

HIGHLANDS REGIONAL



MASTER PLAN  
2008

# Highlands Council Meeting

October 15, 2009



# Executive Director's Report

- Plan Conformance Update
- Highlands TDR Program

# Municipal Plan Conformance

- ❑ 76 of the 88 Highlands municipalities have filed a Notice of Intent
- ❑ 72 municipalities and 4 counties have applied for an Initial Assessment Grant
- ❑ 75 municipalities have filed a 2009 Plan Conformance Grant Application

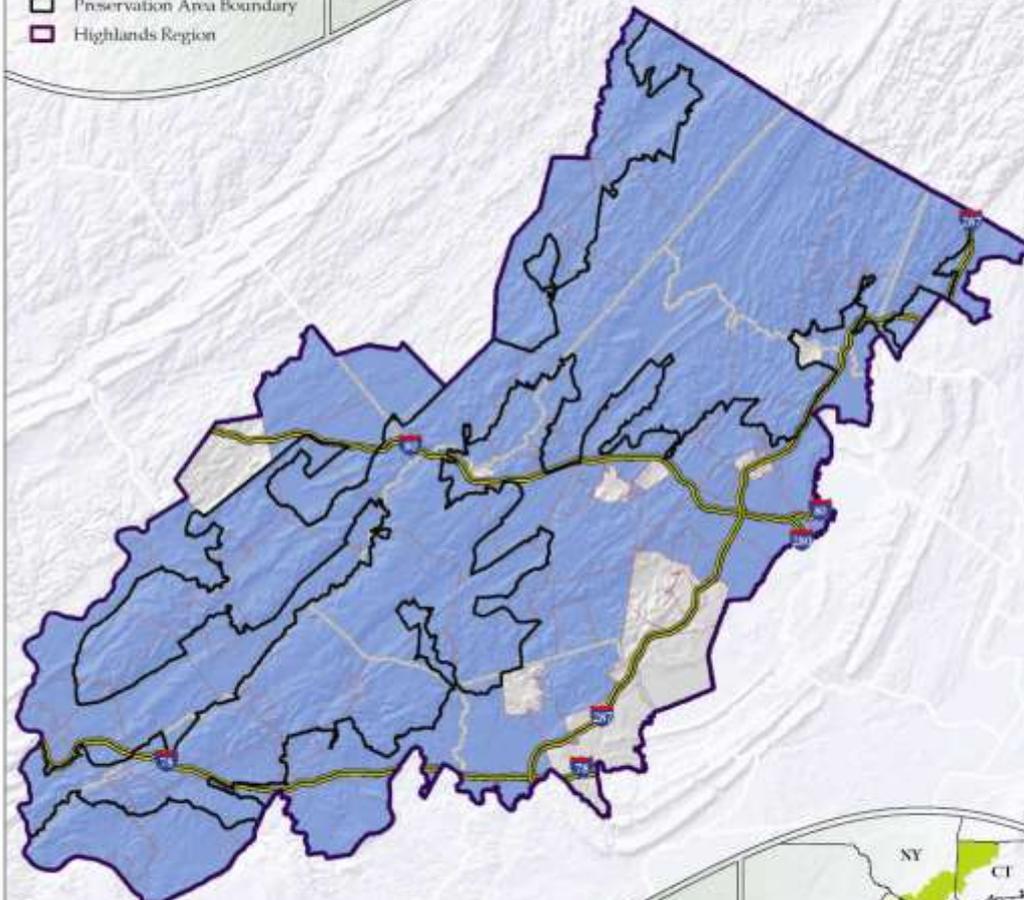
**REGIONAL MASTER PLAN  
NOTICE OF INTENT TO CONFORM**

**October 7, 2009**

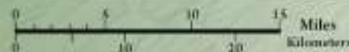


 Municipalities That Have Adopted a Notice of Intent to Conform

-  Interstate Highways
-  County Boundaries
-  Municipal Boundaries
-  Preservation Area Boundary
-  Highlands Region



Scale = 1:555,000



# Plan Conformance Modules

## Modules:

1. Current Municipal Conditions & Build-Out Analysis
2. Land Use and Resource Capacity Analysis
3. Housing Element & Fair Share Plan
4. Environmental Resource Inventory
5. Highlands Master Plan Element
6. Highlands Land Use Ordinance
7. Municipal Petition with Self-Assessment and Highlands Implementation Plan & Schedule

# Modules 1 and 2

## Highlands Municipal Build-Out

- ❑ 72 Highlands municipalities have received their Module 1 Reports
- ❑ 59 municipalities have received a final Highlands Municipal Build-Out Report
- ❑ 55 Highlands Municipal Build-Out Reports are available on the Highlands Council website
  - ❑ Two Highlands Municipal Build-Out Reports are undergoing revisions
  - ❑ Two Highlands Municipal Build-Out Reports are scheduled to be posted to the Highlands Council website later this month

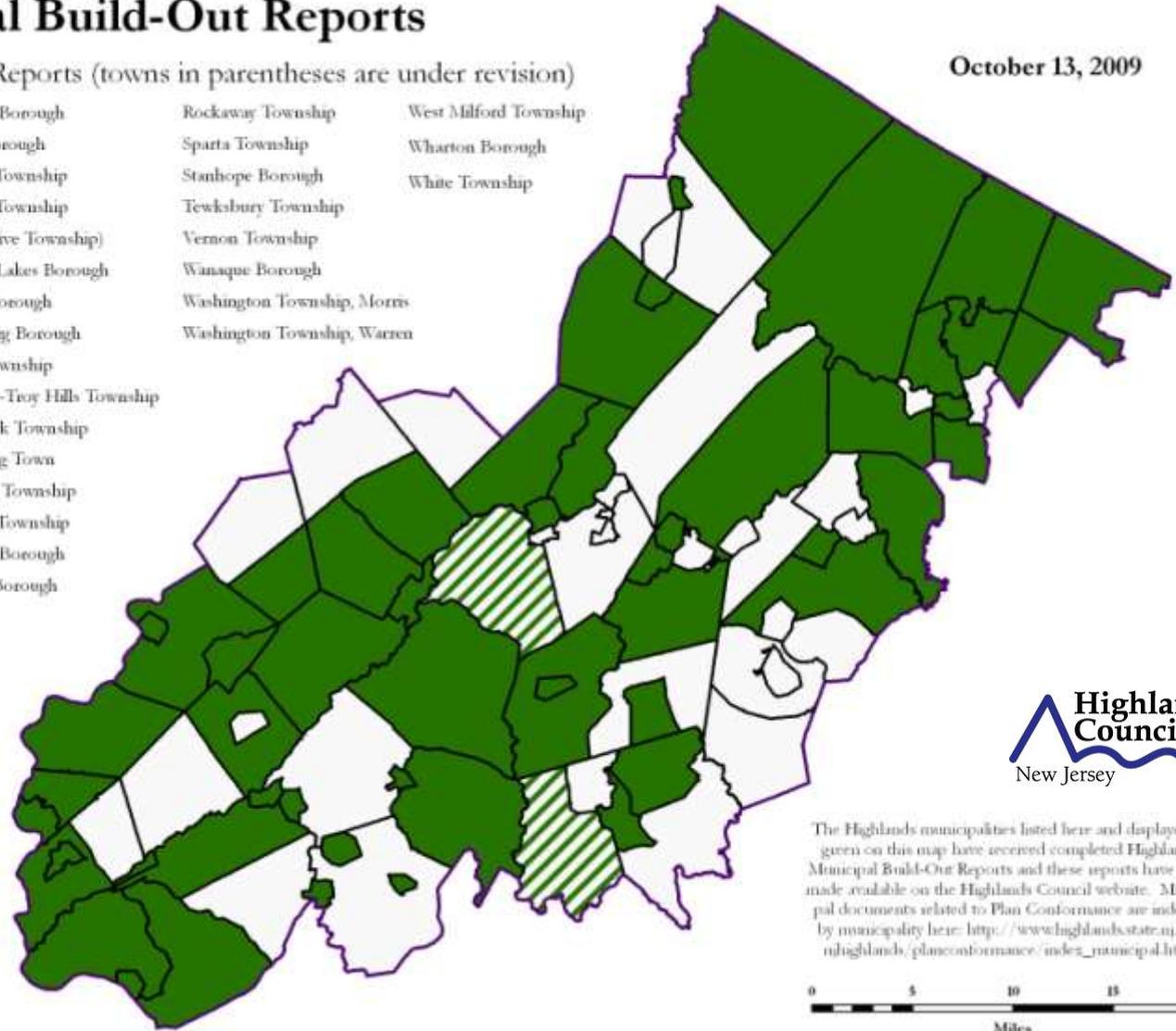
# Highlands Municipal Build-Out Reports

 Posted Municipal Build-Out Reports (towns in parentheses are under revision)

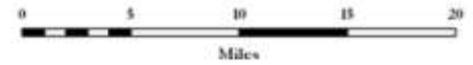
October 13, 2009



- |                       |                                |                             |                       |
|-----------------------|--------------------------------|-----------------------------|-----------------------|
| Alexandria Township   | Mendham Borough                | Rockaway Township           | West Milford Township |
| Allamuchy Township    | Milford Borough                | Sparta Township             | Wharton Borough       |
| Alpha Borough         | Mine Hill Township             | Stanhope Borough            | White Township        |
| (Bedminster Township) | Montville Township             | Tewksbury Township          |                       |
| Belvidere Town        | (Mount Olive Township)         | Vernon Township             |                       |
| Bernardsville Borough | Mountain Lakes Borough         | Wanaque Borough             |                       |
| Bethlehem Township    | Oakland Borough                | Washington Township, Morris |                       |
| Bloomingsdale Borough | Cydenburg Borough              | Washington Township, Warren |                       |
| Bloomsbury Borough    | Oxford Township                |                             |                       |
| Byram Township        | Passippany-Troy Hills Township |                             |                       |
| Califon Borough       | Pequannock Township            |                             |                       |
| Chester Borough       | Phillipsburg Town              |                             |                       |
| Chester Township      | Pohatcong Township             |                             |                       |
| Clinton Town          | Randolph Township              |                             |                       |
| Far Hills Borough     | Ringwood Borough               |                             |                       |
| Glen Gardner Borough  | Rivendale Borough              |                             |                       |
| Hackettstown Town     |                                |                             |                       |
| Hamburg Borough       |                                |                             |                       |
| Hampton Borough       |                                |                             |                       |
| Harmony Township      |                                |                             |                       |
| High Bridge Borough   |                                |                             |                       |
| Holland Township      |                                |                             |                       |
| Hopatcong Borough     |                                |                             |                       |
| Independence Township |                                |                             |                       |
| Kinnelon Borough      |                                |                             |                       |
| Lebanon Borough       |                                |                             |                       |
| Liberty Township      |                                |                             |                       |
| Lopatcong Township    |                                |                             |                       |
| Mahwah Township       |                                |                             |                       |



The Highlands municipalities listed here and displayed in green on this map have received completed Highlands Municipal Build-Out Reports and these reports have been made available on the Highlands Council website. Municipal documents related to Plan Conformance are indexed by municipality here: [http://www.highlands.state.nj.us/nhighlands/placeconformance/index\\_municipal.html](http://www.highlands.state.nj.us/nhighlands/placeconformance/index_municipal.html)



# Module 3

## Fair Share Plan and Housing Element

- ❑ COAH approved a Resolution on August 12 granting a waiver from COAH's third round growth projections for conforming municipalities, authorizing calculation of a municipality's RMP Adjusted Growth Projections based on conformance with the RMP.
- ❑ In addition, COAH also approved on August 12 a Resolution extending submittal until June 8, 2010 for all Highlands municipalities that previously received an extension from COAH.

# Module 3

## Fair Share Plan and Housing Element

- ❑ The Fair Housing Act amendments (July 17, 2008) provide regional planning entities with new opportunities to identify and coordinate affordable housing based on regional planning considerations (N.J.S.A. 52:27D-329.9)
- ❑ On September 10, COAH approved the Regional Affordable Housing Development Program Guidelines to authorize municipalities to transfer up to 50 percent of their affordable housing obligations.

# Module 4

## Highlands Environmental Resource Inventory

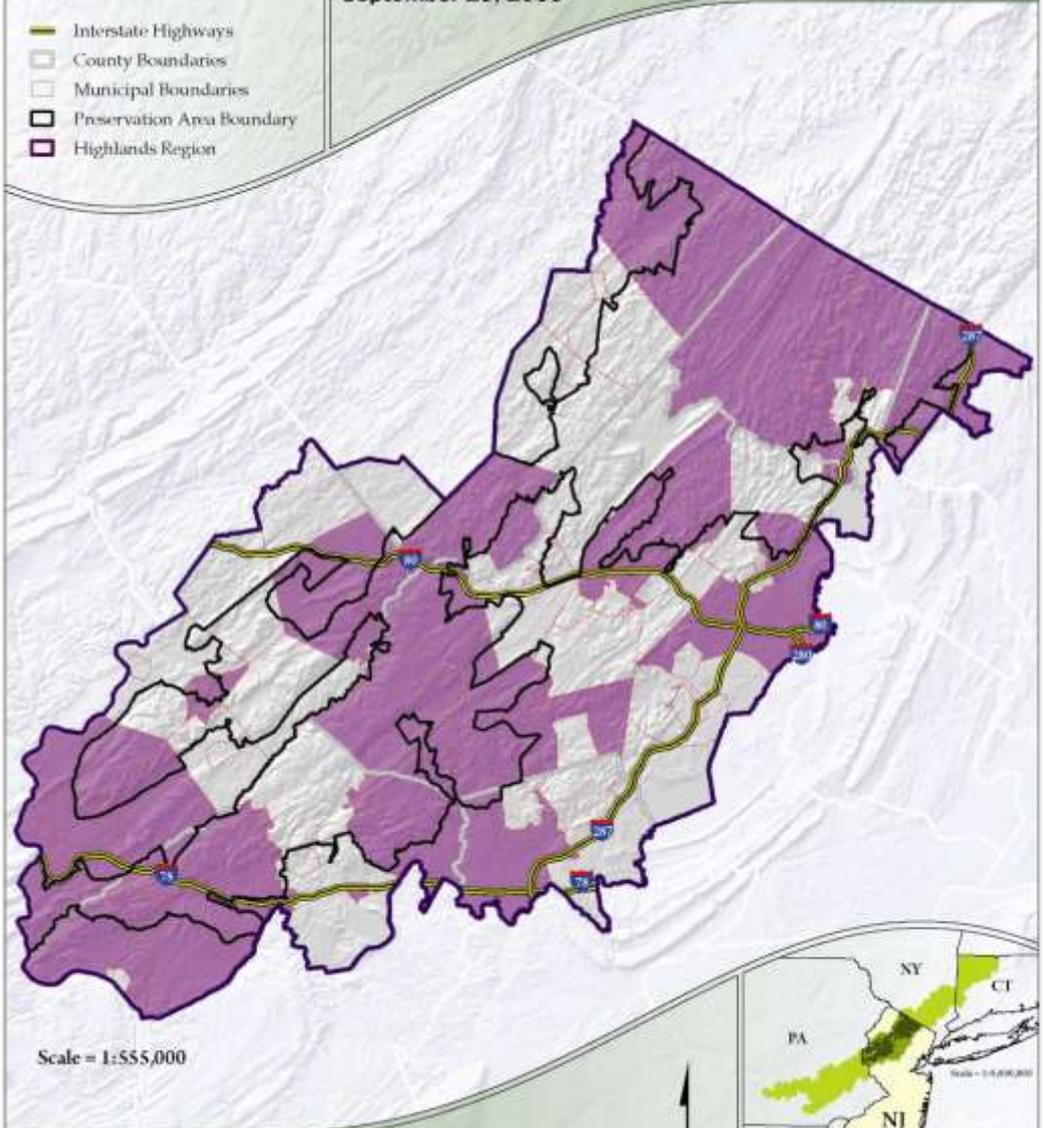
- Municipalities were given a sample Highlands ERI to supplement and update with local information
- 43 municipalities submitted a draft Highlands ERI

Municipalities That Have Submitted Environmental Resource Inventory Reports

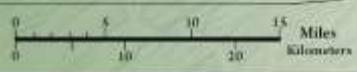
- Interstate Highways
- County Boundaries
- Municipal Boundaries
- Preservation Area Boundary
- Highlands Region

# HIGHLANDS MUNICIPAL ENVIRONMENTAL RESOURCE INVENTORY REPORTS SUBMITTED

September 29, 2009



Scale = 1:555,000



# Module 5

## Model Master Plan Highlands Element

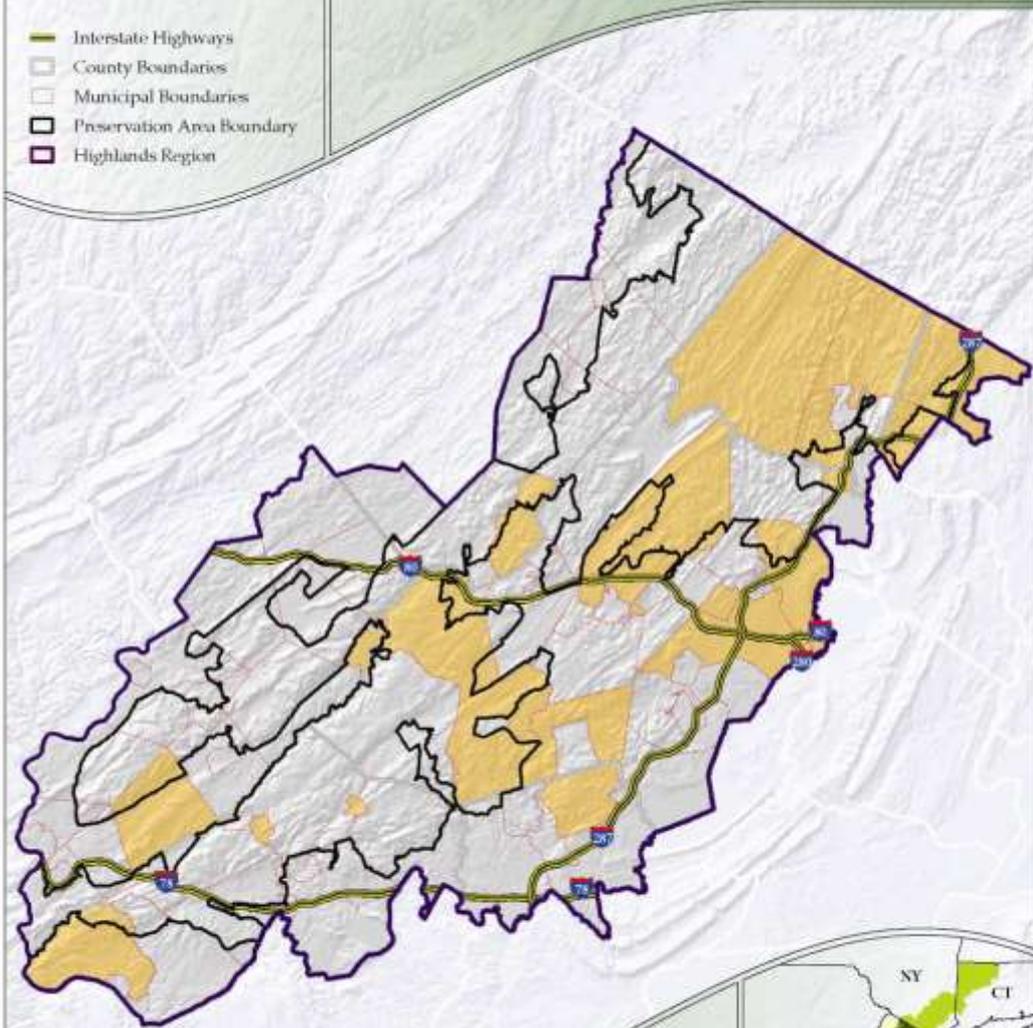
- ❑ A Model Master Plan Highlands Element was provided addressing all requirements of Basic Plan Conformance
- ❑ The Model should be tailored to municipal circumstances and submitted in Draft
- ❑ 21 municipalities have submitted a Master Plan Highlands Element

Municipalities That Have Submitted Highlands Master Plan Elements

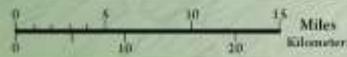
- Interstate Highways
- County Boundaries
- Municipal Boundaries
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### HIGHLANDS MASTER PLAN ELEMENTS SUBMITTED

October 5, 2009



Scale = 1:555,000



# Module 6 – Model Highlands Land Use Ordinance

- ❑ Model ordinance provided, which incorporates all relevant RMP requirements for that topic.
- ❑ Includes all provisions necessary to implement ordinance, e.g., definitions, admin. procedures.
- ❑ Instructions provided on editing and submittal requirements. Maps from Highlands Element.
- ❑ Municipalities will edit and submit draft with their Petition – no preliminary draft.
- ❑ Model ordinance was revised based on comments from municipal professionals.

# Module 6 – Model Highlands Land Use Ordinance

- ❑ SUPPLEMENT to Existing Land Use Ord's
  - ❑ NOT a replacement; NOT an overwrite
  - ❑ RELIES on underlying municipal ordinances
  - ❑ ADOPTION as a supplement recommended
- ❑ Covers Planning & Preservation Areas, as Written
- ❑ Addresses Basic Plan Conformance

# Module 7

## Municipal Petition for Plan Conformance

- ❑ Module 7 Instructions provide detailed instructions for the development of a Petition for Plan Conformance
- ❑ Outline the general process for Highlands Council review and approval of Petitions
- ❑ Provide templates for the Municipal Self-Assessment Report and Implementation Plan & Schedule

# Module 7

## Municipal Petition for Plan Conformance

- ❑ Required Contents of Municipal Petition
  - ❑ Cover Letter – Identifies portion of municipality petition for PC is applicable, Point of Contact
  - ❑ Completed Submittal Checklist – sample provided as Appendix A
  - ❑ Preservation Area Resolution
  - ❑ Planning Area Ordinance or Resolution
  - ❑ Module 3, 4, 5 and 6 DRAFT documents

# Module 7

## Review Process for Municipal Petitions

- ❑ December 8, 2009 – Petitions submitted
- ❑ Within 60 days – Completeness determination and coordination with municipal representatives
- ❑ Within 45-90 days – Draft Consistency Review and Recommendations Report issued by Highlands Council Executive Director
- ❑ Municipal Response Period – Allows the municipality to amend Petition to address issues in the Report
- ❑ Public Notice, Final Report, and Council consideration

# TDR Program Update

# Highlands TDR Program

## Role of Highlands Council

- ❑ Establish TDR program, including working with municipalities to establish TDR Receiving Zones; approve model deeds of easement;
- ❑ Establish initial Highlands Development (HDC) Credit value (currently \$16,000 per HDC);
- ❑ Determine HDC allocation for Sending Zone parcels;
- ❑ Assess program at specified intervals for improvements;
- ❑ Work to pass new TDR legislation providing greater opportunities for use of HDCs (i.e. create more demand).

## Role of HDC Bank

- ❑ Issue HDC certificates after property owner records appropriate deeds of easement;
- ❑ Serve as administrator of TDR program by tracking all HDC transactions;
- ❑ Serve as an information clearinghouse regarding the TDR program and link potential HDC buyers and sellers; and
- ❑ Serve as buyer and seller of HDCs.

# Highlands TDR Program

- ❑ HDC Bank adopted its Operating Procedures on 9-3-2009.
  - ❑ Operating Procedures authorize the acquisition of HDCs from property owners to alleviate a demonstrated extenuating financial circumstance if:
    - ❑ Adequate funds are available for the purchase;
    - ❑ The expenditure of funds does not substantially impair the Board's ability to carry out its duties for HDC guarantees which may have already been extended;
    - ❑ The owner's equity in the land to which the HDCs are allocated is substantial in relation to the owner's net worth; and
    - ❑ The owner demonstrates an extraordinary financial hardship, including but not limited to imminent bankruptcy, extraordinary medical expenses, or loss of job.
- ❑ HDC Bank adopted resolution authorizing Initial HDC Purchase Program
  - ❑ Resolution sets priorities for HDC acquisition
  - ❑ To begin in January 2010 or upon the New Jersey State Treasury appropriating the funds necessary to effectuate this program, whichever is later.

# Highlands TDR Program

- ❑ HDC Bank Resolution adopted on 9-3-2009 sets priorities for HDC acquisition:
  - ❑ First priority consideration to any property that satisfies both of the following criteria:
    - ❑ comprises a major Highlands development that would have qualified for an Exemption #3 but for the lack of a necessary State permit; and
    - ❑ which satisfies the extenuating financial circumstance criteria;
  - ❑ Second priority consideration to any parcel of land whose owner only satisfies the extenuating financial circumstance criteria; and
  - ❑ Third priority consideration to any parcel of land that only satisfies the missing an exemption criteria above.
- ❑ For each priority level, consideration is given for the protection of land with significant ecological or agricultural importance consistent with the RMP.

# Highlands TDR Program

TDR Program Deeds of Easement are in final form review by the Division of Law:

- ❑ Ag with Exemption Retained: Properties currently involved in agricultural production where the owner is retaining an applicable single family dwelling exemption under the Highlands Act;
- ❑ Ag with Bonus: Properties currently involved in agricultural production where the owner is foregoing an applicable single family dwelling exemption under the Highlands Act;
- ❑ Non-Ag with Exemption Retained: Properties not currently involved in agricultural production where the owner is retaining an applicable single family dwelling exemption under the Highlands Act; and
- ❑ Non-Ag with Bonus: Properties not currently involved in agricultural production where the owner is foregoing an applicable single family dwelling exemption under the Highlands Act.

# Highlands TDR Program

## □ HDC Estimator Tool

- Provides estimated range of HDCs to a parcel that is:
  - Located in the Preservation Area and situated in Protection and Conservation Zones or environmentally-constrained subzones;
  - Residentially zoned based upon Highlands Council composite zoning;
  - At least five acres in size or, if less than five acres, are at least three times the minimum lot size in effect on 8-10-2004; and
  - After accounting for pre-Highlands Act environmental constraints, had at least one lost development opportunity (i.e. at least one potentially buildable lot).
- Does not provide an estimated HDC range if non-residentially zoned, presently preserved, or parcel has not lost at least one development opportunity.
- Although a parcel may receive an allocation, this does not mean that that parcel is entitled to have its HDCs purchased by the Highlands Development Credit (HDC) Bank or on the private market.

# Highlands TDR Program Timeline

- ❑ Finalize deeds of easement and HDC allocation application materials (Highlands Council) – **October -November 2009**
- ❑ Launch web-based HDC Estimator Tool (Highlands Council) – **November 2009**
- ❑ Begin reviewing HDC allocation applications (Highlands Council) – **November 2009**
- ❑ Open period for processing of HDC Allocation Determination applications (Highlands Council) – **November 5, 2009 through January 5, 2009**
- ❑ Review HDC Certificate application materials (HDC Bank) – **November 2009**
- ❑ Consideration of HDC hardship purchases (HDC Bank) – **January 2010 through March 2010.**

# Status of TDR Feasibility Grants

- ❑ Highlands Council has approved **10 TDR Feasibility Grants** – Bogota Borough, Chester Borough, City of Clifton, Town of Clinton, Harmony Township, Hopatcong Borough, Lopatcong Township, Oakland Borough, Tewksbury Township and Washington Borough.
- ❑ **Long Hill Township**, Morris County (outside of Highlands Region) submitted a grant application that is being considered today by the Highlands Council.
- ❑ Highlands Council staff gave a presentation to Long Hill Township on June 9, 2009.

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