

FINAL DRAFT



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

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

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## **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 RMP<sup>1</sup> “at least once every six years, after public hearings”.<sup>2</sup> 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

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<sup>1</sup> 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/](http://www.nj.gov/njhighlands/master/).

<sup>2</sup> N.J.S.A. 13:20-8(a). Even though it would not be the norm, a RMP amendment could be considered and adopted outside of the six-year reexamination process, utilizing the procedure provided herein. In that case, the Highlands Council, by a vote of at least 8 members, would refer the recommendation to the RMP Amendment Committee for its review; Council staff would send the RMP Amendment Committee a report, setting forth staff's response to the recommendation; after evaluating the proposal, the Committee would send its report and recommendation to the Council; and the Highlands Council would take action on the recommendation as it deemed appropriate. If the Council decided to move the proposal forward, it would proceed with the public hearings required before final adoption. Alternatively, the RMP Amendment Committee could recommend that the Highlands Council defer the proposal until the next six-year reexamination process.

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. 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”<sup>3</sup> and “guide potential amendments.”<sup>4</sup>

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.

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<sup>3</sup> 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 polices 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."

<sup>4</sup> RMP at 418

## **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 public review and comment for a minimum period of 30 days, unless extended by the Council up to 90 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 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.

A copy of the proposed RMP amendment(s) that the Committee is expected to take action on will be available to the public at the time that the Council provides public notice of the RMP Amendment Committee meeting.

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 provide not less than a 10-day public notice of the dates, times and locations of the public hearings, and shall also invite the submission of written comments within not less than 30, nor more than 90, days of the date of the public notice. The Council will determine, on a case-by-case basis, the length of the public comment period at the time it authorizes public hearings on the proposed amendment(s).

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).

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