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## MEMORANDUM

**To:** RMP Amendment Committee  
**From:** Margaret Nordstrom, Executive Director  
**Subject:** RMP Amendment Committee Meeting of September 28, 2017  
**Date:** October 6, 2017

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The RMP Amendment Committee met jointly with the Budget & Finance Committee on September 28, 2017 at the Highlands Council office in Chester.

RMP Amendment and Budget & Finance Committee Members present: Council Chair Rilee (via phone), Committee Members Holtaway, Sebetich, Visioli, and Vohden (via phone).

Highlands Council Staff Members present: Margaret Nordstrom, James Humphries, Kim Ball Kaiser, Corey Piasecki, Herbert August, Ranji Persaud, and Carole Ann Diction

Also present via phone: Nicholas Kant, Assistant Counsel, Governor's Authorities Unit

*Ms. Nordstrom called the meeting to order at 2:30pm.*

### Addendum 2017-1 – Procedure for Considering Proposals to Amend the Highlands Regional Master Plan (Procedure)

As an update to the public hearings conducted on the Procedure document, Ms. Nordstrom reported that many of the comments did not pertain to the Procedure document so those comments will appear as “unresponsive” in the Public Comment Response document. Ms. Nordstrom emphasized however, that many of those comments contained valuable insights and will be taken into consideration.

Ms. Nordstrom added that one of the Highlands municipalities felt strongly about the Procedure document and as such sent a representative to all public meetings. Among other issues, their main concern was that the Procedure document, in giving the Council a mechanism to adopt amendments to the Regional Master Plan (RMP), in effect takes the Highlands Council status from an advisory

board to a legislative authority. Ms. Nordstrom stated that the response to that comment is as follows:

*The Highlands Council is not an “advisory board,” nor is it assuming the role of a “legislative authority” by adopting a procedure to consider potential amendments to the RMP. The Highlands Act requires the Council to adopt a Regional Master Plan and directs that it “shall be periodically revised and updated at least once every six years, after public hearings.” C.13:20-8. By adopting a procedure to consider proposals to amend the RMP, the Highlands Council is doing what the State legislature specifically directed it to do, i.e., to adopt an RMP and “to periodically revise and update” it.*

Ms. Nordstrom noted that a majority of the commenters requested:

- To extend public comment period for future amendments to 90 days;
- To add seventh public hearing that should be held outside the Highlands (i.e., Jersey City, Newark, etc.); and
- To allow the public to make public comments at RMP Amendment committee meetings that are open to the public.

Ms. Nordstrom then reviewed the changes that would be made to the Procedure document in response to the comments received during the public hearings, and those changes are:

- Add the following sentence to page 4 of the draft Procedure:

*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.*

- Revise the sentence on page 4 of the draft Procedure as follows:

*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).***

- Add the following sentence to footnote 2 on page 1 of the draft Procedure:

*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.*

Ms. Nordstrom noted that all commenters would be notified when the Public Comment Response and Procedure documents are posted to Council’s website.

Monitoring Program Recommendation Report (MPRR)

Mr. Humphries gave a report on the public comments received regarding the MPRR. Due to these comments, Council staff made edits, corrections to the MPRR and provided to the Committee members an “edit log” of those changes. Mr. Humphries pointed out the areas that had the most significant comments and changes:

- Forestry
- Smart Growth
- Disturbance areas adjacent to streams
- Climate Change

Mr. Humphries noted that in most of the above cases, further studies/white papers will be needed. Ms. Nordstrom noted that the MPRR does not authorize any changes to the RMP; it just offers recommendations.

The only amendments Council staff currently has ready for Council to review and potentially adopt as addendums to the RMP are two guidance documents.

- Highlands Redevelopment Area Designations
- Plan Conformance Guidelines

Mr. Humphries concluded that the following documents would be provided to Council and the public in preparation for the RMP Amendment “public” Committee meeting scheduled on October 4, 2017 at 4:00pm. The purpose of this meeting is to recommend to Council to release the final MPRR to the public and to adopt the Procedure document as Addendum 2017-1 to the RMP.

- Final Draft MPRR
- Public Comment Response – MPRR
- “Revision” Log - MPRR
- Procedure document
- Public Comment Response - Procedure

#### Fiscal Year (FY) 2018 RMP Budget

At this time, Mr. Humphries reviewed the proposed FY 2018 RMP Budget for the Planning and Science Agenda, the FY 2018 Plan Conformance budget, as well as various grant funding amounts and categories by municipality. The committee received a memorandum listing these budget items/programs. The RMP Budget is based on the recommendations contained in the draft MPRR. The following proposed items included in the RMP budget are:

- Highlands Critical Habitat/Ecosystem Evaluation
- Water Resources and Ecosystems Science Agenda
- GIS Interactive Mapping and Stormwater Technical Assistance
- Economic Development Planning
- Lake Management Planning

After all committee members reviewed and discussed the proposed FY2018 RMP Budget, the Budget & Finance Committee members took a vote to move the budget to the full Council.

*Member Holtaway made a motion to move the FY2018 RMP Budget to Council's October 19 meeting. Member Visioli second it. All were in favor.*

*The RMP Amendment Committee meeting was adjourned at 3:20pm.*

*RMP Amendment Committee members were dismissed.*

*The Budget & Finance Committee meeting commenced at 3:21pm (see separate Budget & Finance Committee Minutes dated October 6, 2017).*