



New Jersey Highlands Council
100 North Road – Route 513
Chester NJ 07930
www.njhighlandscouncil.org
P:908-879-6737 F:908-879-4205

May 2005

SCOPING THE HIGHLANDS REGIONAL MASTER PLAN:
PHASE ONE- PLAN DEVELOPMENT

The Highlands Water Protection and Planning Act requires the Highlands Council to develop a Regional Master Plan by June 2006 for the Preservation and Planning Areas designated by the Act. Though the Highlands Act includes numerous requirements for the Regional Master Plan, the Legislature also incorporated a degree of flexibility that allows the Highlands Council, Highlands municipalities and counties, and the general public to help shape the future of the Highlands Region.

The Highlands Council is now in the preliminary stage of Regional Master Plan development, namely the solicitation of public input regarding the scope, impact and range of the Regional Master Plan. The Highlands Council has begun the process of reaching out to local officials throughout the Highlands to identify their vision for the region. The New Jersey Highlands region consists of 88 municipalities, 5 of which are entirely in the Preservation Area, 36 are in the Planning Area, and 47 are split between the Planning and Preservation Areas.

Need for a Regional Master Plan - The Highlands Act requires the creation of a Regional Master Plan for the entire Highlands Region, including both the 415,559 acre Preservation Area and the 442,432 acre Planning Area. The primary goal of the Regional Master Plan for “the entire Highlands Region shall be to protect and enhance the significant values of the resources thereof.” Recognizing that piecemeal land use planning on the municipal level would not adequately protect the important natural resources in the Highlands Region, the Highlands Act created a regional planning process as a means of ensuring a sustainable and managed structure for the preservation, development, and redevelopment of the Highlands Region.

Mandatory and Voluntary Elements - The Highlands Act sets forth mandatory standards for environmental protection and planning in the Preservation Area and a voluntary planning mechanism in the Planning Area. Municipalities and counties in the Preservation Area are required to revise local ordinances, plans, and land use regulations to conform to the Regional Master Plan. In the Planning Area, however, the Legislature made it abundantly clear that elements of the Regional Master Plan “shall be used for advisory purposes in the Planning Area and shall have no binding or regulatory effect therein.”

Environmental Protection in the Highlands Region – The Highlands Act includes very restrictive environmental standards for the Preservation Area through both the Highlands permitting process administered through the New Jersey Department of Environmental Protection and the protective Regional Master Plan goals for the Preservation Area. In addition to restrictive environmental standards where growth is severely limited, the Highlands Council is required to identify special no-growth areas in the Preservation Area to protect water resources and environmentally sensitive lands.

In the Planning Area, the Highlands Council must identify, designate, and accept petitions from municipalities for special critical environmental areas in high resource value lands and must develop voluntary standards for protection of these special areas. The Highlands

Council must also develop model land use ordinances and provide technical assistance to municipalities in the Planning Area for steep slopes, forest cover, wellhead and water supply protection, water conservation, impervious surface, clustering, and capacity-based development densities.

Sustainable Growth in the Highlands Region - The Highlands Act also recognizes the need to manage future growth in the Highlands Region. The Legislature recognized that future growth should be consistent with smart growth strategies and principles and encouraged growth “in or adjacent to areas already utilized for such purposes.” Conversely, the Act discourages “piecemeal, scattered, and inappropriate development.”

The Highlands Act requires the Highlands Council to initially identify existing developed areas that have the capability to sustain redevelopment. These redevelopment areas can be either in the Preservation Area or the Planning Area. Given this, the Act promotes development in previously disturbed areas. The Highlands Act also encourages “appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth.” However, nothing in the Highlands Act mandates a particular amount of growth.

Although the Highlands Act includes stringent environmental standards in the Preservation Area, the Highlands Council is authorized to identify areas for possible redevelopment in conjunction with Preservation Area municipalities. These redevelopment areas are required to conform with the goals and standards of the Highlands Act and with the Preservation Area regulations adopted by DEP. In addition, redevelopment areas in the Preservation Area are limited to designated brownfield sites and sites with impervious surface coverage of at least 70%.

Sending Zones and Voluntary Receiving Zones - The Highlands Council is charged with creating a transfer of development rights program (“TDR”) and identifying sending zones (where development is restricted or precluded in the Preservation or Planning Areas) and voluntary receiving zones (where infrastructure, low environmental constraints, zoning, and market conditions allows for appropriate development). An important aspect of the Highlands Act TDR program is that the voluntary receiving zones may be within the Highlands Region or outside of the Region within one of the seven Highlands counties. Accordingly, over 200 municipalities within the seven Highlands counties (Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren) may accept a voluntary receiving zone within their boundaries.

The Highlands Act creates a goal of identifying 4% of the land area of the Planning Area as voluntary receiving zones. This 4% goal translates into approximately 18,000 acres in the 443,432 acre Planning Area. The Highlands Act specifically conditions the 4% goal such that the voluntary receiving zones will not compromise the ecosystem integrity of the Planning Area. In addition, the Highlands Council may only identify areas as voluntary receiving zones after an analysis of the environmental constraints, zoning, infrastructure, and market conditions. It is anticipated that a substantial portion of the goal will include existing developed areas where redevelopment and brownfield remediation would be encouraged.

The Highlands Act creates an additional incentive whereby municipalities may charge impact fees up to \$15,000 per unit and receive planning grants up to \$250,000 where a voluntary receiving zone is established with a minimum residential density of 5 dwelling units per acre. The minimal residential density is not a requirement for all voluntary receiving zones in the Planning Area and is only required in order to receive the various incentives of impact fees and grants. Lastly, there is no requirement that the entire voluntary receiving zone be residential in nature and it is likely that such zones would include a mixture of residential, commercial and industrial areas.

Opportunities for Growth Management - The Highlands Region accounts for over 850,000 acres of land. 51% of this land is within the designated Planning Area, where municipal adoption of the environmental and economic growth provisions of the Regional Master Plan is purely voluntary. According to the 2001 New Jersey State Development and Redevelopment Plan, more than 136,000 acres of land within the Planning Area, of which nearly 55,000 acres are currently undeveloped and zoned to accommodate growth, are slated for growth. The Planning Area includes 142,000 acres of land that is currently developed. The Highlands Act goal of 4% of the Planning Area, approximately 18,000 acres, as voluntary receiving zones for growth accounts for less than 15% of the designated growth areas identified in the 2001 State Plan.

The attached table illustrates the amount of undeveloped land in those municipalities that have the most significant growth potential according to the 2001 NJ State Plan. The amount of undeveloped land area within designated growth areas that is currently municipally zoned for residential is also illustrated.

The 4% target envisioned by the Highlands Act amounts to only a small fraction of the total growth potential that is anticipated in the State Plan and currently allowed by municipal zoning. The Highlands Act envisions that redevelopment, adaptive re-use and infill development of previously developed areas is an important part of the Highlands' future. A major goal of the Highlands Regional Master Plan is to help Planning Area municipalities reassess their projected growth and zoning to enable them to conform to the natural resource protection goals envisioned by the Highlands Act. The Regional Master Plan will provide myriad opportunities for Planning Area municipalities to more effectively control and manage the type and location of future growth.

Designated Growth Areas According to 2001 NJ State Plan

	NJ State Development and Redevelopment Plan Designated Growth Areas		Existing Municipal Zoning
	Total Area (Acres)	Undeveloped (Acres)	Residential
Highlands Master Plan Receiving Area for Comparison	17,737		
Highlands County			
<i>Bergen County</i>	8,946	2,492	1,665
<i>Hunterdon County</i>	10,197	6,064	2,623
<i>Morris County</i>	81,659	30,775	21,790
<i>Passaic County</i>	4,454	1,743	1,055
<i>Somerset County</i>	15,362	7,389	2,993
<i>Sussex County</i>	5,336	2,112	1,614
<i>Warren County</i>	10,433	4,331	2,467
TOTAL	136,387	54,906	34,207

Preservation Area Goals

- protect, restore, and enhance the water quality and quantity
- preserve extensive and contiguous areas of land in its natural state
- protect the natural, scenic, and other resources of the Highlands Region (contiguous forests, wetlands, vegetated stream corridors, steep slopes, and critical habitat for fauna and flora)
- preserve farmland and historic sites and resources
- preserve outdoor recreation, hunting and fishing, on publicly owned land
- promote conservation of water resources
- promote brownfield remediation and redevelopment
- promote compatible agricultural, horticultural, recreational, and cultural uses
- prohibit or limit to the maximum extent possible construction or development which is incompatible with preservation of this unique area

Planning Area Goals

- protect, restore, and enhance water quality and quantity
- preserve environmentally sensitive lands and lands for recreation and conservation purposes
- protect and maintain the essential character of the Highlands environment
- preserve farmland and historic sites and resources
- promote continuation and expansion of agricultural, horticultural, recreational, and cultural uses
- preserve outdoor recreation, hunting and fishing, on publicly owned land
- promote conservation of water resources
- promote brownfield remediation and redevelopment
- encourage appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes
- discourage piecemeal, scattered, and inappropriate development
- promote a sound and balanced transportation system