



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

DRAFT FOR REVIEW BY THE HIGHLANDS COUNCIL
BASIC PLAN CONFORMANCE FOR MUNICIPALITIES
KEY REQUIREMENTS

Note: Underlined items are specific tasks required of the municipality that are not based on models or templates provided by the Highlands Council. Upon RMP adoption, the Highlands Council will provide the basic information for municipal adoption of a “Highlands Element” and “Highlands Regulations.” This document summarizes what each of these must accomplish.

ENVIRONMENTAL RESOURCE INVENTORY

Create or supplement an existing Environmental Resource Inventory (ERI) by adoption of Highlands Resource Area Maps (to limits of municipal boundary lines) along with descriptions of Highlands Resource categories as defined in RMP.

RMP UPDATES

Prepare list of proposed RMP Updates along with justification for each. RMP Updates include only factual revisions, corrections or updates, most of which will be processed by the Highlands Council and addressed prior to approval of Basic Plan Conformance. A web-based program will be available for submission and processing of such requests, which the municipality should take advantage of. Opportunities to request additional RMP Updates will continue to be available throughout the Plan Conformance process.

MASTER PLAN

Adopt a “Highlands Element” as a supplement to the municipal Master Plan. The Highlands Element will be applicable only to non-exempt development whether in the Preservation Area or the Planning Area. It will be provided by the Highlands Council as a single document and may be retained as such in the municipal Master Plan, but must be understood to amend or create in limited form (where non-existent), each of the various components of the municipal Master Plan listed herein for the purposes of Plan Conformance. The Planning Board may individually amend the components of the Master Plan, as an alternative, but in either case must adopt the changes as amendments to the municipal Master Plan in accordance with all of the procedures and requirements of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

1. ***Policies, Goals, Objectives.*** Adopt all broad-based, municipally-relevant Goals, Policies, and Objectives (GPO’s) of the Highlands Regional Master Plan (RMP), modified to apply at the local level. In all cases, here and below, where GPO’s are modified to apply to the local level,

the resulting policies and objectives must be no less stringent than those of the RMP. (Where GPO's are discretionary, the municipality may choose which to incorporate, if any.)

2. ***Land Use Plan.*** Adopt applicable Highlands Land Use categories, including Areas, Zones, and Sub-Zones. Adopt the Land Use Capability Map (LUCM) series, upon verification of accuracy of factual information, to limits of municipal boundary lines, except where a map in the series is not applicable (i.e., public water supply service area map for a municipality that has no service areas). Adopt by reference, Highlands water and wastewater management provisions, as the basis for maximum density/intensity of development. Incorporate basis for cluster development standards. Adopt an up-to-date developed land inventory map (unless an existing map remains current).
3. ***Housing Plan.*** Adopt applicable RMP GPO's, modified to apply to local level. Recognize and cross-reference to existing housing plan, adopting statement of commitment to: a) satisfying the municipality's constitutional obligation to provide for affordable housing; and b) doing so in accordance with revised policies, goals, and objectives (above).
4. ***Conservation Plan.*** Adopt Highlands Resource Area Maps, as applicable, to limits of municipal boundary lines. Adopt Highlands Resource categories as defined in RMP, along with specific applicable GPO's, as modified to apply at the local level. Recognize and provide cross-reference to any applicable municipal resource maps, data, studies, environmental inventories, etc., that supplement, enhance, or refine Highlands resource information. Incorporate basis for requiring Low Impact Development and use of Best Management Practices throughout resource areas.
5. ***Utilities Plan.*** Adopt applicable RMP GPO's, modified to apply to local level. Recognize adherence to adopted Highlands water and wastewater technical guidance documents. Emphasize that existing water and sewer service areas will not be extended: 1) in the Preservation Area, unless approved through a Highlands Preservation Area Approval (HPAA) pursuant to N.J.A.C. 7:38 or deemed exempt from the Highlands Act, or 2) in the Protection and Conservation Zones, unless in conformance with the RMP requirements. Incorporate basis for preparation and adoption of water deficit management plan, wellhead protection plan, septic system management/maintenance plan, and stormwater management plan, to the extent that these do not yet exist or require amendment to gain consistency with RMP.
6. ***Circulation Plan.*** Adopt applicable RMP GPO's, modified to apply to local level. Ensure coordination with Land Use Plan and incorporation of smart growth principles.
7. ***Open Space Plan.*** Adopt applicable RMP GPO's, modified to apply to local level. Cross-reference to any existing Open Space Plan. Adopt an up-to-date, mapped Recreation and Open Space Inventory (unless an existing inventory remains current).
8. ***Agriculture Retention/Farmland Preservation Plan (if applicable).*** Adopt applicable RMP GPO's, modified to apply to local level. Cross-reference to any existing Farmland Preservation Plan. Incorporate commitment to Right to Farm Act and if applicable and desired, promotion and protection of farm labor housing. Adopt an up-to-date, mapped inventory of preserved farmland (unless an existing inventory map remains current).
9. ***Community Facilities Plan.*** Adopt applicable RMP GPO's, modified to apply to local level. Incorporate energy efficiency goals and consideration of shared services.

10. ***Sustainable Economic Development Plan.*** Adopt applicable RMP GPO's, modified to apply to local level. Provide for coordination with Highlands Council eco-, agri- and heritage tourism programs, where applicable.
11. ***Historic Preservation Plan (if applicable).*** Adopt applicable RMP GPO's, modified to apply to local level. Include listing and discussion of any historic, cultural and archeological resources listed in Highlands Historic and Cultural Resources Inventory.
12. ***Relationship of Master Plan to other Plans including RMP.*** In required policy statement, indicate that proposed development and/or redevelopment of the municipality as set forth the municipal Master Plan, is consistent with the Highlands RMP.

LAND USE ORDINANCES/DEVELOPMENT REGULATIONS

Adopt a "Highlands Regulations" section as supplement to the municipal Zoning/Land Development Ordinances.

1. ***Definitions.*** Adopt definitions of "Highlands Council," Highlands RMP "areas," "zones," and "sub-zones," and other general terms specific to the Highlands RMP. (Note: Highlands Council will provide definitions so as to avoid interference with existing municipal zoning definitions. Where follow-up ordinances applicable only to non-exempt development require specific terms such as "impervious coverage," Highlands definitions will be incorporated therein along with clear indication that they pertain only to the ordinance in question.)
2. ***Zone Districts and District Regulations.*** Adopt caveat applicable to existing municipal zone districts and district regulations, indicating that NJDEP Preservation Area Rules and Highlands RMP provisions will apply with respect to non-exempt development. Water and/or wastewater treatment availability and limitations on utility extensions may affect lot size and lot coverage requirements.
3. ***Application Submission Checklists.*** Amend application submission checklist ordinance to require for any Application for Development (as defined by the MLUL at N.J.S.A. 40:55D-3), inclusion of the following:
 - a. For Preservation Area applicants claiming an exemption from the Highlands Act, a Highlands Applicability Determination from the NJDEP pursuant to N.J.A.C. 7:38-2.3 for specific exemptions;
 - b. For Planning Area applicants claiming an exemption from the Highlands Act, a Highlands Planning Area Exemption Determination from the Highlands Council, pursuant to N.J.S.A. 13:30-28 for specific exemptions;
 - c. For non-exempt development applications in the Preservation Area, a Highlands Preservation Area Approval (HPAA) or HPAA with waiver from the NJDEP pursuant to N.J.A.C. 7:38 et seq.;
 - d. For all non-exempt development applications, a Highlands Consistency Determination from the Highlands Council indicating that the proposal is consistent with the RMP, or can be revised to achieve consistency via specific changes outlined therein; and

- e. 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. **Notice Requirements.** Require that for any non-exempt Application for Development, the applicant shall provide notice to the Highlands Council at least 10 days prior to the date on which the application is scheduled for consideration by the local Board. Require that such applications be deemed complete prior to scheduling, and that a copy of the complete application be sent to the Highlands Council along with such notice. Require that the applicant provide copies of any subsequent revisions to such applications to Highlands Council at the same time these are provided to the reviewing Board.
5. **Highlands Council Review.** Require that in the case of any non-exempt Application for Development, the reviewing board shall provide a certified copy of the fully-executed resolution memorializing its final decision in the matter to the Highlands Council within ten (10) days of its adoption.
6. **Resource Area and Supporting Regulations.** Adopt, at minimum, Highlands ordinance requirements regulating water and wastewater, Highlands resources, and all Highland Resource Areas located within the municipality. These will apply to all non-exempt development. To the extent that any applicable municipal ordinance already exists that is as equally protective or is more restrictive than the provisions of a model ordinance, it may satisfy this requirement provided that definitions and other details are or can be made consistent. In such cases, the existing ordinance may be cross-referenced for purposes of this section. Resource regulations will require that development applications include maps and plans identifying and delineating Highlands resources, and that application approvals be conditioned upon imposition of conservation easements to protect them, to the extent that the reviewing board's final decision does not approve their disturbance. Resource area regulations will ultimately cover the following, where applicable:
- | | |
|-------------------------------------|---------------------------|
| a. Steep Slopes | h. Critical Habitat |
| b. Forest Areas | i. Carbonate Rock Areas |
| c. Open Water and Riparian Areas | j. Agricultural Resources |
| d. Ground Water Recharge Management | k. Lake Management |
| e. Wellhead Protection | l. Low Impact Development |
| f. Stormwater Management | m. Scenic Resources |
| g. Right to Farm | n. Historic/Cultural |
7. **Application Procedures.** Adopt procedural requirements applicable to resource area applications and review thereof. Prepare municipal application forms (as needed) and fee/escrow ordinance amendments (as appropriate), and determine and assign responsibility for review of application packages pertinent to these areas by the qualified individual(s).

MUNICIPAL SELF-ASSESSMENT & IMPLEMENTATION SCHEDULE

Complete Municipal Self-Assessment (MSA) and prepare MSA Report. MSA Report should list and discuss all changes to the municipal planning program that will remain necessary after Basic Plan Conformance, to achieve full Plan Conformance. MSA Report must also include proposed

Implementation Schedule, indicating timeframe for anticipated completion of individual items and overall program.

MAP ADJUSTMENTS

Requests for Map Adjustments (changes that go beyond factual updates and corrections) along with justification for each may be submitted during Plan Conformance. These may be processed by the Highlands Council and addressed prior to approval of Basic Plan Conformance, however the Council may at its discretion, determine that major adjustments instead need to be processed and addressed as part of the full Plan Conformance process to avoid excessive delays in achieving Basic Plan Conformance.