



JON S. CORZINE  
*Governor*

## State of New Jersey

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*Chairman*

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September 23, 2008

**Subject: Highlands Regional Master Plan**

Dear Mayor \_\_\_\_\_:

On behalf of the Highlands Water Protection and Planning Council (Highlands Council, I am pleased to provide you with additional information regarding the Highlands Regional Master Plan (RMP). The RMP, which has an effective date of September 8, 2008, was previously sent to you along with Executive Order 114 signed by Governor Jon S. Corzine. Under separate cover, you will be receiving a CD and a DVD containing additional information. The Highlands Council is distributing information to municipalities and counties in the Highlands Region to help them prepare for the upcoming process of Plan Conformance.

Plan Conformance with the RMP is mandatory for lands in the Preservation Area, and voluntary for lands in the Planning Area. Municipalities and counties with lands in the Preservation Area have up to 15 months, ending December 8, 2009, to bring their master plans and development regulations for those lands into conformance with the RMP and to submit them to the Highlands Council. For lands in the Planning Area, municipalities and counties may voluntarily conform at any time.

To assist municipalities with the conformance process we have prepared CDs with the following:

- Highlands Regional Master Plan
- 15 Technical Reports
- Plan Conformance Guidelines
- RMP Updates Requirements
- Municipal Map Series
- Regional Atlas

In addition, we will shortly be sending to you a DVD with a Municipal Mapping Application to help with visualizing local and regional resources. In the meantime we encourage you to visit the Highlands Councils Interactive Maps now available online (<http://maps.njhighlands.us/hgis/>).

To further assist with the initiation of Plan Conformance, the Highlands Council is suggesting that municipalities take action to address the following issues:

### ***Initial Assessment Grants***

The Highlands Council presently has over \$21 million in grant funding to offset the reasonable expenses of Plan Conformance. In order to initiate the examination of the RMP at a local level, the Highlands Council created a \$1.5 million grant program to provide Initial Assessment Grants. Municipalities and counties can apply to the Highlands Council for up to \$15,000 in initial assessment grants to assist them in determining the local implications of the RMP. In addition, we would be pleased to come to your municipality at your convenience to present the RMP and answer any questions from your councils, land use boards, or members of the public. We have found that these sessions help provide additional clarity regarding the RMP and the Plan Conformance process.

### ***Notice of Intent***

As discussed in the Highlands Plan Conformance Guidelines, Highlands municipalities and counties that are required to conform, or are seeking to conform with the RMP must submit a Notice of Intent to petition the Highlands Council. The Notice of Intent must be adopted by formal resolution of the applicable governing body at a duly-noticed public meeting. For jurisdictions split between Planning and Preservation Areas, the Notice of Intent must indicate whether it is the intent of the governing body to include the Planning Area in the petition. A Notice of Intent is not binding with respect to lands within the Planning Area and places the Highlands Council on notice to provide assistance and prepare for a Petition for Plan Conformance. For jurisdictions with any lands in the Preservation Area, a Notice of Intent must be submitted as soon as practicable, but not later than February 1, 2009. Lastly, a Notice of Intent must indicate a target date for submission of the Petition for Plan Conformance.

### ***Regional Planning for Affordable Housing***

As you may know, Governor Corzine signed into law, on the very same day the Highlands Council adopted the RMP, statutory amendments to the Fair Housing Act, in P.L.2008, c.46. This new statute recognizes that regional planning entities are appropriately positioned to take a broader role in the planning and provision of affordable housing based on regional planning considerations. Specifically, the statute includes provisions regarding: 1) requirements to reserve for occupancy by low or moderate income households at least 20 percent of the residential units constructed, to the extent this is economically feasible; 2) identification and coordination of regional affordable housing opportunities in cooperation with municipalities in areas with convenient access to infrastructure, employment opportunities, and public transportation provided that it may not result in more than a 50 percent change in the fair share obligation of any municipality. The Highlands Council is taking affirmative steps to address these new statutory requirements and will be providing guidance to Highlands municipalities as soon as practicable.

### ***Extension request to COAH***

Executive Order 114 directs the Highlands Council to work cooperatively with the Council on Affordable Housing (COAH), the Department of Environmental Protection and the Department of Community Affairs to address affordable housing in the Highlands Region. Specifically, the Highlands Council is required to review COAH's third round growth projections for consistency with the Highlands RMP. Thereafter, the Council must assist COAH in developing adjusted growth projections within the Highlands Region, consistent with the RMP, to be utilized by municipalities that conform to the Plan. The Order requires the Highlands Council to identify sites and opportunities for affordable housing in accordance with the recently enacted amendments to the Fair Housing Act, P.L.2008, c.46. In addition, the Order requires that the Council preserve scarce

land, water, and sewer resources and dedicate these resources on a priority basis for the production of affordable housing consistent with the Highlands Plan, and provide priority review for proposed affordable housing projects. The Order also requires the Highlands Council and COAH to enter into a Memorandum of Understanding as soon as possible, but no later than November 4, 2008.

For municipalities in the Highlands Region, the Order requires the coordination of the deadlines for revision of municipal master plans and third round fair share plans to be in conformance with both the Highlands Act and the Fair Housing Act including a reasonable extension of deadlines. Presently, COAH's regulations have established a December 31, 2008 deadline for municipalities to submit their Housing Elements and Fair Share Plans. For municipalities with lands in the Preservation Area, the Highlands Act specifies that Plan Conformance petitions be submitted on or before December 8, 2009.

In order to coordinate these regulatory and statutory deadlines and recognizing the time constraints facing municipalities with the current deadline of December 31, the Highlands Council staff and COAH staff worked on a process to present to their respective Councils at the meetings of September 18<sup>th</sup> and September 21<sup>st</sup>. As a result of interagency staff deliberations the following proposed process to seek to conform to the RMP and seek a waiver from COAH's December 31, 2008 deadline was discussed by the Highlands Council at their meeting and approved.

1. **The municipality shall submit a Notice of Intent to conform to the RMP to the Highlands Council in accordance with the Plan Conformance Guidelines.**
2. **The municipal resolution required for a Notice of Intent shall specify that the municipality intends to submit a Petition for Plan Conformance on or before December 8, 2009.**
3. **For municipalities with lands in the Planning Area, the municipal resolution required for a Notice of Intent shall specify whether the municipality intends to submit a Petition for Plan Conformance for the lands in the Planning Area. An expression of intent does not limit a municipality's right, under the Highlands Act, to choose not to conform to the Highlands RMP for lands in the Planning Area.**
4. **The municipal resolution required for a Notice of Intent shall also specify that the municipality intends to submit a Petition for Plan Conformance that fulfills the requirement in the RMP that conforming municipalities shall address any constitutional obligations in accordance with the Fair Housing Act.**

**Municipalities in the Highlands Region that intend to conform to the RMP may seek an extension of time beyond COAH's December 31, 2008 deadline in accordance with the COAH's waiver procedures.**

COAH met on September 21<sup>st</sup> and are forming a task force to consider the process. When they have done so and have reached agreement with the Highlands Council we will advise you.

We look forward to continued collaboration with you in this important effort to protect and preserve the natural resources of the Highlands Region. If you have any other questions or

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concerns, please contact our office. More information can be found on our Web site at <http://www.highlands.state.nj.us/>.

Very truly yours,

Eileen Swan  
Executive Director

cc: Municipal Planner