



IGHLANDS REGIONAL MASTER PLAN

CONFORMANCE STEPS

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Dec. 18, 2006
Revised Jan. 3, 2007
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I. Introduction and Purpose:

The following series of steps outline the process that municipalities will need to follow to come into conformance with the Highlands Regional Master Plan.

The “Conformance Period” will begin after the Highlands Council adopts the Final Regional Management Plan, sometime in the spring of 2007. The steps presented are derived from the “Implementation Framework” beginning on page 203 of the Draft RMP, dated Nov. 30, 2006.

However, the reader is advised that additional requirements and specifics are contained in Section III “The Elements of the Plan”, beginning on page 42. To better assess the tasks involved in municipal conformance, the Policies, Pre-conformance Requirements and Conformance Requirements of each section (i.e., “Utility Capacity”) should be reviewed. Attached is a table, listing of page references for these sections and a summary of the requirements. For example, Wastewater Management Plans are described on pg. 161.

The Draft Regional master Plan document has been released by the Highlands Council and may be downloaded from the Council’s website at (www.highlands.state.nj.us/). Additional insight may be gained by viewing the map “Atlas”, also available on the Council’s website. The “Atlas” contains larger format maps, more detail, and individual lot lines. For limited information on individual properties, please use the “Property Search Tool” on the Council website.

The Draft RMP is now in the public comment period. Municipalities are urged to review the Draft Plan in its entirety and the “Implementation Framework” in particular to gain an

understanding of the process of conformance that they will need to follow. Comments may be submitted to the Highlands Council in writing, at the six public hearings, (dates, times and locations available on the Council's website) and on-line at the Council's website. Substantial changes in the Draft RMP are anticipated after public comment closes. Please avail yourself of this opportunity.

Conformance with the RMP is required for municipalities wholly within the preservation area (5 municipalities) and for the preservation area portions of municipalities (47 municipalities). Conformance is voluntary in the Planning Area (36 municipalities). Conformance carries with it important benefits. See "Benefits and Incentives" beginning on p.203 of the RMP.

Because the ultimate success of the Highlands Regional Master Plan depends heavily on the willing cooperation of the 88 municipalities and seven counties of the Highlands Region, an understanding of the intended conformance process is essential.

II. Conformance Steps as of Nov. 30, 2006

Note: Municipalities should consider forming a special working group to deal with the tasks of conformance. One municipality, Bedminster Township in Somerset County, has formed such a group consisting of the Mayor, former Mayor, Planning Board Chair, former Planning Board Chair and a member of the Environmental Commission.

1. Adoption of the Final RMP:

Municipal Action: Review and Comment on Draft RMP, understand the process.

Following the public comment period and public hearings, the Council will amend the Draft RMP and formally adopt the Final RMP. This action, expected in spring of 2007, will signal the beginning of the Conformance process. The Final RMP will contain "Plan Conformance Guidelines" (not yet available as of Jan 4, 2007) that will establish specific Conformance Petition filing requirements. Because municipalities may already be in substantial conformance in one or more areas, there is an intention to allow the Executive Director of the Council to waive portions of these requirements.

2. Plan Conformance Schedule:

Municipal Actions: Know when your town is scheduled; begin compiling and reviewing planning and zoning documents. Remember that the Council needs your local knowledge!

The Council will adopt a Plan Conformance Schedule for municipalities that will take into account:

§ Extent of lands in the Preservation Area

§ The physical nature of these (Preservation Area) lands.

§ Contents of Existing Master Plan

§ Contents of Existing Development Regulations

§ Expressed willingness to conform in a timely manner

§ Begin preparation for public participation at the municipal level

3. Notice of Intent

Municipal Action: Governing body passes resolution of intent

The municipality, by resolution of the governing body, sends a notice to the Council “demonstrating an interest” in finding out:

§ How the conformance process will proceed

§ What will be expected of the municipality to re-align their Master Plan and Development Regulations

This action formally begins the conformance process for your municipality but does not obligate you to conform. In the Planning Area, conformance is voluntary. However in the Preservation Area, conformance is mandatory. If the municipality is “split” between the two areas, it will be more efficient to pursue conformance for the whole municipality.

4. Highlands Overview Meeting

Municipal Actions: Be prepared for public comment! Be familiar with your Master Plan, development ordinances and other municipal planning materials. Be prepared to receive written, tabular and graphic and electronic formats. Know and advocate for your agenda. Remember that the requirements of the Regional Master Plan are minimum requirements, and your municipality may wish to provide more stringent or effective protections.

Once the Notice of Intent is received, the Executive Director of the Council will schedule a Highlands Overview Meeting in the municipality. This will provide:

§ An overview of the RMP

§ A presentation of the Plan conformance process

For this meeting the Council staff will provide:

§ An explanation of the goals, requirements and provisions of the RMP

§ Description of changes needed to the local Master Plan and development regulations

§ Funding opportunities and requirements

§ Preliminary Conformance Analysis that includes

o A summary of planning and technical information in the RMP for the individual municipality

o Conflicts and consistencies

o Proposed Implementation Schedule for the municipality

This is a very important step in the process. It is intended to be a public informational session.

At this meeting your municipality will receive detailed information about the municipality and the process of plan conformance. The Council will provide the municipality with a broad range of information. Transmittal of the electronic G.I.S. data layers is expected to take place at this stage.

5. Municipal Assessment (optional)(recommended)

Municipal Actions: Provide a forum for public comment. Provide leadership on important local issues. Keep accurate records of comments and responses.

This is intended to be a type of “self assessment”, conducted by the municipality, primarily to assess public concerns and attitudes. Although optional, it is expected that the Council will “strongly encourage” these to solicit public input and create public support for developing a conformance petition.

6. Pre-conformance Meeting (optional)(recommended)

Municipal Actions: Come prepared to identify important issues, provide local information and advocate for local issues. Have any expert reports completed and available for presentation.

After the Highlands Overview Meeting and the Municipal Assessment, the municipality may request a Pre-Conformance Meeting. This is an optional step. The purpose is to review the local conformance issues that have been identified by the municipality and those that have arisen from the Municipal Assessment. At this meeting, specific tasks, plan revisions and other necessary conformance activities will be discussed between the municipality and the Council staff.

7. Conformance Petition

Municipal Actions: The municipality, with the aid of the Council and its own experts, prepares the petition that meets or exceeds the minimum requirements of the Council. This process develops the formal Conformance Petition to be submitted the Highlands Council seeking conformance with the RMP. Substantial revisions to the Master Plan, development regulations and other municipal documents may be necessary.

Municipalities wishing to conform and those required to do so must submit a formal Conformance Petition. At this stage, the Council will provide municipalities with:

- o Specific RMP data for the municipality that will include:

- § A Highlands Build-Out analysis

- § Preliminary Infrastructure Analysis.

Municipalities will need to include (revised):

- o Land Use Plan Element (Master Plan)
- o Conservation Element (Master Plan)
- o Housing Element (Master Plan)

Municipalities may also need to include (revised):

- o Circulation Element (Master Plan)
- o Utility Service Plan
- o Recreation and Open Space Plan
- o Historic and Cultural Resources Preservation Plan.

Note: Importantly, the Petition may also include requested adjustments to the Council's Land Use Capability Map. It is important to remember that the requirements of the Council are the minimum requirements for conformance. Be prepared to offer technical justification for more stringent policies in the Petition.

8. Review of Petitions

Council staff will work closely with the municipality and its experts at this stage.

After Petitions are submitted to and received by the Council, the Council's Executive Director will review the Petition to determine if the Petition:

- o Meets the requirements of the RMP
- o Is complete and contains enough information for Council review

9. Formation of Highlands Council Plan Conformance Committee

Municipal Actions: Provide comment to the Council on the composition of the Plan Conformance Committee to assure that an adequate “skill set” is present to review Conformance Petitions.

The Council proposes to create a Plan Conformance Committee to review Conformance Petitions and make recommendations to the Council on them. The Committee will monitor the Executive Director’s review process, provide staff with policy guidance and decide on the completeness of Conformance Petitions. In many respects this committee will be a “gatekeeper” on municipal Conformance Petitions.

10. Executive Director’s Report

The Executive Director will issue a report on each municipal Conformance Petition and make specific recommendations to the Plan Conformance Committee.

11. Review of the Plan Conformance Committee

The Plan Conformance Committee will review the Executive Director’s Report and make a final recommendation to the Council

12. Approval by the Council

Conformance Petitions are approved by the Council as a whole.