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AMENDMENTS TO THE HIGHLANDS REGIONAL MASTER PLAN

Summary of Plan Amendments approved by the Highlands Council

On July 17, 2008, the Highlands Water Protection and Planning Council (Highlands Council) adopted Resolution 2008-27 to approve the Highlands Regional Master Plan. Prior to the approval, the Highlands Council considered numerous amendments to the Regional Master Plan. This overview provides a summary of those amendments. These amendments are presently being incorporated into the Regional Master Plan which will constitute the official version of the adopted amendments.

Amendments approved by the Highlands Council

1. **Water Deficit Policy – The Council required, in water deficit areas, the successful completion of mitigation for development projects.**

Summary: The Plan includes Policy 2B8 to reduce and eliminate water deficits and mitigate any new water uses in deficit areas through Water Use and Conservation Management Plans and individual project reviews. This Council amended Objective 2B8b to require that where a water use plan has not been approved, all projects for new water use must successfully complete mitigation (between 125% and 200% to ensure that the water deficit is reduced).

2. **Water Deficit Policy – The Council required, in water deficit areas, that successful completion of mitigation must occur prior to any water use.**

Summary: The Council amended Objective 2B8b to require, where a water use plan has not been approved, that all projects for new water use successfully complete mitigation prior to initiation of the water use within a project. The amendment clarified that mitigation could occur, in areas where the combination of proposed consumptive and depletive water uses and current subwatershed deficit is not high, prior to or concurrent with construction but that it be successfully completed prior to water use.

3. **Water Deficit Policy – The Council, for the most severe water deficits, required that Water Use and Conservation Management Plans demonstrate a resolution of the deficit and implement the plan prior to any new water use.**

Summary: The Council amended Objective 2B8c to require, during Plan Conformance, that Water Use and Conservation Management Plans demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and that the plan must be implemented prior to initiation of new water uses.

4. **Forest Stewardship Policy – The Council supported forest stewardship through incentives such as forest stewardship credits.**

Summary: The Council amended Objective 1C2d which addresses Council support for incentives and funding for the maintenance of forest resources and the benefits to society these forest resources provide (such as habitat and air and water quality). The amendment added support for various incentives including, but not limited to, the use of stewardship benefit credits.

5. **Stream Buffer Policy – The Council mandated that for 300 foot stream buffers, new development that converts agricultural lands to other uses may not identify the prior agricultural use as a previous disturbance.**

Summary: The Plan, in Policy 1D4, requires a protection buffer of 300 feet from all Highlands Open Waters. The numerous objectives under this policy allow for new disturbances in previously disturbed areas essentially granting relief for prior disturbance. The Council amended these objectives to specifically clarify that for development, where land is being converted to non-agricultural land uses, the historic or current agricultural land uses is not considered previously disturbed.

6. **Well Quality Protection Policy – The Council clarified that drinking water quality for wells will be protected where there is new development using septic systems.**

Summary: The RMP existing policy in Objective 2L2h specifies that well water will be protected from new septic systems. The Council clarified this issue by specifying that systems will be required to ensure that the untreated well water meets the state drinking water quality standards.

7. **Septic System Yield Policy – The Council strengthened the septic system requirements in the Planning Area by excluding preserved land in the calculation of allowable septic systems.**

Summary: The Council deleted Objective 2L2g which previously gave municipalities the choice to include preserved lands in the calculation of allowable septic systems in the Planning Area, which results in a more conservative septic system yield calculation.

8. **State Agency Coordination Policy** – The Council clarified the two requirements of the Highlands Act; that municipalities and counties are under no obligation to conform to the Regional Master Plan in the Planning Area but that consultation between the Council and State agencies is required, by certain provisions of the Act, to ensure that the Plan is considered prior to State agency action.

Summary: The Council clarified the State agency coordination program in Chapter Six to clarify that, notwithstanding the Highlands Act's clear provisions for voluntary conformance in the Planning Area, the Council is required to consult with State agencies and, in certain cases, to issue Plan consistency determinations for actions and plans proposed in any part of the Highlands Region.

9. **Water Quality Monitoring Policy** – The Council strengthened the nitrate monitoring policy to track the impact of new development.

Summary: The Council added a new objective, Objective 2M1a, to monitor, as funding is available, nitrate concentrations to evaluate impacts from Highlands development projects.

10. **Water Quality Monitoring Policy** – The Council added a policy to monitor and assess water quality for a broader range of pollutants.

Summary: The Council amended Policy 2M1 to expand the Council's monitoring goal beyond the assessment of nitrate-related impacts to add other pollutants as enumerated in the Private Well Testing Act.

Summary of Amendments that were not approved by the Highlands Council

The Highlands Council considered and voted not to approve seven other proposed amendments including the following:

- 1) to delete the policy allowing conditional water availability;
- 2) to delete the provision allowing municipalities to seek a modification of a 300-foot buffer through a Stream Corridor Protection/Restoration Plan;
- 3) to delete the provision allowing municipalities to seek buffer modifications for designated redevelopment areas;
- 4) to replace the nitrate target of 2 mg/L in the Existing Community Zone with 1.17 mg/L;
- 5) for cluster development, to replace the 10 mg/L maximum nitrate threshold for the developed portion of a site with 2 mg/L;
- 6) to calculate allowable septic systems for the Existing Community Zone and its environmentally constrained subzone; and
- 7) to limit the land areas and land percentage where the Council can consider a Map Adjustment.