

**DRAFT FOR CONSIDERATION BY THE HIGHLANDS COUNCIL  
AT THE JULY 10, 2008 COUNCIL MEETING**

**PLAN CONFORMANCE FOR COUNTIES  
KEY REQUIREMENTS**

Under Plan Conformance, the county planning program will reflect all applicable elements of the Highlands Regional Master Plan (RMP). This document provides a summary of what must be accomplished to achieve Plan Conformance with the RMP.

**RMP UPDATE ANALYSIS**

Conduct an analysis of RMP maps and data applicable to the county to determine the need for RMP Updates. Submit a request to the Highlands Council listing proposed RMP Updates if any, along with the justification for each. A web-based program will be available through the Highlands Council for submission and processing of RMP Updates. Opportunities to request additional RMP Updates will continue to be available throughout the conformance process.

**PLANNING ANALYSIS**

Evaluate county properties and facilities with respect to environmental and infrastructure capacity limitations, and county goals, objectives, and initiatives regarding future growth, development and redevelopment, land preservation and transportation/transit improvements.

Evaluate county planning and management programs to determine the type and degree of change needed to appropriately plan for future growth and development in accordance with the full range of relevant planning considerations, including but not limited to: a) capacity constraints; b) natural resource protection; c) open space and farmland preservation; d) historic preservation; e) optimizing use of public infrastructure; f) transportation constraints and opportunities; g) fiscal impact and economic sustainability; h) county needs and obligations; and i) principles of sustainability and smart growth.

The Highlands Act, the NJDEP Rules, and the RMP do not apply to specific developments and activities that are deemed exempt from the Highlands Act pursuant to N.J.S.A. 13:30-28 and N.J.A.C. 7:38-2.3. However, counties may choose to adopt regulations and internal policies that are more stringent than those required for Plan Conformance.

**MASTER PLAN, POLICIES, & REGULATIONS**

The County Master Plan, Management Plan Elements, and implementing regulations must incorporate a number of the Goals, Policies, and Objectives (GPOs) of the RMP. The County may choose whether to adopt “Highlands Elements” and “Highlands Regulations” as supplements to its planning documents or to amend each applicable component to include these requirements. In either case, Highlands provisions will be applicable to county

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facilities, improvement projects, and operations, to county management plans, and in county review of applications for non-exempt development in the Preservation Area and the Planning Area (if Planning Area Plan Conformance is sought). Conforming county Master Plan and Regulations must include and/or accomplish each of the items listed in the respective sections below.

**MASTER PLAN**

1. ***Policies, Goals, & Objectives.*** Adopt all county-relevant Goals, Policies, and Objectives (GPOs) of the RMP, modified as appropriate to apply at the county level. In all cases, here and below, where GPOs are modified to apply to the county level, the resulting policies and objectives must be no less stringent than those of the RMP. (Where GPOs are discretionary, the county may choose which to incorporate, if any.)
2. ***Land Use Plan.*** Adopt applicable Highlands Land Use Capability Map categories including Areas, Zones, and Sub-Zones as an overlay or supplement to existing land use maps. Adopt the Land Use Capability Map (LUCM) series (upon verification of accuracy of factual information through RMP Updates) to the limits of the county boundary lines.
3. ***Relationship of Master Plan to RMP & SDRP.*** Confirm and discuss the consistency of the County Master Plan with the Highlands RMP. Discuss the consistency of the County Master Plan with the State Development and Redevelopment Plan (SDRP). Indicate that conformance with the RMP exempts the county from Plan Endorsement from the State Planning Commission (SPC) with respect to Preservation Areas, and discuss the county's intent with respect to Planning Areas, for which it may seek Plan Conformance from the Highlands Council or Plan Endorsement from the SPC.

**MASTER PLAN COMPONENTS: ENVIRONMENTAL AND  
INFRASTRUCTURE CAPACITY**

1. ***Environmental Resource Inventory.*** Complete and adopt (or update, as needed) an Environmental Resource Inventory (ERI) that incorporates, and if applicable, supplements Highlands data, maps, and resource information, indicating where new data may be more recent, accurate or reliable than Highlands information. Such factual changes should be submitted as RMP Updates where they affect RMP information.
2. ***Conservation Plan.*** Adopt Highlands Resource Area Maps, as applicable, to the limits of the county boundary lines. Adopt Highlands Resource categories as defined in the RMP, along with specific applicable GPOs, as modified to apply at the county level. Incorporate the basis for requiring Low Impact Development techniques and use of Best Management Practices (BMPs) as applicable to county

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development reviews and county facilities. For application to county properties and facilities and in review of development applications:

- a) Adopt a ground water recharge protection and mitigation plan;
  - b) Adopt a wellhead protection plan (if applicable); and
  - c) Adopt a county stormwater management plan.
3. ***Water and Wastewater Analyses.*** Perform the following analyses in support of water and wastewater management planning:
- a) **Land Use Capability Analysis.** Using RMP maps, data, and technical information, including the Highlands Build-Out Model, regional and local build-out analyses (local analyses from conforming municipalities), determine the general capacity for future development and/or redevelopment in the county, inclusive of that proposed for county properties/facilities. This determination will derive from an analysis of the county's existing land-based capacity, resource-based capacity, and utility-based capacity. Areas of study should include but not be limited to: developed lands, vacant lands, agricultural lands, environmentally constrained lands, contaminated sites, potential redevelopment and/or infill opportunities, net water availability, septic system yield, water and sewer infrastructure and service areas, and transportation/transit opportunities.
  - b) **"Limiting Factor" Analysis.** The preceding analysis will indicate the most significant capacity constraints to county development/redevelopment projects. The county may examine various alternatives to create additional capacity where it is found insufficient to support intended projects (such as extension of public sewerage infrastructure). Such expansions may only occur within the constraints of the RMP and NJDEP regulations. The county may also coordinate its efforts with other jurisdictions that share the same HUC14 subwatershed, to reallocate capacity in accordance with a mutually agreeable formula. In any case, the resultant capacity determinations will represent the maximum development and redevelopment potential.
  - c) **Build-Out Analysis.** Based on the maximum potential, consider potential scenarios for future county development and/or redevelopment projects. Evaluate the Highlands regional RMP build-out analysis for the county. Using the RMP build-out assumptions and data, evaluate county planning initiatives and coordination with municipal land use and capacity planning.
4. ***Wastewater Utilities Plan.*** Adopt a County Utilities Plan, including a County Wastewater Management Plan applicable to, at minimum, the Highlands portion of the County, and a municipal or county septic system management/maintenance plan (as applicable) consistent with the requirements of the RMP and N.J.A.C. 7:15

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et seq. Adopt applicable RMP GPOs, modified to apply to the county level. Adopt Highlands wastewater management technical guidance.

5. ***Water Use and Conservation Management Plan.*** Adopt a water use and conservation management plan (if a County Utilities Authority is a public water utility or water purveyor). Adopt applicable RMP GPOs, modified to apply to the county level. Adopt Highlands water utility technical guidance.
6. ***Transportation/Circulation Plan.*** Incorporate applicable RMP GPOs, modified to apply to county level, into a new or updated Transportation/Circulation Plan. Incorporate Highlands Council study criteria for application in county review of any growth-inducing county or municipal transportation project. Perform an evaluation of transportation and transit conditions as related to the Highlands Region and the larger metropolitan transportation planning region, including consideration of all transportation modes: automobile, transit, bicycle, pedestrian, goods movement (truck and rail freight), air and waterborne.

The plan should incorporate consistency with goals and objectives of the North Jersey Transportation Planning Authority (NJTPA) MPO Regional Transportation Plan, within the context of RMP policies and objectives. The plan should indicate how the county will coordinate with municipalities and surrounding counties regarding joint or collaborative efforts to address regional transportation and transit concerns and support local needs. The plan should include a discussion regarding existing and proposed transportation facilities, county roads and bridges, planned or anticipated road improvements, capacity conditions as related to existing and future forecasted or projected growth, and an evaluation of transit ridership patterns and limitations.

**MASTER PLAN COMPONENTS:            OPEN    SPACE/FARMLAND  
PRESERVATION**

1. ***Open Space and Recreation Plan.*** Incorporate applicable RMP GPOs, modified to apply to the county level into a new or updated Open Space & Recreation Plan. Incorporate language supporting municipal land preservation and use of effective land stewardship techniques in both municipal and county preservation efforts. Adopt an up-to-date, mapped inventory of preserved county parks, open space, and recreational lands (unless an existing inventory remains current); and, in the case of any county lands preserved using funding from the NJDEP Green Acres Program, an up-to-date Recreation and Open Space Inventory (ROSI) (unless an existing ROSI remains current). (If these inventories would be one and the same, the updated ROSI alone will satisfy this requirement.)
2. ***Agriculture Retention/Farmland Preservation Plan (if applicable).*** Adopt Highlands Agricultural Resources Area Map to the limits of county boundary lines. Incorporate applicable RMP GPOs, modified to apply to the county level

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into a new or updated Agriculture Retention/Farmland Preservation Plan. Incorporate language to support municipal farmland preservation programs, the viability of the agricultural industry, the use of BMPs, and a commitment to the Right to Farm Act. Include language supportive of municipal conformance requirements regarding clustering and conservation design. Adopt an up-to-date, mapped inventory of preserved farmland (unless an existing inventory map remains current).

**MASTER PLAN COMPONENTS: COUNTY FACILITIES/  
HISTORIC PRESERVATION**

1. ***County Facilities Plan.*** Incorporate applicable RMP GPOs, modified to apply to county facilities, into a new or updated County Facilities Plan. Incorporate goals in support of green building design and enhanced energy efficiency. Include consideration of opportunities for shared services both at the county level and in support of municipal initiatives. Include as a policy, a commitment to ensuring ready access to public records held by the county such as long-range facilities planning documents from local and regional school districts.
2. ***Historic Preservation Plan.*** Incorporate applicable RMP GPOs, modified to apply to the county level into a new or updated Historic Preservation Plan. Adopt listing and discussion of applicable county resources from the Highlands Historic and Cultural Resources Inventory and the New Jersey Register of Historic Places.

**COUNTY POLICIES & REGULATIONS**

Adopt the following for application to county facilities, improvement projects, and operations, and in county review of applications for non-exempt development filed pursuant to the New Jersey County Planning Act (N.J.S.A. 40:27-1 et seq).

1. ***Resource Area and Supporting Regulations.*** Adopt as internal policy, and for application to development reviews, Highlands requirements regulating water and wastewater, Highlands resources, and all Highland Resource Areas located within the county. Such regulations will ultimately cover the following, where applicable:
  - a. Steep Slopes
  - b. Forest Areas
  - c. Open Water and Riparian Areas
  - d. Ground Water Recharge Management
  - e. Wellhead Protection
  - f. Stormwater Management
  - g. Right to Farm
  - h. Critical Habitat
  - i. Carbonate Rock Areas
  - j. Agricultural Resources
  - k. Lake Management
  - l. Low Impact Development
  - m. Scenic Resources
  - n. Historic/Cultural

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2. ***Open Space Preservation.*** Adopt Highlands conservation and land stewardship easement language for use in county easements. Prepare ecological baseline data for county-owned properties identifying major ecological communities, species of concern, stewardship issues and opportunities for improvement.
3. ***Development Review Checklists.*** Update development application submission checklists as needed to include the following requirements:
  - a. Where applications have been prepared in a digitized format, include digital information compliant with Highlands Digital Parcel Map standards.
  - b. For all non-exempt development applications, include a Highlands Consistency Determination from the Highlands Council indicating that the proposal is either consistent with the RMP or is inconsistent but can be revised to achieve consistency via specific changes outlined therein;
  - c. For non-exempt development applications having received a Consistency Determination indicating that specific revisions are required to achieve consistency, a certification from the applicant's professional(s) affirming that the plans have been revised to specifically address the inconsistencies identified by the Highlands Council and that to the best of his/her professional knowledge, they have achieved consistency.
4. ***Filing/Recording Procedures.*** Where applications have been prepared in a digitized format, require that approved subdivision plats, easements, and other like reservations of land be submitted for recording with the County in digitized format compliant with Highlands Digital Parcel Map standards.

### **COUNTY SELF-ASSESSMENT & IMPLEMENTATION SCHEDULE**

**Complete County Self-Assessment (CSA) and prepare CSA Report.** The CSA Report should list and discuss all changes to the county planning program that remain necessary from the time of filing a petition, to achieving full Plan Conformance. It should identify areas requiring coordination with the Highlands Council and/or with affected municipalities and other agencies. The CSA Report must also include a proposed Implementation Schedule, indicating the timeframe for anticipated completion of the individual items and the overall program.

### **PROPOSED MAP ADJUSTMENTS**

With regard to County properties and facilities only, provide a narrative discussion on proposed Map Adjustments, if any, along with the justification for each. Map Adjustments refer to changes to the Land Use Capability Zone Map such that all map adjustments provide results that are equal to or exceed on a whole the resource protection provided by the RMP. Map Adjustments will be considered by the Highlands Council in accordance with the specific criteria provided in the RMP.