

Highlands Regional Master Plan Plan Conformance Guidelines

I. Plan Conformance Overview

Purpose and Scope of the Plan Conformance Process

- (a) The purpose of the Plan Conformance process is to provide a framework that supports the efforts of municipalities and counties in the Highlands Region to bring master plans and development regulations into conformance with the Regional Master Plan.
- (b) All activities undertaken by the Highlands Council or Highlands municipalities and counties to bring master plans and development regulations into conformance with the Regional Master Plan are considered to be within the scope of Plan Conformance.
- (c) Plan Conformance shall be guided by a principle to provide for the maximum feasible local government and public input into the process of Plan Conformance.
- (d) The Highlands Council intends to ensure that Plan Conformance will address local circumstances which the Highlands Council could not anticipate during the development of the Regional Master Plan. The Highlands Council recognizes that the Regional Master Plan was created at a regional scale and that new or additional information available at the county, municipal, or public level may be utilized during Plan Conformance and may be utilized to periodically revise these Plan Conformance Guidelines and issue Plan Conformance Guidance Manuals after an opportunity for public hearing and public comment.

Construction of Plan Conformance Guidelines

- (a) Nothing in these Plan Conformance Guidelines shall be construed to limit the authority of a municipality or county to adopt revisions to its master plan, development regulations, or other regulations for the purposes of Plan Conformance that are stricter, as determined by the Highlands Council, than the minimum necessary to obtain approval of conformance with the Regional Master Plan.
- (b) These Plan Conformance Guidelines should be liberally construed to conform with the State's obligation to stringently safeguard the State's public trust resources and "should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, forever for the pleasure, enjoyment, and use of future generations while also providing every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the region and the entire State." (N.J.S.A. 13:20-2.)

- (c) These Plan Conformance Guidelines shall not be construed to limit, alter or eliminate the requirements of any other applicable Federal, State or local laws, rules, regulations, codes or ordinances.
- (d) If any section, part, phrase, or provision of these Plan Conformance Guidelines or the application thereof to any person is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the validity of the remainder of these Plan Conformance Guidelines or the application thereof to other persons.

Plan Conformance Meetings and Public Input

- (a) In order for Plan Conformance to be timely and successful, it is essential that there are numerous opportunities for an open public dialogue between the Highlands Council, Council committees, local government officials and their professionals, stakeholders and interested citizens.
- (b) To ensure that there will be adequate time for public discourse concerning the Plan Conformance process and any Petition for Plan Conformance, the Highlands Council may hold meetings of the Plan Conformance Committee, to be formed by the Council, as necessary to provide advice and recommendations to the petitioners and to Council staff concerning pending Petitions for Plan Conformance. At Plan Conformance Committee meetings, Highlands Council staff and representatives of Highlands municipalities and counties will present Plan Conformance issues and draft planning documents for consideration. Plan Conformance Committee meetings are deliberative forums that will be open to the public.
- (c) During Plan Conformance, Highlands municipalities and counties may also hold deliberative meetings and legislative sessions, which shall be open to the public under the requirements of the Open Public Meetings Act. The Highlands Council intends to support many opportunities for public input about any needed changes in local planning, zoning and development review procedures developed by Highlands municipalities and counties.
- (d) Any statements or recommendations made by any representative of the Highlands Council in the context of Plan Conformance shall be considered non-binding and shall confer no legal rights and only the Highlands Council make take final action on a Petition for Plan Conformance.
- (e) Notice of Plan Conformance issues before the Highlands Council including the submission of Petition for Plan Conformance, Council Committee meetings, and public hearings on Petitions shall be provided to those interested persons and organizations having registered with the Highlands Council on the Council's website.

Plan Conformance Schedule

- (a) After the adoption of the Regional Master Plan, the Council shall issue a Plan Conformance Schedule that lists the municipalities and counties with lands within the Preservation Area and sets a date by which such local governments must submit a Petition for Plan Conformance. A copy of the Plan Conformance Schedule shall be provided to each county and municipal clerk in the Highlands Region, and made available to the public by the Highlands Council.
- (b) The Plan Conformance Schedule shall ensure that within nine (9) to fifteen (15) months after the date of adoption of the Regional Master Plan or any revision thereof, each municipality and county located wholly or partially in the Preservation Area shall submit to the Highlands Council a Petition for Plan Conformance.
- (c) The Highlands Council shall develop the Plan Conformance Schedule in consideration of the relationship of that local government to lands in the Preservation Area, the extent to which the local government's existing or proposed Master Plan and development regulations appear to conform with the Regional Master Plan, the expressed willingness to conform to the Regional Master Plan in a timely manner, and the efficient, orderly, and effective use of available funding and resources.
- (d) The Highlands Council may periodically alter and update the Plan Conformance Schedule or provide specific notice to municipalities and counties to:
 - 1. Alter the time provided to a local government in the Preservation Area to submit a Petition for Plan Conformance;
 - 2. Update the schedule to address voluntary Plan Conformance for Planning Area lands;
 - 3. Provide for the priority review of any Petition as determined by the Highlands Council; and
 - 4. Establish the time provided to a local government to submit a Petition for Amended Plan Conformance.

Benefits of Plan Conformance

- (a) In order to achieve a regional approach to land use planning and a coordinated method for the protection and enhancement of the significant values of the resources in the Highlands Region, the Highlands Act provides benefits which are available to counties and municipalities that come into conformance with the Regional Master Plan.
- (b) Of the eighty-eight (88) municipalities in the Highlands Region, five (5) are entirely in the Preservation Area, thirty-six (36) are entirely in the Planning Area, and the remaining forty-seven (47) municipalities have lands in both areas. See appendix A for a complete listing. Preservation Area municipalities and counties that are required to come into

conformance and Planning Area municipalities which may voluntarily come into conformance with the Regional Master Plan are eligible for certain benefits under the Highlands Act as specified below.

- (c) **Planning Grants and Technical Assistance.** The Highlands Council shall make grant funds and other financial and technical assistance available to Highlands municipalities and counties for any revision of their master plans, development regulations, or other regulations which is designed to bring those plans or regulations into conformance with the Regional Master Plan or for the implementation of a transfer of development rights program pursuant to the Highlands Act. Plan Conformance grants shall be awarded to municipalities and counties through the approval of a Resolution by the Highlands Council.
- (d) **State Aid for Smart Growth shall include the following:**
1. Highlands municipalities and counties whose master plan and associated regulations have been approved by the Highlands Council as being in conformance with the Regional Master Plan shall qualify for all State aid, planning assistance, technical assistance, and other benefits and incentives that may be awarded or provided by the State to municipalities and counties which have received Plan Endorsement by the State Planning Commission or which otherwise practice or implement smart growth strategies and principles. Any such municipality or county shall also qualify for any State aid that may be provided for smart growth projects.
 2. During the Plan Conformance process, any municipality or county that commits to conformance with the Regional Master Plan may include in its Petition for Plan Conformance a listing of priority projects or other matters that are fundamental to the provision, improvement, enhancement, or restoration of infrastructure, public facilities, or other matter that may require the funding, implementation or active participation of a State agency. The Highlands Council shall act to coordinate such matters with the appropriate State Agency, where such action is consistent with the Regional Master Plan, to gain agreements with the appropriate State Agency to facilitate, approve, fund, or take other actions necessary to implement the matter of local priority.
- (e) **Transfer of Development Rights - Impact Fees and Enhanced Planning Grants.** Any municipality whose municipal master plan and development regulations have been approved by the Highlands Council as being in conformance with the Regional Master Plan and that amends its development regulations to accommodate voluntary receiving zones within its boundaries and provide for a minimum residential density of five dwelling units per acre, will be eligible for the following in accordance with the specific provisions of Section 13 of the Highlands Act:
1. An enhanced planning grant of up to \$250,000;
 2. A grant to reimburse the reasonable costs of amending the municipal development regulations;
 3. The authority to impose impact fees;

4. The entitlement to legal representation;
 5. Accorded priority status in the Highlands Region for any State capital or infrastructure programs; and
 6. Eligible for any other appropriate assistance, incentives, or benefits provided pursuant to Section 18 of the Highlands Act.
- (f) **Tax Stabilization Funds.** Every qualified municipality shall be eligible for a distribution from the Highlands Municipal Property Tax Stabilization Fund pursuant to the Highlands Act. After the adoption of the Regional Master Plan, a qualified municipality shall mean only a municipality that has conformed its municipal master plan and development regulations to the Regional Master Plan. Distributions from the Highlands Municipal Property Tax Stabilization Fund shall be made by the Highlands Municipal Property Tax Stabilization Board.
- (g) **Legal Representation.** The Highlands Council shall provide legal representation to any requesting local government unit located in the Highlands Region in any cause of action filed against the local government unit and contesting an act or decision of the local government unit taken or made under authority granted pursuant to the Municipal Land Use Law, the State Uniform Construction Code Act, or the Highlands Act, provided that:
1. The municipal or county master plan and associated regulations have been approved by the Highlands Council to be in conformance with the Regional Master Plan;
 2. The Highlands Council determines that the act or decision of the local government unit which is the subject of the cause of action is consistent with the Regional Master Plan; and
 3. The act or decision of the local government unit that is the subject of the cause of action involves an application for development that provides for the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more.
- (h) **Strong Presumption of Validity, Extraordinary Deference, and Burden of Proof.** The master plan and development regulations of any municipality and the county master plan and associated regulations of any county which have been approved by the Highlands Council to be in conformance with the Regional Master Plan shall be entitled to a strong presumption of validity. In any cause of action filed against such a local government unit and contesting an act or decision of the local government unit taken or made under authority granted pursuant to the Municipal Land Use Law, the State Uniform Construction Code Act, or the Highlands Act, the court shall give extraordinary deference to the local government unit, provided that the municipal or county master plan and associated regulations have been approved by the Highlands Council to be in conformance with the Regional Master Plan. The plaintiff shall have the burden of proof to demonstrate by clear and convincing evidence that the act or decision of any such local government unit was arbitrary, capricious, or unreasonable or in patent abuse

of discretion.

- (i) **Plan Conformance deemed equivalent to State Plan Endorsement.** Any municipality or county or portion thereof located in the Preservation Area shall be exempt from the plan endorsement process established in the rules and regulations adopted by the State Planning Commission. Upon the State Planning Commission endorsing the Regional Master Plan adopted by the Highlands Council, any municipal master plan and development regulations or county master plan and associated regulations that are approved by the Highlands Council shall be deemed the equivalent of having those plans endorsed by the State Planning Commission.

II. Plan Conformance for Highlands Municipalities

Required Municipal Conformance in the Preservation Area

- (a) As specified in the Plan Conformance Schedule, each municipality located wholly or partially in the Preservation Area shall submit to the Highlands Council a Petition for Plan Conformance.
- (b) A Petition for Plan Conformance shall include proposed revisions of the municipal master plan and development regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary in order to conform them with the goals, requirements, and provisions of the Regional Master Plan.

Voluntary Municipal Conformance in the Planning Area

- (a) At any time after the completion of a Highlands Overview Meeting, a municipality located wholly in the Planning Area or a municipality for that portion of a municipality lying within the Planning Area may submit to the Highlands Council a Petition for Plan Conformance.
- (b) A Petition for Plan Conformance shall include proposed revisions of the municipal master plan and development regulations, as applicable to the development and use of land in the Planning Area, as may be necessary in order to conform them with the goals, requirements, and provisions of the Regional Master Plan.
- (c) The Highlands Council may give priority review of:
 - 1. Any Petition of the forty-seven (47) municipalities with lands in both the Preservation Area and Planning Area where the Petition seeks complete municipal Plan Conformance; or

2. Any voluntary Petition where the Highlands Council determines there is good cause for priority review based upon the demonstrated need to protect and enhance Highlands Resources consistent with the goals of the Regional Master Plan.

Notice of Interest to seek Plan Conformance

- (a) Prior to submitting a Petition for Plan Conformance, a municipality shall provide a Notice of Interest to the Highlands Council expressing the interest of the governing body to submit a Petition for Plan Conformance.
- (b) In order for the Highlands Council to properly allocate its planning and technical resources, each municipality located wholly or partially in the Preservation Area is strongly encouraged to submit a Notice of Interest to the Highlands Council as soon as possible after the adoption of the Regional Master Plan but in any case no later than 60 days prior the deadline for the submission of a Petition for Plan Conformance as established for that municipality in the Plan Conformance Schedule.
- (c) A Notice of Interest shall be in the form of a resolution passed by the governing body which expressly states the interest of the municipal government body to submit a Petition for Plan Conformance.
- (d) For lands in the Planning Area, a Notice of Interest shall not obligate a municipality to undertake the Plan Conformance process but simply indicate the willingness of the municipality to consider the filing a Petition for Plan Conformance and the desire to hold a Highlands Overview Meeting.

Highlands Overview Meeting

- (a) After the receipt of a Notice of Interest, the Highlands Council shall schedule a public meeting in cooperation with the municipality at a time and a location chosen to maximize the attendance at the meeting by the municipality's elected officials, appointed officials from municipals lands use boards and commissions, professional staff, professional consultants, utilities entities, as well as all interested citizens.
- (b) The purpose of the Highlands Overview Meeting is to provide an overview of the Regional Master Plan and the process for Plan Conformance. The overview will be primarily educational and is intended to cover the tasks and products that will generally need to be completed by a municipal government during Plan Conformance, and an explanation of the goals, requirements and provisions of the Regional Master Plan.
- (c) Public notice of the Highlands Overview Meeting shall be published by the municipality in accordance with the Open Public Meetings Act. Public notice may also be posted through electronic media, local access channels and local radio. The municipality shall prepare minutes of the Highlands Overview Meeting.

- (d) The Highlands Council shall provide the municipality with a Preliminary Conformance Analysis. This analysis shall include a summary of planning and technical information, including scientific, GIS, and planning information prepared by the Highlands Council, developed in the Regional Master Plan relating to the municipality, a review of grants funds and technical assistance available to assist Plan Conformance, and a proposed individualized Implementation Schedule setting forth a preliminary schedule for Plan Conformance.

Pre-Petition Meeting

- (a) The Plan Conformance process will vary based on the existing state of municipal plans and development regulations and the necessary revisions to these plans and regulations required to ensure conformance with the Regional Master Plan. A Pre-Petition Meeting with the Highlands Council staff will provide a mechanism to address the varying extent of revisions required for Plan Conformance.
- (b) At any time after the completion of the Highlands Overview Meeting, a municipality seeking to enter the Plan Conformance process may request that the Highlands Council schedule a Pre-Petition Meeting with the Highlands Council staff.
- (c) A municipality seeking a Pre-Petition Meeting shall prepare a preliminary municipal assessment report to identify the major planning items for the meeting.

Municipal Assessment

- (a) A municipality seeking to enter the Plan Conformance process may conduct a municipal assessment to solicit public input on the planning vision of the community. This assessment will allow the municipality to reflect upon the information gained through the Highlands Overview Meeting and the Pre-Petition Meeting.
- (b) A municipality seeking to enter the Plan Conformance process may complete a municipal self assessment as follows:
 - 1. Hold a public hearing to solicit public input on the planning vision of the community at a time and a location chosen to maximize the attendance at the meeting by the municipality's elected officials, appointed officials from municipals lands use boards and commissions, professional staff, professional consultants, utilities entities, as well as all interested citizens.
 - 2. Public notice of the public hearing shall be published by the municipality in accordance with the Open Public Meetings Act. Public notice may also be posted through electronic media, local access channels and local radio. The municipality shall prepare minutes of the public hearing and attach copies of a written comments received and submit these documents to the Highlands Council.

Documents required for Petition Completeness

- (a) A Petition for Plan Conformance shall include a comprehensive package of planning and implementation documents. The Petition shall include two hard copies of all documents and an electronic version of all documents. These documents shall address all issues specifically identified in the Regional Master Plan as a required element of Plan Conformance. In addition, the documents may address all issues specifically identified in the Regional Master Plan as a discretionary element of Plan Conformance. These documents shall be internally consistent and shall demonstrate conformance with the Regional Master Plan.
- (b) A Petition for Plan Conformance shall include a certified resolution of the governing body seeking Plan Conformance and a completed Plan Conformance Application form, as prepared by the Highlands Council, which is signed by the duly authorized representative identified in the resolution.
- (c) For each of documents listed in (e) below a petition shall include a copy of the existing adopted version. Where there is an existing adopted version of the document, the Petition shall include a narrative summary of the necessary revisions in order to conform the documents with the goals, requirements, and provisions of the Regional Master Plan.
- (d) For each document listed in (e) below, where there is not an existing adopted version, the Petition shall include a detailed narrative summary of the specific steps that shall be taken to create a document to conform with the goals, requirements, and provisions of the Regional Master Plan.
- (e) The following documents are required elements for Plan Conformance:
 - 1. A Highlands Build-out Analysis;
 - 2. A Highlands Infrastructure Capacity Analysis;
 - 3. A Highlands Resource Inventory;
 - 4. A Master Plan, including the following elements and associated management plans:
 - i. Statement of objectives, principles, assumptions, policies and standards;
 - ii. Land Use Plan Element;
 - iii. Conservation Plan Element;
 - iv. Housing Plan Element;
 - v. Circulation Plan Element;
 - vi. Utility Service Plan Element;
 - vii. Recreation and Open Space Plan Element;
 - viii. Historic and Cultural Preservation Plan Element;
 - ix. Farmland Preservation Plan Element;
 - x. Community Facility Plan Element; and
 - xi. Economic Plan Element.

5. An Official Map;
 6. Zoning Schedule and Zoning Map;
 7. Development Regulations; and
 8. Specific Policy Statements.
- (f) The following documents are discretionary elements for Plan Conformance that may be submitted by a petitioning municipality:
1. Recycling Plan Element;
 2. Development Transfer Plan Element;
 3. Capital Improvement Program;
 4. Long-term capital programs of the local and/or regional school districts;
 5. A listing of priority projects or other matters that are fundamental to the provision, improvement, enhancement, or restoration of infrastructure, public facilities, or other matter that may require the funding, implementation or active participation of a State Agency.
- (g) The application shall include draft revisions of the existing master plan and development regulations addressing the Initial Revisions, as set forth below, required for Plan Conformance. Initial Revisions are those revisions of the existing master plan and development regulations which are deemed necessary by the Highlands Council for prompt enactment in order to ensure the protection and enhancement of the resources of the Highlands Region. In addition to the required Initial Revisions set forth below, a municipality may include additional draft revisions as Initial Revisions for review by the Highlands Council. Unless specifically identified by the Highlands Council, the approval of Initial Revisions shall not constitute approval for the purposes of Section 17.c. of the Highlands Act.
- (h) A Petition for Plan Conformance may include a listing of any proposed adjustments and revisions to the Regional Master Plan and shall include an analysis of the specific information to support such adjustments and revisions. If a petitioning municipality is not seeking any adjustments and revisions to the Regional Master Plan, it shall note this fact in the Petition submission.
- (i) A Petition for Plan Conformance shall include a draft Implementation Schedule which includes a detailed schedule of the tasks identified in the Petition to bring the comprehensive package of planning and implementation documents into conformance with the Regional Master Plan.

Initial Revisions

- (a) A Petition shall include draft revisions of the existing master plan and development regulations addressing the following Initial Revisions.
- (b) A municipality seeking to enter the Plan Conformance process shall adopt the Highlands Regional Master Plan as a supplement to the existing master plan for all lands within the Preservation Area and for all lands within the Planning Area, if included in the Petition. In this manner, the Regional Master Plan will supplement the municipal master plan until such time as the municipal master plan has been further revised or updated as needed to be in conformance with the Regional Master Plan.
- (c) A municipality seeking to enter the Plan Conformance process shall adopt the Land Use Capability Map and the relevant provisions Regional Master Plan as an overlay zoning district that supplements the existing zoning ordinance for all lands within the Preservation Area and for all lands within Planning Area, if included in the Petition. In this manner, the Land Use Capability Map will act as a supplemental overlay district to the existing Zoning Map until such time as the municipal Zoning Map has been further revised or updated as needed to be in conformance with the Regional Master Plan.
- (d) A municipality seeking to enter the Plan Conformance process shall revise the municipal development review ordinance and completeness checklist ordinance for all applications for development for all lands with in the Preservation Area and for all lands with in the Planning Area, if included in the Petition. The development review ordinance shall be revised to require that every person submitting an application for development in the Preservation Area and in Planning Area, if included in the Petition, shall be required to provide a notice of the application to the Highlands Council in accordance with these Plan Conformance Guidelines. The checklist ordinance shall specify that any application for development shall not be considered complete until such time as the following documents are submitted by the applicant:
 - 1. For applications for development in the Preservation Area, either a Highlands Applicability Determination as required pursuant to N.J.A.C. 7:38-2.4 or a Highlands Preservation Area Approval pursuant to N.J.A.C. 7:38-6;
 - 2. For applications for development in the Planning Area, a Highlands Planning Area Exemption Determination issued by the Highlands Council which shall determine whether the proposed activity is exempt from the Highlands Act pursuant to N.J.S.A. 13:30-28;
 - 3. In the Preservation and or Planning Area, where a project or proposed activity has not been determined to be exempt, a Highlands Issues Determination which shall enumerate the substantive issues relating to the project and site that must be addressed to demonstrate consistency with the Regional Master Plan;
 - 4. If a project or site is not determined to be exempt from the Highlands Act pursuant to N.J.S.A.13:30-28, a Highlands Consistency Statement issued by the Highlands Council

which shall provide an analysis of the proposed activity and consistency of the of the project with the Regional Master Plan;

5. For applications for development in the Planning Area, a consistency determination issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:15-3.1 indicating the consistency of the project with the Statewide and areawide Water Quality Management Plans; and
 6. For all applications for development, a letter of interpretation or letter of exemption issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:7A indicating the absence of freshwater wetlands, indicating the presence and verifying the delineation of the boundaries of freshwater wetlands, or indication a freshwater wetlands exemption.
- (e) A municipality seeking to enter the Plan Conformance process shall adopt an ordinance specifying that any application for development shall not be approved by a municipal board, commission or agency unless the applicant has satisfactory addressed the issues raised in the Highlands Consistency Statement. The ordinance shall include a provision that recognizes that, should a dispute arise with regard to the pre-established local standards or implementation of local regulations and the minimum standards of Regional Master Plan, the minimum standards of the Regional Master Plan will govern where more stringent.
- (f) A municipality seeking to enter the Plan Conformance process shall adopt an ordinance specifying that in the event that the Highlands Council formally determines that any municipality within the Preservation Area failed to adopt or enforce an approved revised master plan, development regulations, or other regulations, as the case may be, including any condition thereto imposed by the Highlands Council, the Highlands Council shall immediately have the following powers:
1. The authority to enforce the existing municipal development regulations including the minimum standards contained in the Regional Master Plan as applicable to any municipality; and
 2. All local enforcement authority provided pursuant to the Municipal Land Use Law, the Highlands Act, as well as the authority to issue stop construction orders, as may be necessary to implement the provisions of the Highlands Act, any rules and regulations adopted pursuant thereto, and the requirements and provisions of the Regional Master Plan.

Municipal Plan Conformance Guidance Manuals

- (a) The Highlands Council may issue Plan Conformance Guidance Manuals, after an opportunity for public hearing and public comment, which may provide additional guidance on the required and discretionary elements of Plan Conformance.

- (b) The Plan Conformance Guidance Manuals issued by the Highlands Council may address Plan Conformance elements, including but not limited to:
1. Model analyses and guidance on the preparation of a Highlands Zoning Build-out Analysis and a Highlands Infrastructure Capacity Analysis;
 2. Model resources inventories and guidance on the preparation of a Highlands Resource Inventory;
 3. Model elements and guidance on the preparation of required and discretionary elements of a revised master plan; and
 4. Model land use ordinances and other development regulations and guidance on the preparation of these regulations.

Notice of a Petition and Review of Petitions

- (a) Within ten (10) days of receipt of a Petition for Plan Conformance, the Executive Director shall provide public notice of receipt of the Petition on the Highlands Council's website and, as soon as feasible thereafter, regularly update the website to include appropriate Petition materials.
- (b) The Executive Director shall inform the petitioner in writing in the event that the Petition is deemed administratively incomplete, due to missing or not properly completed requirements, and the letter shall specify the deficiencies and the timeframe required to correct the deficiencies.
- (c) Where a Petition for Conformance is determined to be administratively complete, the Executive Director shall prepare a report to the Plan Conformance Committee, or where appropriate directly to the Highlands Council, making recommendations regarding one or more of the following actions:
1. The approval of the Petition as administratively complete subject to any conditions that additional information shall be submitted by the petitioner where necessary to clarify, complete or modify a Petition with the overall goal of developing a conforming Petition;
 2. The waiver of the submission of an item required for the administrative completeness of a Petition where a petitioning municipality demonstrates that the particular circumstances or conditions of the municipality do not warrant the development of a new or revised item otherwise required for administrative completeness;
 3. The approval, rejection, or approval with conditions any revisions to the master plan or development regulations that have been submitted in the Petition for Plan Conformance;

4. Where the Executive Director conditionally recommends the approval of a Petition for Plan Conformance, such recommendation shall include a local implementation schedule that specifies a date certain by which any conditions must be satisfied.
 5. Where the Executive Director conditionally recommends the approval of a Petition for Plan Conformance, the recommendation shall specify which benefits, including planning grants and technical assistance, may be made available to the petitioner and the conditions required to be fulfilled to receive such benefits.
- (d) While undertaking a review of a Petition involving lands in the Planning Area, the Highlands Council shall consult with and solicit comments from the State Planning Commission relative to any lands in the Planning Area.
- (e) Where the Plan Conformance Committee reviews the Executive Director's report, the Executive Director shall make any necessary changes to the report required by the Plan Conformance Committee prior to submitting the final report to the Highlands Council.

Public Hearing on a Petition

- (a) Upon the submission of the Executive Director's final report to the Highlands Council, the Executive Director shall give notice of and set the date, time and place for a public hearing for consideration of the Petition.
- (b) Upon receipt of the report of the Executive Director, the Highlands Council shall conduct such deliberations as needed and shall, within 60 days of the date of the receipt of the report, approve, reject, or approve with conditions the revised Master plan and development regulations and any other aspects of the Petition as it deems appropriate.
- (c) Upon rejecting or conditionally approving any such revised Master plan or development regulations, the Highlands Council shall identify such changes therein that it deems necessary for Council approval thereof and establish a schedule for such changes to be completed by a petitioning municipality, and the municipality:
 1. Shall adopt and enforce the Master plan or development regulations as so changed for lands in the Preservation Area; and
 2. May adopt and enforce the Master plan or development regulations as so changed for lands in the Planning Area.
- (d) Within thirty (30) days of the formal determination of the Highlands Council, the Executive Director shall notify the petitioner and provide public notice of the determination.

Effect of failure of municipality to obtain Plan Conformance Approval

- (a) In the event that any municipality fails to adopt or enforce an approved revised master plan, development regulations, or other regulations, as the case may be, including any condition thereto imposed by the Highlands Council, as required by the Highlands Act and these Guidelines, the Highlands Council shall enforce such rules and regulations as may be necessary to implement the minimum standards contained in the Regional Master Plan as applicable to any municipality within the Preservation Area.
- (b) If any municipality fails to adopt or enforce an approved revised master plan, development regulations, or other regulations, as the case may be, including any condition thereto imposed by the Highlands Council, as required pursuant to the Highlands Act and these Guidelines, the Council shall have all local enforcement authority provided pursuant to the Municipal Land Use Law, the Highlands Act, as well as the authority to issue stop construction orders, as may be necessary to implement the provisions of the Highlands Act, any rules and regulations adopted pursuant thereto, and the requirements and provisions of the Regional Master Plan.

Period of Plan Conformance Amendments to Conforming Plans and Regulations

- (a) The period of an Approval of Plan Conformance shall be for a period of six years until the completion of the reexamination by the municipality of its master plan and development regulations as required by the Municipal Land Use Law or until the Highlands Council adopts its six year reexamination of the Regional Master Plan, whichever is shorter.
- (b) Upon the commencement of each reexamination by the municipality of its master plan and development regulations as required by the Municipal Land Use Law which have been previously approved by the Highlands Council to be in conformance with the Regional Master Plan pursuant to the Highlands Act, the municipality shall so notify the Council and, thereafter, submit to the Council the draft revision of its master plan and development regulations for review, by the Council, of conformance with the regional master plan.
- (c) If, after conducting the reexamination, the municipality does not resubmit to the Council its master plan and development regulations as they pertain to the Planning Area and obtain reapproval thereof from the Council in accordance with the Highlands Act and these Guidelines, or if the Council finds the reexamined master plan or development regulations not to be in conformance with the Regional Master Plan, the Council may require the municipality to reimburse the Council or the State, as appropriate, in whole or in part for any financial or other assistance or incentives received by the municipality from the State as a benefit or result of obtaining Council approval.
- (d) No amendment to any conforming municipal master plan or development regulations shall be effective until the municipality shall have submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the Regional Master Plan, or the Executive Director has notified the

municipality that such amendment does not affect the Highlands Council's prior finding of conformance of the master plan or development regulations with the Regional Master Plan.

- (e) Following the receipt of any amendment to a conforming master plan or development regulations, the Executive Director shall determine whether or not the amendment raises a substantial issue with respect to the conformance of the municipal master plan or development regulations with the Regional Master Plan. If the Executive Director determines no such substantial issue is raised, the Executive Director shall certify such fact to the clerk of the municipality and such amendment shall thereupon take effect in accordance with its terms and applicable law.
- (f) If the Executive Director determines that the amendment raises a substantial issue with respect to the conformance of the amended municipal master plan or development regulations to the Regional Master Plan, the amended municipal master plan or development regulations shall be reviewed in accordance with these guidelines and the Executive Director shall so inform the municipal clerk.

Revocation of Plan Conformance Approvals

- (a) The Highlands Council may revoke a conformance approval granted pursuant to the Highlands Act, after conducting a hearing, if the Council finds that the local government unit has taken action inconsistent with the Regional Master Plan.

GLOSSARY

The following words and terms, when used above, shall have the following meanings unless the context clearly indicates otherwise:

“Adjustment or Revisions” means the iterative process and exchange of information between the Highlands Council and a local government unit that is intended to result in improvements to the Highlands Regional Master Plan based upon new information.

“Approval” means the approval by the Highlands Council, with or without conditions, of a Plan Conformance petition.

“Application for development” means the application form and all accompanying documents required for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. or 40:27-1 et seq., for any use, development, or construction.

“Consistency determination” means a document prepared by the Executive Director that will identify any inconsistencies of a proposed development with the standards of the Regional Master Plan or the local conforming land use ordinances. The document will indicate that if such inconsistencies are not resolved by a local approval, that any local approval of the project will be subject to review by the Highlands Council pursuant to the provisions of the Act.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law.

"Development regulation" means a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to Municipal Land Use Law.

“Executive Director” means the Executive Director of the Highlands Council.

“Highlands Act” means the Highlands Water Protection and Planning Act, P.L. 2004, c. 120, as amended, codified in part at N.J.S.A. 13:20-1 et seq.

“Highlands Issues Determination” means a document issued by the Executive Director of the Highlands Council that details all the policies and standards of the Regional Master Plan or a local conforming master plan and development regulations that affect the development of the project.

"Highlands Region" means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

“Land Use Capability Map” means the map that depicts the intended conditions of lands and waters of the Highlands Region and reflects the policies of the Highlands Regional Master Plan...

"Local government unit" means a municipality, county, or other political subdivision of the State, or any agency, board, commission, utilities authority or other authority, or other entity thereof.

"Master plan" means, for a municipality, a composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to section 19 of the Municipal Land Use Law (N.J.S.A. 40:55D-28), and for a county, means a composite of the master plan for the physical development of the county, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the county planning board pursuant to N.J.S.A. 40:27-2.

“Notice of Interest” means a resolution passed by the governing body of a local government that expressly notes that the local government desire to investigate the scope and range of tasks needed to be undertaken by the local government to gain Plan Conformance approval.

"Official county map" means the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the board of chosen freeholders of the county pursuant to N.J.S.A. 40:27-5.

"Official municipal map" means a map adopted by ordinance pursuant to article 5 of the Municipal Land Use Law (N.J.S.A. 40:55D-32-36).

“Petition for Plan Conformance” means the plans, supporting documents, maps, and other information assembled by a local government unit that is submitted to the Highlands Council to demonstrate conformance with the Regional Master Plan.

“Plan Conformance” means the process for the submission of petitions by municipalities and counties and the review by the Highlands Council of revised master plans and development regulations to conform with the goals, requirements, and provisions of the Regional Master Plan.

“Plan Conformance Committee” means a Committee of the Highlands Council established by and within the Council to provide advice and recommendations to the full Council, petitioning local government units and the staff of the Highlands Council relative to those tasks, policies, or other matters which arise during the Plan Conformance process.

“Plan Conformance Petition” means a petition submitted by a municipality or county with revised master plans and development regulations to conform with the goals, requirements, and provisions of the Regional Master Plan.

"Planning Area" means that portion of the Highlands Region not included within the Preservation Area.

"Preservation Area" means that portion of the Highlands Region so designated by N.J.S.A.

13:20-7b.

"Regional Master Plan" means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

"State Development and Redevelopment Plan" means the State Development and Redevelopment Plan adopted pursuant to N.J.S.A. 52:18A-196 et seq.