

**RESOLUTION 09-158  
WASHINGTON TOWNSHIP  
SUBMISSION OF PETITION FOR PLAN CONFORMANCE  
TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
FOR LAND IN THE PRESERVATION AREA AND IN THE PLANNING AREA**



**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., found and declared that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

**WHEREAS**, the Highlands Act created a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

**WHEREAS**, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, or September 8, 2008, each municipality located wholly or partially in the Preservation Area should submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform with the goals, requirements and provisions of the Regional Master Plan (Plan conformance); and

**WHEREAS**, Section 13:20-15.a, of the Highlands Act states that for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan; and:

**WHEREAS**, Washington Township is located in the Highlands Region with lands lying within both the Preservation Area and Planning Area, as defined by section 7 of the Highlands Act; and

**WHEREAS**, upon application of Washington Township into the Plan Conformance Grant Program, the Highlands Council has made grant funding and other financial and technical assistance available to Washington Township for the reasonable costs associated with the revisions of the master plan, development regulations or other regulations, as applicable to the development and use of land in the Preservation Area and the Planning Area, which are designed to bring those plans and regulations into conformance with the Regional Master Plan; and

**WHEREAS**, the Highlands Council continued to make grant funds available for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and shall also make available grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council; and

**WHEREAS**, the Highlands Council has stated that should Washington Township formally withdraw from the Plan Conformance process with regard to the Planning Area, grant funding awarded to Washington Township up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council;

**WHEREAS**, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

**WHEREAS**, the Highlands Council's Plan conformance Guidelines require that a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009 for Preservation Area lands, which includes a comprehensive package of draft planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines; and

**WHEREAS**, in accordance with the Highlands Act and Plan Conformance Guidelines, the Highlands Council shall consider a Petition for Plan Conformance, and accept, reject or accept with conditions, a Petition for Plan Conformance for the Preservation Area, as it deems appropriate, to conform them to the Regional Master Plan; and

**WHEREAS**, since Plan Conformance by the municipality is strictly voluntary for lands in the Planning Area, Washington Township recognizes that it may at any time voluntarily revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the Regional Master Plan; and

**WHEREAS**, Washington Township acknowledges that at anytime during the Plan Conformance, Washington Township may choose not to obtain conformance with the Regional Master Plan for lands lying within the Planning Area. Any approvals, rejections or approvals with conditions of the revised municipal master plan and development regulations recommended by the Highlands Council during the Plan Conformance process are not at all binding on Washington Township as they relate to the development and use of land in the Planning Area; and

**WHEREAS**, if Washington Township should choose to conform its Master Plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, with the Regional Master Plan and Plan Conformance Guidelines, in accordance with a decision of the Highlands Council, Washington Township is required under the Highlands Act to enact an ordinance setting forth such intention; and

**WHEREAS**, Washington Township will continue to analyze the details of conformance with the Regional Master Plan for the Planning Area, but has not made a determination on its intent to pursue such conformance for the Planning Area; and

**WHEREAS**, until there is complete transparency regarding the obligation and benefits associated with conformance with the Regional Master Plan, Washington Township considers conformance with the Regional Master Plan for the Planning Area to be premature; and

**WHEREAS**, should it be determined that any terms or provisions set forth in this resolution are voluntary or optional, Washington Township reserves the right to withdraw its participation in any or all of the voluntary or optional terms or provisions; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of Washington Township hereby submits this Petition for Plan Conformance to the Highlands Council, as it relates to the development and use of land for the Preservation Area, in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines; and

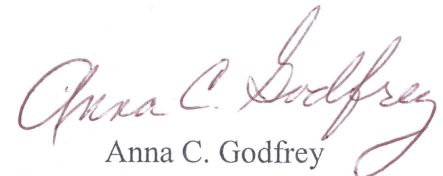
**BE IT FURTHER RESOLVED**, should Washington Township choose to conform its master plan, development regulations, and other regulations in the future, as they relate to the development and use of land in the Planning Area, with the Highlands Regional Master Plan in accordance with the Highlands Council's decision regarding a Petition for Plan Conformance, Washington Township shall enact an ordinance setting forth such intention, as required by the Highlands Act.

Adopted: December 03, 2009

**Certification:**

I, Anna C. Godfrey, Deputy Clerk of the Township of Washington, County of Warren do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Washington Township Committee on Tuesday, December 03, 2009.

Dated: December 03, 2009

  
Anna C. Godfrey  
Deputy Township Clerk