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MEMORANDUM

TO: RMP Amendment Committee

FROM: Benjamin L. Spinelli, Esq., Executive Director

SUBJECT: Draft RMP Amendments and Schedule

DATE: January 8, 2024

In September of 2018, the Highlands Council adopted the Regional Master Plan Addendum 2018-1 setting forth the procedures for Amending the Regional Master Plan (RMP). Highlands Council staff are recommending that the RMP Amendment Committee consider the introduction and release for public comment of two RMP Amendments in accordance with those procedures. The RMP Amendments include adoption of the Policy Standards for Warehousing in the NJ Highlands Region and an update to the Land Use Capability Zone Map and Technical Report. Each amendment is summarized in this memorandum along with a policy statement regarding Climate Change and a policy statement regarding Environmental Justice, which were prepared to meet the recommendations from State Planning Commissions 2020 endorsement of the RMP.

Each amendment is intended to stand on its own. The final adoption of these amendments will be conducted by separate resolution, and no one amendment is dependent upon the other. The amendments are being put through the amendment process together to streamline the required public hearings and public comment periods. A proposed schedule and outline for the amendment process is included in this memorandum. The RMP Amendment Committee will hold a meeting, open to the public, on January 18, 2024, and recommended that the Council issue the amendments for public comment.

Highlands Council Policy Statement on Climate Change

With the adoption of the Highlands Act in 2004, the legislature found that the Highlands region is an essential source of drinking water, providing clean and plentiful drinking water for 70% of the State's population, including communities beyond the New Jersey Highlands, and that the Highlands region contains other exceptional natural, agricultural, and historic resources, and provides abundant recreational opportunities. Based on the Highlands Council's work over the past 19 years, it appears that climate change in the Highlands region will contribute to increasingly compromised conditions among the resources the Council is tasked to protect. These concerns become particularly acute related to water supply and quality issues, as more severe precipitation and droughts are predicted.

Increased storm events and severe precipitation resulting from climate change will lead to overstressing existing stormwater management systems. Insufficient and ineffective wastewater management systems create water quality problems that affect lakes, streams, and drinking water supplies. Critical habitats that support rare, threatened, and endangered plant and animal species are particularly susceptible to degradation due to changing temperatures and more severe storm events. Warmer temperatures have several key impacts on agriculture productivity: growing season, the types of crops that can be grown, and heat stress on crops and livestock. The increasing severity of storms also threatens to destroy or severely damage individual crops, while prolonged drought may result in additional groundwater withdrawal for irrigation, further stressing water supplies.

On October 29, 2019, Governor Murphy issued Executive Order 89 (EO-89), finding there is overwhelming consensus that increasing atmospheric greenhouse gases from human activities are causing the earth to warm and contributing to an increase in the frequency and intensity of severe weather. Among other actions, EO-89 orders the State Planning Commission to incorporate climate change considerations as a mandatory requirement of Plan Endorsement.

The effects of Climate Change will undoubtedly impact the Highlands Region and the ability of this agency to implement the goals of the Highlands Act and RMP. Notwithstanding these facts, authority for the Highlands Council to directly address the impacts of Climate Change in the RMP is found in EO-89. Specifically, the Highlands Act requires that the RMP, and any revisions thereto, be submitted to the State Planning Commission for Plan Endorsement (N.J.S.A. 13:30-8b) and EO-89 requires that Climate Change considerations be a mandatory requirement for Plan Endorsement.

The 2018 Monitoring Program and Recommendations Report envisioned a complete Climate Change Technical Report to address these issues. However, during staff review of the RMP, related to EO-89, it was determined that many of the existing Highlands Council programs and actions already address the potential impacts of climate change. For example, the Highlands Council-funded Watershed Implementation Plans for Lake Hopatcong and Greenwood Lake provide data and strategies to address Harmful Algal Blooms (HABs) and improve water quality, as do the recently awarded contracts to complete Watershed Restoration and Protection Plans for an additional 34 subwatersheds within 25 municipalities. Existing Goals, Policies and Objectives (GPOs) in the RMP include protection of buffers to waterways and wetlands, habitat protection, stormwater management programs, source water protection, wastewater management, forest protection and many others that align with climate change goals.

In addition to the existing RMP GPOs and programs, and in accordance with EO-89 the Highlands Council has committed to ensure that any future amendments to the RMP incorporate climate

change considerations. The proposed amendments below consider climate change through implementation of the existing RMP GPOs and provide updates to new realities facing the Region including flood protection, over development, and increased impervious surfaces.

Highlands Council Policy Statement on Environmental Justice

On April 20, 2018, Governor Murphy issued Executive Order No. 23 (EO-23), acknowledging that, “historically, New Jersey’s low-income communities and communities of color have been exposed to disproportionately high and unacceptably dangerous levels of air, water, and soil pollution, with the accompanying potential for increased health impacts.” EO-23 emphasizes that residents of all communities should “receive fair and equitable treatment in decision-making that affects their environment, communities, homes, and health.” EO-23 establishes that all branches of state government must incorporate environmental justice considerations into agency responsibilities, official actions, and standard practices.

The proposed amendments below address Environmental Justice issues through incorporation of updated flood mapping, to ensure vulnerable communities are not located in areas subject to frequent or extreme flooding. The Warehousing policy guidance identifies areas that are appropriate for transportation and noise intensive development where the impact of 24-hour commercial activity on vulnerable populations will be limited.

RMP AMENDMENTS

Standards for Warehousing in the NJ Highlands Region

The Highlands Council developed Highlands-specific Policy Standards for the siting of warehousing in the Highlands Region. These Standards supplement guidelines issued by the New Jersey State Planning Commission and are intended to provide RMP-based information and criteria for use in development of local transportation plans, land use plans, and governing ordinances on warehousing. This includes:

- Highlands Region “No-Go” Siting Locations – Preservation Area, Protection Zone, Conservation Zone, and Environmentally-Constrained Sub-Zones.
- Potential (“Go”) Siting Locations including Highlands Centers, Highlands Redevelopment Areas and the Existing Community Zone.
- Warehouse-related design standards, protocols, and site planning procedures needed to properly consider and address site development applications.
- Transportation network analysis.
- Proximity and access to transportation infrastructure.
- Availability of water and wastewater infrastructure.
- Protection of Highlands resources including forest, agricultural, water, habitat, slopes, historical/cultural/archaeological, and incorporation of stormwater management planning.
- Watershed Impervious Coverage – The guidance material provides background information concerning the negative impacts of extensive impervious coverage on water quality. For watersheds at 10% or greater, the guidance calls for offsets and mitigation for proposed new impervious coverage.

The Highlands Council authorized the release of the Standards for Warehousing in April 2023. Subsequently a lawsuit was filed against the Council regarding the Standards for Warehousing, claiming that the document should be invalidated as it was not adopted as a Rule or RMP Amendment. On the advice of the Attorney General’s office, it is recommended that the Standards for Warehousing be adopted as an amendment to the RMP. The document has not substantively changed since the Highlands Council voted to release it publicly.

Land Use Capability Zone Map and Technical Report Update

Originally adopted in 2008 as part of the RMP and as an associated Technical Report, the Land Use Capability Zone (LUCZ) Map provides the guiding policy map for the RMP. The LUCZ Map was developed pursuant to N.J.A.C. 7:38-1.1(a) whereby the Highlands Council includes in the RMP a land use capability map and a comprehensive statement of policies for planning and managing the development and use of land. The LUCZ Technical Report identifies the Highlands Region as three distinct Zones, within which are four Sub-Zones.

- Protection Zone
 - Wildlife Management Sub-Zone
- Conservation Zone
 - Conservation Environmentally Constrained Sub-Zone
- Existing Community Zone

- Existing Community Environmentally Constrained Sub-Zone
- Lake Community Sub-Zone

Since 2008, most of the source data underlying the LUCZ Map has been updated. Most importantly the Land Use Land Cover data prepared by the NJDEP has been updated to 2020. This LUCZ Map update incorporates the new NJDEP 2020 data, along with other updated data sources, to recalculate the LUCZ Map. The original methodology has been retained except as follows:

- FEMA Flood Hazard Data up to and including the 500-year flood plain: This was included as a Protection Zone indicator, to incorporate the increased importance of climate change impacts on the region.
- Public Water Existing Area Served (EAS): Public Water EAS was removed after research found that the existing data was inaccurate and updated data was unavailable. The removal of Public Water EAS indicator was tested using the original LUCZ model and its removal had a de minimis impact on the outcome of the LUCZ Map due to the overlap of other Existing Community Zone indicators.

Proposed Schedule and Steps for Amendment of the RMP

1/18/2024	Proposed Amendments presented to RMP Amendment Committee in public session
1/18/2024	Highlands Council meeting, resolution to release document for public comment
1/22/2024	Begin 60-day public comment period
February-March 2024	Six Public Hearings. 4 in Highlands Region, 1 in Trenton, 1 Virtual
3/22/2024	End of Public Comment Period - Prepare public comment response document
Early April 2024	Review comments and present changes to RMP Amendment Committee (if necessary)
April 2024	Open public RMP Amendment Committee meeting (proposed amendment forwarded to Council for final adoption)
4/18/2024	Highlands Council meeting to adopt proposed RMP Amendment. <i>Amendments will be voted on separately.</i>
May 2024	Governor's Review Period (30 business days)
June 2024	Send adopted amendment to Governor, legislature, governing body of municipalities and counties and State Planning Commission.
Late June 2024	RMP Amendment officially adopted