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Highlands Regional Master Plan Municipal Plan Conformance

FREQUENTLY ASKED QUESTIONS

What is “Plan Conformance?” A municipality achieves Plan Conformance by aligning all relevant aspects of its local planning program with the Highlands Regional Master Plan (RMP). While the specifics will vary for each municipality, Plan Conformance will typically require amendments to the local Master Plan, Plan Maps, Land Use Regulations, Zoning Ordinances, and Zoning Map. Plan Conformance automatically provides a strong “legal shield” to the municipalities, whereby the Highlands Council is required to defend certain decisions made under Plan Conformance and courts are required to give extraordinary deference to plans and ordinances adopted under the process.

Is Plan Conformance required? Municipal Plan Conformance is required for any land area within the Highlands Preservation Area but is voluntary with respect to any land located in the Highlands Planning Area.

Is funding available to assist municipalities in Plan Conformance? Yes. The Highlands Council is required to provide grants covering the reasonable expenses of Plan Conformance for any municipality, from a special fund established by the Act. After July 1, 2008, the Highlands Protection Fund will have more than \$20 million dollars that can be used for municipal and county Plan Conformance.

Is there a deadline? Within nine to fifteen months after adoption of the RMP, any municipality having land in the Preservation Area must petition the Highlands Council for Plan Conformance with respect to that area. Petitions must include, pursuant to the Highlands Act, such revisions of the municipal master plan and development regulations as are necessary to conform with the goals, requirements, and provisions of the RMP. Petitioners may at the same time seek Plan Conformance for any land in the Planning Area; however, this is not required. No deadlines apply to Plan Conformance Petitions for land in the Planning Area.

How can municipalities file petitions within such a short time? The Highlands Council recognizes that 9-15 months is a very limited timeframe and does not expect or require that municipalities complete the comprehensive planning process necessary to achieve Plan Conformance with every aspect of the RMP during that time. Instead, the Council will provide assistance to municipalities to meet “Basic Conformance.” Basic Conformance will involve

completion of a set of immediately-required tasks, with a commitment to completing the remaining long-term tasks in accordance with a realistic implementation schedule and accompanying grant funding. The primary focus of Basic Conformance is to ensure immediate protection of critical Highlands resources from future development, while the municipality works toward full Plan Conformance. The Council will provide a package of Basic Conformance documents for municipal use in adopting the immediately-required components of municipal Master Plans, Land Use Regulations, and Environmental Resource Inventories. An Action Plan and Implementation Schedule will govern the completion and timing of remaining obligations.

How will Plan Conformance affect future development? To provide a full understanding of how conformance with the RMP will affect future development and redevelopment within a municipality, the full Plan Conformance process begins with a comprehensive analysis of the locality's environmental resources, developable land inventory, and infrastructure capacity. The analysis will focus heavily on water availability and wastewater treatment capacity, including anticipated septic system yields. In addition, information on sensitive Highlands Resources such as stream buffers, steep slopes and critical habitat will be assessed. Using maps, technical data and a build-out analysis tool provided by the Highlands Council, the municipality will gain an understanding of the constraints to and/or the opportunities for development in the various parts of its community. This information will ultimately determine the municipality's maximum potential for development and/or redevelopment, as constrained by Highlands regulatory provisions.

How will Plan Conformance affect the local planning program? The results of the preceding analyses will inform the local planning effort, revealing areas in which capacity may be insufficient to support intended patterns of development, and/or in which capacity is underutilized and could offer potential for alternate development (or preservation) strategies. The municipality will determine the type and degree of changes needed to align its planning program with the study findings, while at the same time considering the many other needs and interests of the community. These changes will likely involve the Master Plan, Plan Maps, Land Use/Development Regulations, Environmental Resource Inventory, Zoning Ordinances, and Zoning Map.

Is it mandatory that a conforming municipality accept growth? The Highlands Act does not require that any municipality accept growth beyond the limits of its zoning regulations and in many ways may further restrict growth based on resource or utility constraints. The RMP specifically includes a policy indicating that growth is discretionary. Where a municipality voluntarily decides to grow (for example, by extending public sewers), the RMP includes Smart Growth principles to ensure that utility capacity and available land are used in an efficient, environmentally sustainable manner. Municipalities may also decide to voluntarily designate regional Transfer of Development Rights receiving zones so long as proposed growth is consistent with the RMP and supported by the municipal resource assessment and infrastructure capacity analyses.

What will a conforming municipal Master Plan achieve? A conforming municipal Master Plan will provide the framework for a resource-centered, capacity-based planning program that protects and preserves Highlands resources at the local level. While it will continue to promote the general purposes of zoning and the specific goals and objectives of the municipality, it will

place these within the context of the Highlands regional environment and the legislative mandate requiring its protection. It will adopt many of the goals, policies, and objectives of the RMP and will lay the groundwork for a series of land use regulations governing water and wastewater, special resources, and all Highland Resource Areas located within the municipality.

Specifically, what must be done to conform? The mandatory elements for inclusion in a conforming Master Plan and Land Use regulatory program appear in the Highlands Council Plan Conformance Requirements papers. The Highlands Council will provide more detailed information upon adoption of the RMP.

Will Highlands Council Staff attend municipal meetings to provide information? To date, the Highlands Council has held numerous informational sessions for Highlands municipalities where Council staff provide an overview of the goals, requirements, and provisions of the RMP and respond to questions regarding Plan Conformance. Council staff will continue to be available for ongoing informational sessions and will also provide municipal-specific information developed for the RMP, including a Highlands Resource Inventory and a preliminary Infrastructure Capacity Analysis.