



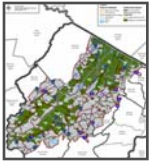
# **New Jersey Highlands Council Partnership Report Fall 2005**

## **WHAT ARE THE BENEFITS OF CONFORMING TO THE REGIONAL MASTER PLAN?**

- ◆ Highlands Council Planning Grants, Smart Growth Grants and technical aid
- ◆ State Plan endorsement
- ◆ Legal shield and legal representation
- ◆ COAH, DEP and other interagency coordination and assistance
- ◆ Tax Stabilization Funding
- ◆ Enforcement of the Regional Master Plan
- ◆ Transfer of Development Rights (TDR), impact fees and enhanced planning grants
- ◆ Priority for Green Acres and Farmland Funding
- ◆ Model land use ordinances, technical guidance, and professional staff services

## **WHAT RESOURCES WILL THE HIGHLANDS COUNCIL PROVIDE TO MUNICIPALITIES?**

- ◆ Natural resource inventory and mapping
- ◆ Build out and fiscal impact analysis
- ◆ State of the art mapping and technical service
- ◆ Over 30 economic, socio-economic, and planning indices
- ◆ Professional staff services for planning, environmental project reviews, economic development and legal assistance
- ◆ Transportation planning assistance
- ◆ Topographic mapping
- ◆ A regional plan and subsequent support to assist municipalities in realizing their vision



# New Jersey Highlands Council

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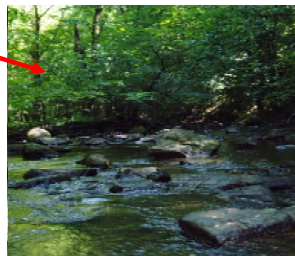
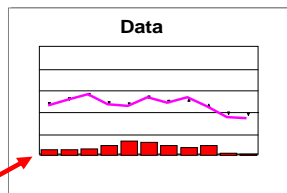
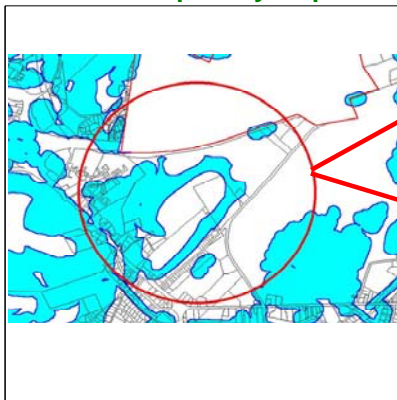
## I. OUR PARTNERSHIP

The Highlands Council (Council) has established an advisory board made up of elected and appointed representatives of Highlands communities - hereafter referred to as the "Partnership" - to provide maximum public input in developing the Regional Master Plan (RMP). The Partnership began at the first regional meetings conducted on May 16, 23 and 24, 2005. These meetings were summarized in a report, available on our web site, that documents the beginning of the open dialogue between the Council, municipalities and counties in the Highlands Region.

The second Partnership meetings took place on October 18, 19 and 20, 2005 with more than 100 local officials participating. These meetings provided an opportunity for county and municipal officials to engage with Council members and staff on issues relevant to development and implementation of the RMP. The meetings featured Q&A sessions with representatives from the Council on Affordable Housing (COAH) and Department of Environmental Protection (DEP). An outline of the issues raised and the Council responses, including references to additional information, are contained in this Report.

### NEW JERSEY HIGHLANDS REGIONAL MASTER PLAN

#### Land Capability Map



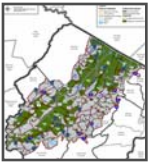
The Council staff has been meeting with both DEP and COAH in order to create Memoranda of Understanding (MOUs) to establish the role each plays with regard to the RMP. Both agencies attended the October Partnership Meetings to address issues related to their agency programs.

As a result of these efforts and comments from the hundreds of stakeholders from throughout the region, the Council is continuing to help municipalities address concerns by providing both technical and financial resources to local governments.

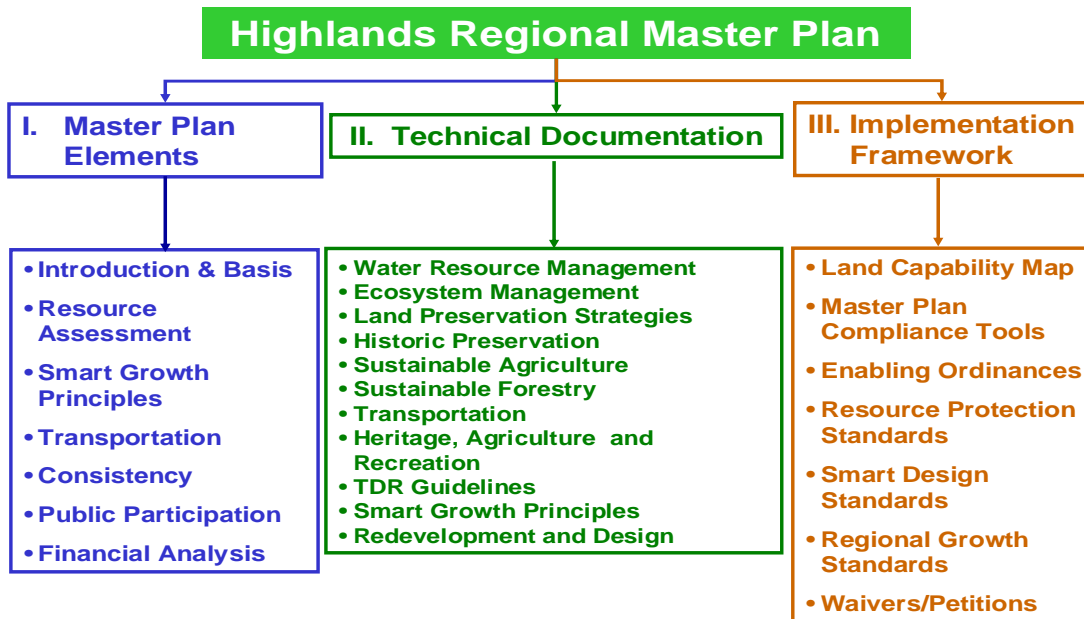
To date, the Council has approved over \$350,000 in local planning grants to assist municipalities in COAH compliance and municipal planning partnership program incentive grants (MP3s) to help municipalities meet their COAH obligation and assist in the Council in the development of the RMP.

The Council will be providing municipalities with the technical resources and data needed for RMP conformance and implementation. Currently, the Council is focused on preparing the resource assessment and smart growth components of the RMP which will develop the standards necessary to protect the critical resources of the Highlands while encouraging appropriate economic development opportunities in the future.

We hope this information is helpful. Please take the time to visit our web site and the links provided. We look forward to continuing to work with you as we develop a plan that will protect the critical natural resources and economic vitality of the Highlands.



## II. WHAT WILL THE HIGHLANDS PLAN LOOK LIKE?



**Master Plan Elements:** These will include statements of policies, goals and “next steps” necessary to achieve the intent of the Act.

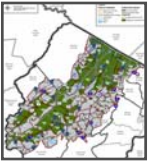
**Technical Reports:** The technical reports will address science, planning and economic goals and issues involved in RMP development and provide the documentation to support the resource assessment, land capability map and implementation framework.

**Implementation Framework:** The implementation framework will include the land use capability map, Master Plan compliance tools, enabling ordinances and standards for resource protection, smart growth design and regional growth. This framework will also include a description of the waiver and petition processes.

**Next Steps:** The Council will continue its work and will be providing regular updates at Council meetings and through a series of progress reports. The next steps for municipalities is to stay informed and participate in the RMP development process. The next Partnership Meetings are scheduled for March - where we will be outlining progress on developing the RMP.

**Our next Partnership Meeting is scheduled to be held in March 2006 - Please visit our website for a schedule of upcoming Council meetings and events.**

**Thank you for your participation.**



## III. COUNCIL ISSUES RAISED AT THE PARTNERSHIP

### **Q Can the Regional Master Plan (RMP) help protect natural resources for towns in the Planning Area?**

**A** Through its natural resource assessment, the RMP will identify areas in the Preservation and Planning Areas that contain critical natural resources. The RMP will mandate the protection of those areas that are in the Preservation Area. The RMP will also protect important resource areas in the Planning Area where the municipality decides to voluntarily conform to the RMP.

### **Q Will there be mandatory growth in the Highlands?**

**A** No. There are no mandatory growth provisions in the Highlands Act and the Council has publicly stated that it does not intend to mandate growth in the RMP. The Council is currently considering options for how the standards in the RMP will be applied. Please refer to our abstract on our web site entitled *Second Round of the Highlands Partnership* for a discussion of mandatory vs. voluntary elements of conformance with the RMP.

### **Q How does a town access money from the Tax Stabilization Fund?**

**A** The Highlands Act sets up both a monitoring system and tax stabilization board to help municipalities in the Preservation Area with potential fiscal impacts that may result from the Highlands Act. In addition to the broad range of exemptions that exist in the Act (e.g., single family homes, existing impervious cover and Brownfield redevelopment) the Council may identify appropriate redevelopment opportunities. If a municipality's property tax revenue is reduced as a result of the Act, the municipality can apply for property tax stabilization funds through the Department of Treasury. Link: <http://www.state.nj.us/treasury/taxation>.

### **Q What happens once the RMP is adopted?**

**A** A municipality that has land in the Preservation Area (wholly or partially) is required to thereafter bring its municipal master plan into conformance with the RMP (for those areas in the Preservation Area). Towns in the Planning Area have the option of choosing to conform (opt into the RMP). The Act provides 9 to 15 months for municipal conformance. The implementation process will be outlined in the RMP.

### **Q What is opting into the RMP?**

**A** Opting in is a voluntary choice on the part of a Planning Area town. By opting in, a town would bring its municipal ordinances into conformance with the goals, policies and guidelines established in the RMP. Benefits to conforming with the plan include: a legal shield (legal representation provided by the Council and an enhanced presumption of validity for local planning decisions); grants; technical support available to support municipal conformance efforts; assistance with COAH and DEP coordination; priority funding; and automatic state plan endorsement. Please review our abstract entitled *The Highlands Regional Master Plan and the Benefits and Incentives to Municipal and County Conformance* on our web site.

### **Q Can a municipality opt in now?**

**A** A municipality is unable to opt in until the RMP is adopted in June 2006 and plan conformance will begin then. A municipality that wishes to protect its natural resources in the interim period may adopt its own ordinances.

### **Q Where are the future growth opportunities?**

**A** Appropriate growth can occur in both the Preservation and Planning Areas. The RMP will outline the criteria and programs for sites and areas to be considered for development, in-fill, or redevelopment projects. The council will also provide assistance with redevelopment and Brownfields projects where appropriate.

### **Q What is TDR?**

**A** The Transfer of Development Rights (TDR) Program is designed to facilitate private transactions that would "send" density from areas that are being preserved to areas where development would be appropriate. Under the Act, the "voluntary receiving" zones can be established in the Planning Area or outside the Highlands Region within one of the seven Highlands Counties. These voluntary receiving zones can only be established where the municipality petitions the Highlands Council. A TDR bank will be established to coordinate transactions and the financing necessary to facilitate the TDR program. The program is currently under development by the Highlands Council.

### **Q Is the Council working to establish a dedicated funding source for land preservation?**

**A** Yes. The Council continues to work through the Legislature to identify and support policies and programs that would provide dedicated open space and farmland preservation funding for the Highlands.



## IV. DEP ISSUES RAISED AT THE PARTNERSHIP

**Q Do the DEP enhanced environmental standards apply outside the Preservation Area?**

**A** No. They only apply in the Preservation Area. Note, however, that the RMP will also provide certain environmental standards. It is important to note that when a Planning Area town opts in, it will opt into the standards in the RMP, not the DEP enhanced environmental standards.

**Q What environmental standards apply in the Planning Area?**

**A** The Highlands Act did not require immediate regulatory changes in the Planning Area, so the processes and standards are as they were prior to passage of the Act. If a Planning Area town opts in, then the municipal ordinances and Master Plans will need be updated to conform with the RMP.

**Q When the RMP is complete, what will be the roles of the Council and DEP?**

**A** The DEP will continue to operate its regulatory program in the Preservation Area. The Council will adopt the RMP, assist municipalities in the implementation of the RMP, and review development within the region.

**Q Is a municipality supposed to process exemptions?**

**A** No. A municipality is not authorized to issue exemptions from the Highlands Act. Towns have three general options when reviewing projects: (1) Issue the necessary permits and authorization, allowing the property owners to proceed at their own risk; (2) Issue municipal permits and authorization conditional on the property owner obtaining a Highlands Applicability Determination (HAD) or Highlands Preservation Area Approval (HPAA); (3) Require a property owner to obtain a HAD before considering the project for local approval.

**Q Whom can towns contact at DEP for questions on exemptions, HADs and HPAA's?**

**A** Exemptions and general questions: Highlands Applicability Determinations (HAD), Division of Watershed Management, (609) 984-6888; Highlands Preservation Area Approvals (HPAA), Highlands Resource Assessment Determinations (HRAD) - Division of Land Use Regulation, (609) 633-6563, Violation or enforcement issues: DEP Hotline, (877) WARN-DEP (1-877-927-6337). Further guidance can be found at the DEP Highlands web site [www.state.nj.us/dep/highlands](http://www.state.nj.us/dep/highlands).

### DEP Releases Interim Highlands Rules For The Preservation Area

On May 9, 2005 the Department of Environmental Protection adopted interim rules, effective immediately, to implement the Highlands Water Protection and Planning Act. Thereafter the DEP consulted with the Highlands Council, the State Planning Commission, and the Departments of Community Affairs, Transportation, and Agriculture. In the next few weeks, DEP is expected to propose another set of rules that, in May 2006, will replace the interim rules. The Department take public comment before those rules are adopted.

## DEP TIMELINE







## V. COAH ISSUES RAISED AT THE PARTNERSHIP

### Q. What can Highlands towns do to retain its COAH substantive certification approved by COAH?

A. First, towns should be sure to file their COAH plans on time (see COAH timeline below). Note that the Highlands Act requires COAH to consider the RMP prior to taking action on any municipal plan under COAH's third round rules. This will ensure that environmentally constrained lands will be treated as such. Second, towns should take advantage of grants the Council is making available to assist them in meeting their affordable housing obligations. Available are grants in the amount of \$12,500 for towns that do not yet have an approved substantive certification and \$7,500 for the upcoming Round 3 filings. Finally, if a town has an individual project they are concerned with they should feel free to contact the Highlands Council staff.

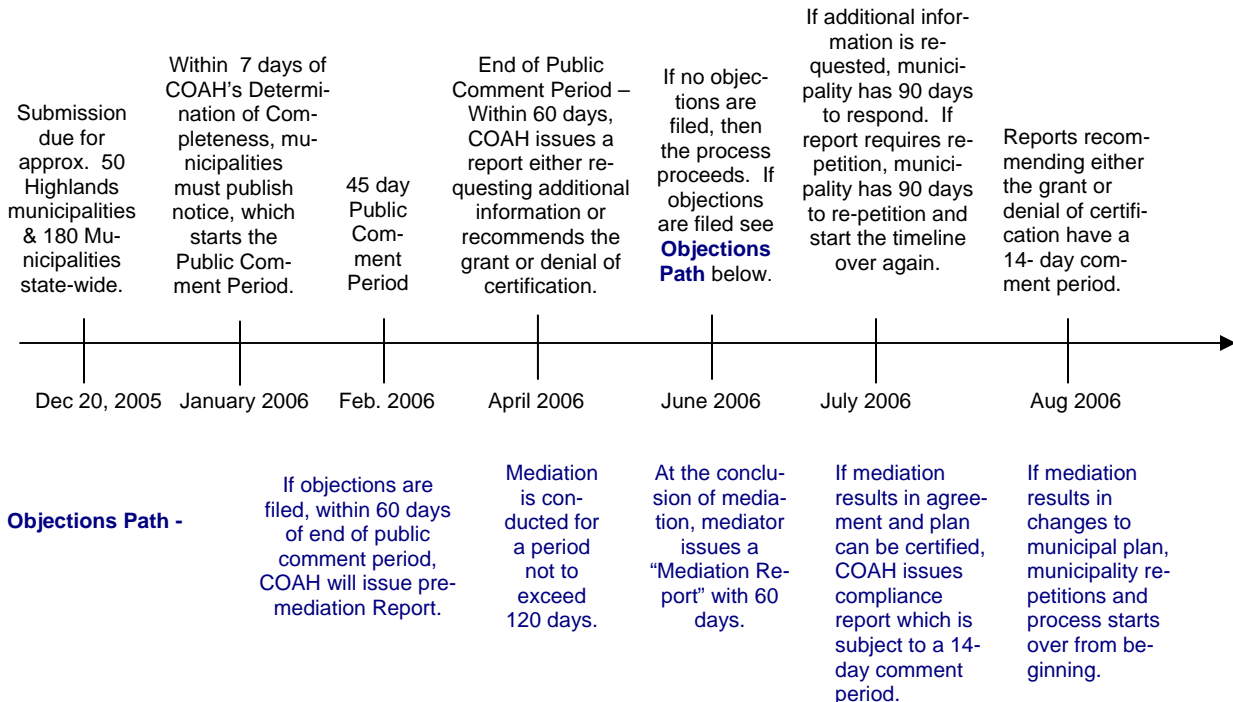
### Q. How are COAH and the Highlands Council working together?

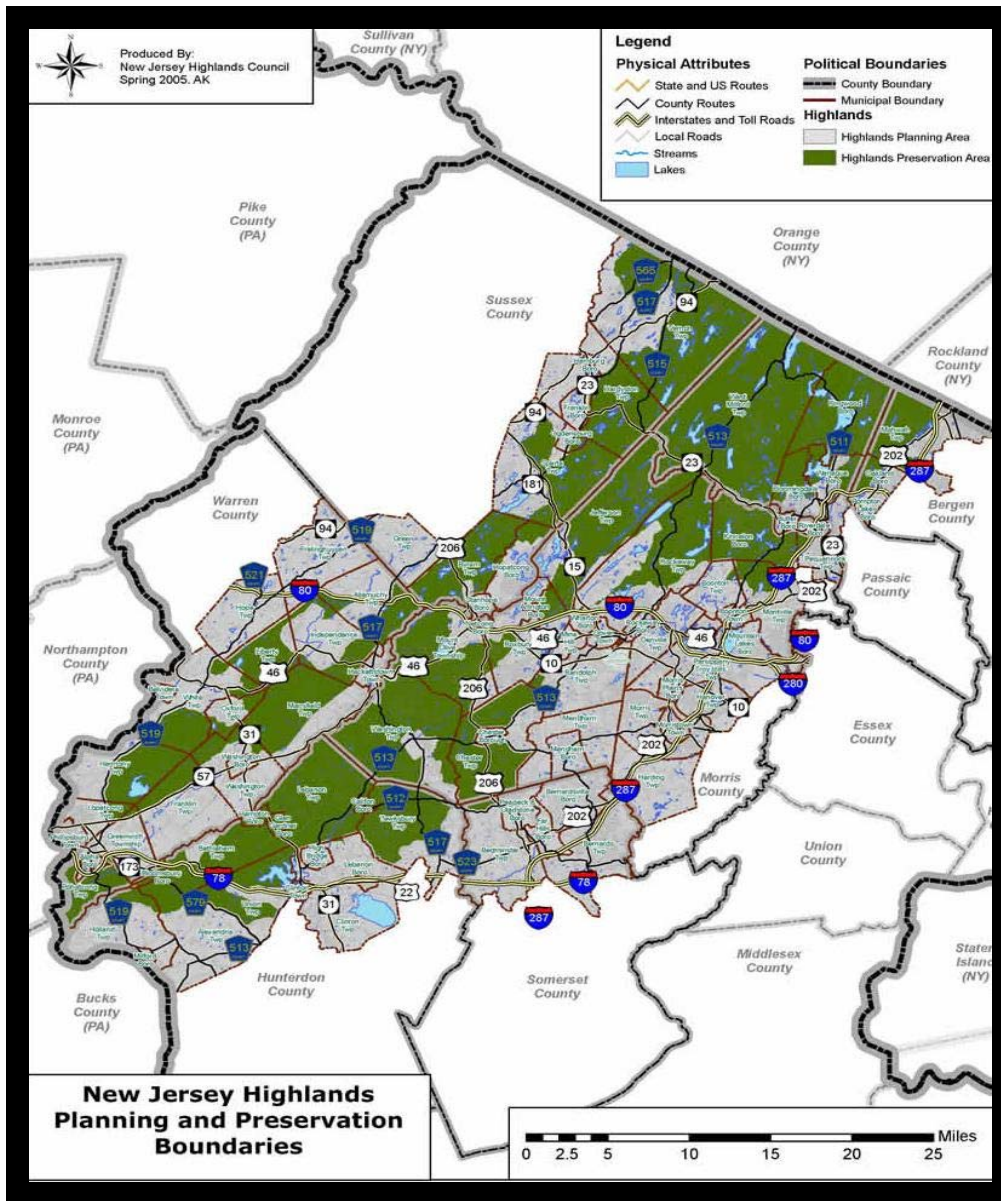
A. The Highlands Council and COAH are working to develop a memorandum of understanding (MOU) between the two agencies aimed at spelling out how the two agencies will work together to resolve issues that come up during both plan implementation and plan conformance.

### Q. How does TDR work with COAH?

A. As presently conceived, a TDR receiving area town must still meet its COAH obligations. The Council staff is currently working with COAH to address these rules and requirements. The Council is also considering a variety of new incentives and programs, in addition to the existing impact fee authorization, planning grant and smart growth benefits that current receiving areas receive, to attract towns outside the Highlands to accept Highlands TDR credits.

## COAH TIMELINE





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