevant data, which will be summarized and presented to the Highlands Council in the Recommendation Report for its review and consideration as part of the 6-year review of the RMP, in accordance with the process outlined below. A draft Recommendation Report will be available for public review and comment, and any proposed amendments to the RMP will be subject to public hearings, as further described below.

Review of the Recommendation Report by the RMP Amendment Committee

Action by the RMP Amendment Committee

The Highlands Council staff will prepare a draft Recommendation Report for review and approval by the RMP Amendment Committee (Committee). The draft Recommendation Report may include suggested changes to the RMP. Upon the Committee’s review and recommendation and the Council’s approval, the draft Recommendation Report will be published on the Highlands Council website for

³ See, Chapter 6, Part 3, Subpart B. Specifically, Chapter 6 "Implementation" provides, at page 366: "[T]he RMP Monitoring Program will allow the 'Highlands Council to identify significant successes and continuing issues related to RMP policies, objectives, and programs, so that periodically the RMP may be improved through amendments, including the required six-year updates." Further, Part 3 "Improvement of the Master Plan," Subpart B "Regional Master Plan Monitoring" provides, at page 416: "Monitoring and research are vital to understanding the impact and effectiveness of the RMP over time. Monitoring will ensure that the RMP continues to provide effective policies and programmatic approaches in an ever changing landscape. In order to evaluate regional conditions, identify new or emerging issues, and develop future RMP priorities, indicators will be identified and tracked by the Highlands Council.... Conclusions drawn from the findings of the monitoring program may result in updates or amendments to policies and programs of the RMP. The monitoring program is necessary to ensure the RMP's goal of long-term sustainability in the Highlands Region."

⁴ RMP at 418

public review and comment for a minimum period of 30 days, unless extended by the Council up to 60 days, ~~period of 30 days~~, as further outlined below.

Public Participation

The Highlands Council will accept written comments on all aspects of the draft Recommendation Report, including any changes to the RMP suggested therein, as well as suggestions for additional or different changes to the RMP than those proposed in the Recommendation Report. ~~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 following information in support of such changes~~ 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:~~

1. The proponent's name and contact information;
2. The purpose/intent of the proposed amendment;
3. The suggested- text of the proposed amendment;
4. A summary of how the proposed amendment is consistent with the Highlands Act and other applicable law; and
5. A summary of any data supporting the suggested amendment, together with a reference to the actual data so it may be reviewed by staff.

Following the conclusion of the public comment period, the Highlands Council staff will provide to the Committee for its consideration a summary and evaluation of the public comments received. Thereafter and subject to any changes approved by the Committee, the Committee shall send the final Recommendation Report to the Council, together with its recommendation that the Council authorize release of the final Report to the public. The Recommendation Report will include the summary and evaluation of public comments received on the draft Recommendation Report.

Review of RMP amendments by the Committee and adoption by the Highlands Council

Action by the RMP Amendment Committee

The Committee shall review and discuss the merits of the suggested changes to the RMP in the Recommendation Report, request additional information from Highlands Council staff as may be necessary to develop a proposed RMP amendment and determine the merits of the proposal, or take any other step(s) it determines necessary to evaluate the proposal. Any meeting of the Committee at which it is anticipated the Committee will take action on a proposed RMP amendment shall be open to the public, but the public shall not be entitled to participate or make comments at the Committee meeting. The public will have an opportunity to make public comments at Highlands Council meetings and at the public hearings held before any amendment to the RMP may be adopted.

The Committee may recommend that the Council take any of the following actions on each proposed amendment under consideration:

- Take no action
- Refer proposal to Council staff and RMP Amendment Committee for additional information on the proposal
- Refer proposal to the Science & Research Agenda for further review
- Conduct the public hearings required by the Highlands Act prior to adoption of the amendment

Public Participation

The Council will hold five public hearings in various locations in the Highlands Region, and at least one public hearing in Trenton. Testimony offered during public hearings will be limited to the proposed amendment(s). The public hearings may be conducted as part of a regular Highlands Council meeting, or they may be conducted by staff in which case the hearings will be chaired by the Executive Director. At least one of the public hearings will be conducted in the evening hours for the convenience of the public.

The Council will also consult with the State and local government entities, as required N.J.S.A. 13:20-9, by: (1) transmitting copies of the proposed RMP amendment(s) to the clerk for each municipality and clerk for each county located entirely or partially in the Highlands Region, (2) inviting the submission of written comments within 30 days, and (3) scheduling one or more meetings with such officials.

The Highlands Council may, in its discretion, schedule one or more public meetings with stakeholders to discuss the RMP and any amendments proposed thereto.

Action by the Highlands Council

At the conclusion of the public hearings, Highlands Council staff will provide to the Committee for its consideration a summary of the testimony received during the public hearing. The Committee will provide the Highlands Council with its final recommendation of the proposed amendment(s), including any proposed changes thereto based upon public comments.

The Highlands Council may act upon the proposal by adopting the proposed amendment(s) to the RMP. Alternatively, the Highlands Council may choose to take no action, refer the proposed amendment(s) back to the Committee for additional information, or place it on Science and Research Agenda for further review.

Upon adoption of any amendment to the RMP, a copy of the RMP amendment will be sent to the Governor, the Legislature, the governing body of every municipality and county located in the Highlands Region, and the State Planning Commission pursuant to N.J.S.A. 13:20-9 (d).



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

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JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEETING AGENDA
Thursday, August 17, 2017 at 4pm

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF HIGHLANDS COUNCIL MINUTES – July 20, 2017
6. CHAIRMAN'S REPORT (and Council Member Reports)
7. EXECUTIVE DIRECTOR'S REPORT
8. RMP AMENDMENT COMMITTEE
 - CONSIDERATION OF RESOLUTION – Authorization For Highlands Council Staff To Conduct The “Five, Plus One” Public Hearings Before The “Procedure For Considering Proposals To Amend The Highlands Regional Master Plan” Can Be Adopted As An Addendum To The Highlands Regional Master Plan (*voting matter with public comment*)
 - Monitoring Program Recommendation Report (MPRR) Update
9. PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
10. EXECUTIVE SESSION, *if deemed necessary*
11. ADJOURN



Highlands Council Meeting

Thursday, August 17, 2017



RMP Amendment Committee Report

Status:

**Monitoring Program Recommendation
Report (MPRR) & Amendment Procedure**



Two Documents

1. Monitoring Program Recommendation Report (MPRR)

- Provides recommendations, guidance and rationale for amendments to the RMP

2. Procedure for Amending RMP

- Details the process by which amendments to the RMP may be made
- Adopted by the Council as guidelines January 2017



Monitoring Program Recommendation Report

**Release for Public
Comment**

60 Day Comment Period
(July 11 through September 10)

Response to Comment

Final MPRR Approved

Procedure for Amending the RMP

**Recommendation from
RMP Amendment
Committee**

**Release for Public
Hearings** ✓

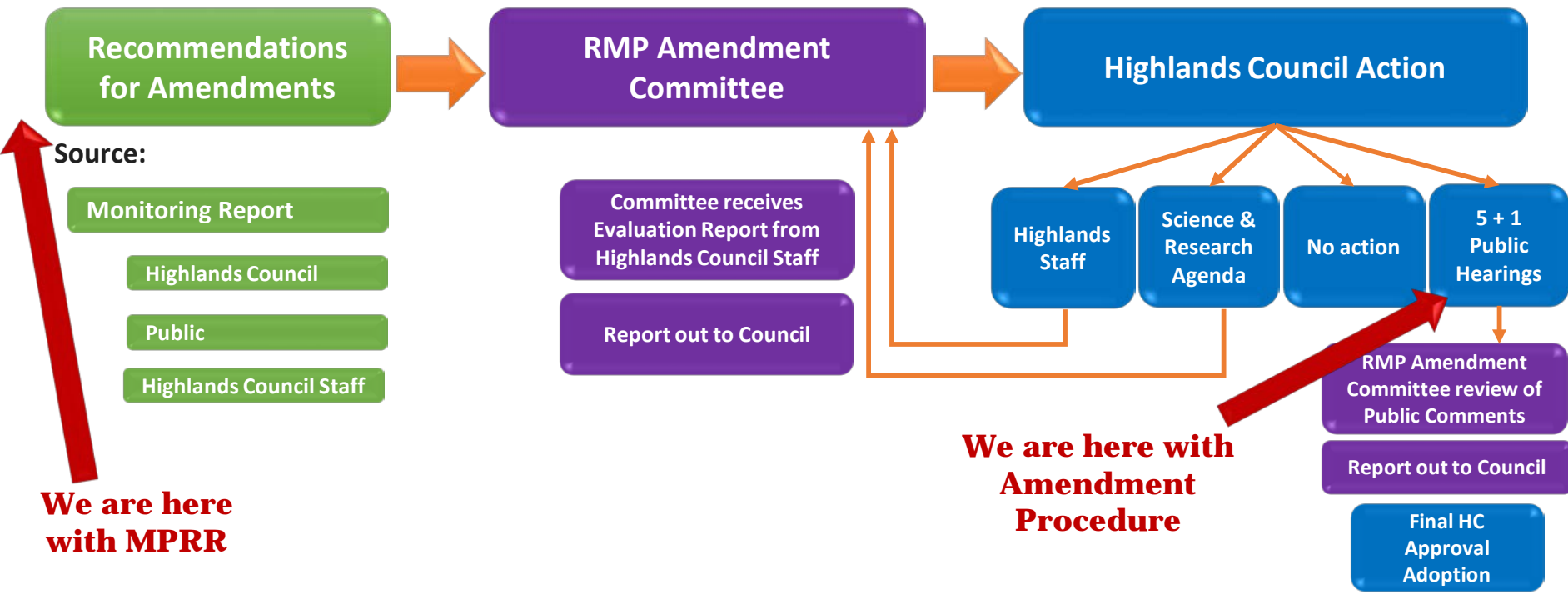
6 Public Hearings
(September 14 through 26)

Response to Comment

Final Council Action



Where we are



**Only *amendments* require the 5+1 public hearings.
The MPRR is *not* an amendment.**



Tentative Public Hearing Schedule

Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

September 14, 2017
9:30am - 11:30am
New Jersey Highlands Council
100 North Road
Chester, NJ 07930

September 20, 2017
7:00pm - 9:00pm
Department of Land
Preservation
County of Warren
500 Mount Pisgah Avenue
Oxford, NJ 07863

September 14, 2017
4:00pm – 6:00pm
New Jersey Highlands Council
100 North Road
Chester, NJ 07930

September 25, 2017
9:30am - 11:30am
New Jersey Department of
Environmental Protection
1st Floor Public Hearing Room
401 E. State Street
Trenton, NJ 08625

September 20, 2017
1:00pm - 3:00pm
Silas Condict County Park,
The “Casino”
100 Kinnelon Road
Kinnelon, NJ 07405

September 26, 2017
7:00 pm – 9:00 pm
Hopatcong Municipal Building
111 River Styx Road
Hopatcong, NJ 07843

Hearing dates/times are subject to the Governor’s review period following receipt of the Council’s minutes of its August 17, 2017 meeting.



Highlands Council Meeting

Thursday, August 17, 2017

RESOLUTION 2017-11

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION FOR HIGHLANDS COUNCIL STAFF TO CONDUCT THE 'FIVE PLUS ONE' PUBLIC HEARINGS BEFORE THE "PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN" CAN BE ADOPTED AS AN ADDENDUM TO 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 Highlands Council is completing the six-year review of the RMP required by the Highlands Act and has released a draft Monitoring Program Recommendation Report (MPRR) for public comment, which includes one or more recommendations to amend the RMP; and

WHEREAS, the Council prepared a document entitled "Procedure for Considering Proposals to Amend the Highlands Regional Master Plan" (Procedure); and

WHEREAS, on January 19, 2017 the Council approved a Resolution stipulating that the Highlands Council shall utilize the Procedure going forward to finalize the MPRR and to consider any proposals to amend the RMP arising out of the MPRR, and that the Highlands Council shall adopt a final version of the Procedure as an amendment to the RMP; and

WHEREAS, the Highlands Council must adopt the Procedure as an addendum to the RMP before the Council can consider and adopt any other amendments to the RMP arising out of the MPRR; and

WHEREAS, the Highlands Act provides that the RMP may be periodically revised and updated after "public hearings"; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to the expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

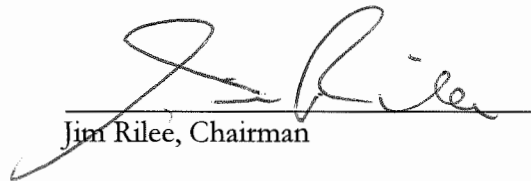
NOW, THEREFORE, BE IT RESOLVED, that the Highlands Council staff is hereby authorized and directed to hold five (5) public hearings in various locations in the Highlands Region, and at least one (1) public hearing in Trenton on the Procedure before it can be adopted by the Highlands Council as an amendment of, and addendum to, the RMP.

RESOLUTION 2017-11

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION FOR HIGHLANDS COUNCIL STAFF TO CONDUCT THE 'FIVE PLUS ONE' PUBLIC HEARINGS BEFORE THE "PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN" CAN BE ADOPTED AS AN ADDENDUM TO 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 17TH day of August, 2017.


Jim Rilee, 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 Tfank | | | ✓ | | | |
| Councilmember Visioli | | | | ✓ | | |
| Councilmember Vohden | | | ✓ | | | |
| Councilmember Walton | | | ✓ | | | |
| Chairman Rilee | | | ✓ | | | |



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

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JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEMORANDUM

To: RMP Amendment Committee

From: Margaret Nordstrom, Executive Director

Subject: Record of RMP Amendment Committee Meeting of July 12, 2017

Date: July 14, 2017

The RMP Amendment Committee met on Wednesday, July 13, 2017 at the Highlands Council office in Chester. This meeting was public noticed and opened to the public to attend.

Committee Members present: Council Chair Rilee, Committee Chair Alstede, Committee Members Holtaway, Sebetich, and Vohden.

Highlands Council Staff Members present: Margaret Nordstrom, John A. Maher, James Humphries, Kim Ball Kaiser, Corey Piasecki (via phone), and Carole Ann Dicon

Also present via phone: Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit

Public present: Sean Gilson, George Stafford, Wilma Frey, David Shope, and Deborah Post

Committee Chair Alstede called the meeting to order at 4:03pm.

A moment of silence was held for the passing of Highlands staff member Chris Ross.

Monitoring Program Recommendation Report (MPRR)

Ms. Nordstrom reported that on Tuesday, July 11, 2017 the MPRR was released to the public for a 60-day public comment period. An email was sent to all 88 municipalities, as well as Technical Advisory Committees (TACs). Committee Chair Alstede asked what the last day is to submit comments. Ms. Dicon responded that the deadline to submit comments is Sunday, September 10, 2017.

RMP Addendum – Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

Mr. Maher stated that the Council, at its January 19, 2017 meeting, approved a resolution to utilize the draft “Procedure for Considering Proposals to Amend the Highlands Regional Master Plan (RMP)” (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.

At that meeting, the Council heard concerns from members of the public regarding the length of the public comment period on proposed amendments, and other issues. The Committee responded to these comments by recommending that the Procedure be revised in two respects, which revisions are reflected in the tracked changes version provided to the Committee. Mr. Maher reviewed the two revisions for the Committee members.

Mr. Maher stated that, in his opinion, the Procedure must be adopted as a part of the RMP before the Council considers any proposed amendment to the RMP that may arise out of the MPRR. He therefore recommended that the Committee vote to recommend to the Council that it adopt a resolution at its next meeting authorizing Council staff to conduct 5+1 public hearings that are required by the Act before the draft Procedure may be adopted by the Highlands Council as an amendment of, and addendum to, the RMP. Mr. Maher added that it is expected that the public hearings will be held in September after which time a Comment Response Document will be drafted by staff and presented to the Committee. The Committee in turn would make a recommendation to the Council to adopt the final Procedures as an Addendum to the RMP.

Committee Member Vohden asked if one of the meetings will be held in Trenton. Ms. Nordstrom responded that it is expected that one of the hearings will be held in the public hearing room at the New Jersey Department of Environmental Protection (NJDEP), two will be held at the Highlands Council office (a.m. and p.m.) and the others will be held in various locations in the Highlands region.

It was clarified that the MPRR is not an amendment of the RMP, and therefore would not go through the hearing process required for amendments. It was further clarified that Council will review all amendments prior to conducting the 5+1 public hearing process.

Committee Member Holtaway had one revision to the Procedure document and that was on page 3, “3. The text of the proposed amendment.” Mr. Holtaway recommended that it be revised to “3. “The suggested text of the proposed amendment.”

Mr. Maher recommended that Committee Member Holtaway’s revision be made to the Procedure document as part of the resolution the Council will consider at its July 20, 2017 meeting.

Committee Chair Alstede asked for a motion to make Member Holtaway’s revision to the Procedure document. Member Holtaway made a motion. Member Vohden seconded it. All were in favor.

Committee Chair Alstede asked for a motion to recommend that Council approve a resolution authorizing Highlands Council staff to conduct 5+1 public hearings on the draft Procedure, as revised. Member Vohden made a motion. Member Holtaway seconded it. All were in favor.

Report out to Council

Committee Chair Alstede noted that Council staff will conduct a 3:00pm sub-quorum meeting on July 20, 2017 (prior to the Council Meeting) to answer any questions Council members may have regarding the MPRR and the Procedure document.

Next Committee Meeting

The Committee meeting tentatively scheduled on July 20, 2017 at 12 noon has been cancelled. Mr. Vohden asked when the next meeting will be scheduled. Ms. Nordstrom responded that as we receive comments to the MPRR, staff will reach out to the Committee. Mr. Vohden suggested that the Committee receive comments as they come in for the MPRR. It was noted that as comments are received for the MPRR, Highlands staff will provide these comments to the Committee ahead of time and/or on a weekly basis.

The meeting adjourned at 4:23pm.