



State of New Jersey

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THE HIGHLANDS REGIONAL MASTER PLAN AND THE BENEFITS AND INCENTIVES TO MUNICIPAL AND COUNTY CONFORMANCE

The Highlands Council is in the initial phase of outreach to local officials in order to begin to shape the vision for the Highlands Regional Master Plan. The Highlands Act requires the development of a Regional Master Plan by June of 2006 for both the Preservation Area and the Planning Area. In order to achieve a regional approach to land use planning and a coordinated method for the protection of the Region's important natural resources, the Act provides benefits and incentives which are available to counties and municipalities that conform to the Regional Master Plan. Of the 88 municipalities in the Highlands region, 5 are entirely in the Preservation Area; 36 are entirely in the Planning Area, and the remaining 47 communities are in both areas. Planning Area municipalities and counties that voluntarily conform to the Regional Master Plan are eligible for the benefits and incentives created for the Preservation Area. A summary of the benefits and incentives for conformance to the Regional Master Plan follows:

The Legal Shield and Legal Representation

The Highlands Act provides a "strong presumption of validity" to master plans, land use ordinances and local decisions of municipalities and counties made in conformance with the Regional Master Plan to be adopted by the Highlands Council. This enhanced presumption of validity is one of the strongest levels of legal protection available in the State. The Act also provides an opportunity for direct legal representation where needed.

Highlands Council Planning Grants, Smart Growth Grants and Technical Aid

The Highlands Council is authorized to provide grants for the reasonable expenses associated with preparing conforming master plans and land use ordinances. Additionally, the Act provides automatic qualification for the State aid, planning assistance and technical assistance for smart growth projects offered by the Office of Smart Growth.

Council on Affordable Housing Obligations

The Highlands Act requires COAH to consider the Regional Master Plan prior to making COAH determinations under the third round for all of the 88 municipalities in the Highlands Region. The Act also preserves the protections to municipalities where COAH has granted substantive certification. The Highlands Council and COAH have agreed to work together to examine prior round obligations that have been impacted by the Preservation Area standards in the Act.

Tax Stabilization Funding

The Act also creates a Tax Stabilization Board which will determine the compensation amount due to qualified municipalities for the decline in the aggregate true value of vacant land caused by the Highlands Act.

Transfer of Development Rights, Impact Fees and Enhanced Planning Grants

The Act also requires the Council to establish a voluntary TDR program and offers financial incentives to municipalities for creating receiving zones. These incentives include enhanced planning grants up to \$250,000, reimbursement for costs of amending local ordinances, authority for the use of impact fees up to \$15,000 per unit, and priority status for state infrastructure spending.

Priority for Green Acres and Farmland Funding

The Highlands Act provides priority funding opportunities under Green Acres and State Farmland Preservation for land within the Preservation Area and for those municipalities in the Planning Area that have adopted transfer of development rights ordinances.

Enforcement of the Regional Master Plan

The Act authorizes the Highlands Council to take enforcement action for any violation of the Regional Master Plan in the Preservation Area or in the Planning Area where municipalities or counties have come into conformance with the Regional Master Plan.

Stricter Land Use Provisions

Preservation Area municipalities and counties or those Planning Area municipalities and counties which opt-in to conformance with the Regional Master Plan may adopt master plans and land use regulations that are stricter than needed to come into conformance.

State Plan Endorsement

When the State Planning Commission endorses the Regional Master Plan adopted by the Highlands Council, any municipal master plan and development regulations approved by the Council are deemed the equivalent of having those plans endorsed by the State Planning Commission.

Model Land Use Ordinances and Technical Guidance

The Highlands Council is developing model land use ordinances and development regulations. In addition, the Council will provide technical assistance in environmental science, planning, and GIS services to assist with municipal and county conformance.