§ 807. Local land use programs. 1. The agency is authorized to review and approve any local land use program proposed by a local government and formally submitted by the legislative body of the local government to the agency for approval. Within a period of ninety days after such submission, or such longer period as may be agreed upon in writing by the agency and the local government, the agency shall review the local land use program and approve or disapprove it, or approve it subject to conditions. The agency shall approve the local land use program if the agency determines that such program meets all of the criteria set forth in subdivision two. If the agency fails to take final action on the local land use program within such ninety-day or longer period agreed upon by the agency and local government, the local land use program shall be deemed approved by the agency and the agency shall, upon the request of the legislative body of the local government, issue a certification to such effect to such chief elected official. Amendments to an approved local land use program that do not relate or pertain to the criteria for approval of a local land use program set forth in subdivision two of section eight hundred seven shall not be subject to approval by the agency. All amendments to an approved local land use program that do relate to such criteria shall be subject to approval by the agency as set forth in subdivision two of section eight hundred seven for approval of an initial local land use program.

2. The agency shall approve a local land use program if the agency determines that such program meets all of the following criteria: a. It is in furtherance and supportive of the land use and development plan.

b. It is compatible with the character descriptions and purposes, policies and objectives of the land use areas, and, in regard to its map, compatible with the plan map.

c. It reasonably applies the overall intensity guidelines for the land use areas in the light of the particular needs and conditions of the local government. In applying the overall intensity guideline for a given land use area, the local land use program may provide for both greater and lesser intensity of development within such area provided that the overall intensity shall not exceed such guideline. In no event,

however, shall bodies of water, such as lakes or ponds, located in a land use area be taken into account in the application of the overall intensity guideline for such area. The local land use program may disregard principal buildings in existence on August one, nineteen hundred seventy-three in applying the overall intensity guidelines for a land use area. If it does so, the land directly related to such principal buildings shall not be used in the computation of the total land area available for new principal buildings. The local land use program may be more restrictive than the overall intensity guidelines.

d. It reasonably applies the classification of compatible uses lists in the light of the needs and conditions of the local government. Accordingly, the local land use program may include uses not on these lists or exclude those that are on them, reclassify those classified on such lists as primary uses to secondary uses and those classified on such lists as secondary uses to primary uses, or prohibit any of the uses on such lists.

e. It incorporates at a minimum the shoreline restrictions as they relate to any shoreline within the local government. As an alternative to minimum lot sizes on shorelines, the optional shoreline clustering provisions contained in subdivision five of section eight hundred six may be employed in regard to all or specified portions of a shoreline in single ownerships or in situations involving a group of two or more owners acting in concert.

f. It requires review of class B regional projects and provides that any such project shall not be approved unless the local government body or officer having jurisdiction under the program determines that the undertaking or continuance of such project will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making this determination, as to the impact of the project upon the resources of the park, the local

government body or officer having jurisdiction shall be required under the local land use program to apply the development considerations. The local land use program may expand upon the development considerations, but shall not eliminate any of them. The local land use program shall include a provision to insure that no class B regional project shall be disapproved except after public hearing thereon.

g. It contains adequate authority and provision for its administration and enforcement, including, at the option of the legislative body of the local government, authority to regulate any pre-existing land use or development, or any prefiled subdivision plat. The source of such authority shall be the municipal home rule law or any other applicable state enabling law. Notwithstanding any general or special law to the contrary, a local government may provide in its local land use program, if such program is approved by the agency, for planning board action without public hearings on subdivision plats of less than five lots, parcels or sites, provided that no such provision may authorize the planning board to disapprove any subdivision plat without having first conducted a public hearing, as required by law. In addition, the legislative body of a local government may include in its local land use program, if such program is approved by the agency, and to the extent permissible within the proper exercise of the police power, such procedures as may be necessary and appropriate for the review of class B regional projects as required in paragraph f of this subdivision, and, in connection with the granting of a permit for such projects: (1) authority to require restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to ensure that the overall intensity guidelines as applied in the local land use program shall be respected; and

(2) authority, to the extent otherwise authorized by law, to impose reasonable requirements and conditions to insure that an approved class B regional project will be adequately supported by services and improvements made necessary by such project and to insure that such a project shall be completed in accordance with the terms and conditions of the approval.

3. The agency may separately review and approve, disapprove, or approve subject to conditions, significant components of a local land use program which relate or pertain to the entire territorial jurisdiction of a local government, if proposed by the local government and formally submitted by its legislative body. The agency shall approve such components if the agency determines that such criteria of subdivision two of this section as shall be relevant to each such component are met. Provided, however, that the separately approved components of a local land use program shall not be deemed an approved local land use program for the purposes of this section, section eight hundred eight or section eight hundred nine of this article, unless and until all of the components of the local land use program shall have been approved pursuant to the terms of this subdivision or subdivision four of this section. Each such component shall be reviewed and acted upon in accordance with the procedures and within the time periods specified in subdivision one of this section relative to review of local land use programs.

4. The agency may review and approve, disapprove, or approve subject to conditions, an industrial site plan review law or ordinance, whether or not submitted as a component of a local land use program, if proposed by a local government and formally submitted by its legislative body. The agency shall approve such law or ordinance if the agency determines that such criteria of subdivision two of this section as shall be relevant to industrial uses and to sawmills, chipping mills, pallet mills and similar wood using facilities are met. Such law or ordinance shall provide for the review of such uses and facilities pursuant to the criteria and procedures set forth in paragraph f of subdivision two of this section. Notwithstanding any general or special law to the contrary, such law or ordinance shall relate and pertain to not more than two particular sites totalling one hundred acres or less, identified by the local government after a comprehensive study of the entire area within its jurisdiction, as appropriate for industrial uses and wood using facilities; provided, however, that no such site shall be located in a resource management area and no such site may be located in a rural use area remote from existing hamlet areas, or along major travel corridors where a park atmosphere prevails. Upon approval, or

approval subject to conditions by the agency, and upon valid enactment or adoption of such law or ordinance, the authority of the agency over such uses and facilities pursuant to sections eight hundred six and eight hundred nine of this article shall be vested in the local government, whether or not such uses are class A regional projects. Such laws or ordinances shall be reviewed and acted upon in accordance with the procedures and within the time periods specified in subdivision one of this section relative to review of local land use programs. Section eight hundred eight of this article shall govern the administration and enforcement of such laws or ordinances.

5. The agency may review and approve, disapprove or approve subject to conditions, a local land use program insofar as it relates or pertains to one or more land use areas within the territorial jurisdiction of the local government which in the aggregate is a significant geographical portion of the territorial jurisdiction of the local government, if proposed by the local government and formally submitted by its legislative body. The agency shall approve such program if the agency determines that all criteria of subdivision two of this section are met with respect to such geographical portion. If approved, or approved subject to conditions by the agency, such validly enacted or adopted program, insofar as it pertains to such geographical portion, shall be deemed an approved local land use program with respect to such geographical portion in accordance with the terms and conditions of such approval, for the purposes of this section, section eight hundred eight and section eight hundred nine of this article. Provided, that nothing contained in this subdivision shall supercede or be construed in derogation of the provisions and requirements of the town law and village law otherwise applicable to the valid enactment or adoption of such program. The program, insofar as it pertains to such geographical portion, shall be reviewed and acted upon in accordance with the procedures and within the time periods specified in subdivision one of this section relative to review of local land use programs.

6. The agency shall, in its review of local land use programs, consult with appropriate public agencies, and shall provide opportunity for the Adirondack park local government review board and the appropriate county

and regional planning agencies to review and comment on such programs under review.

7. The agency shall encourage and assist local governments in the preparation of local land use programs, including the provision of data, technical assistance and model provisions. Such model provisions shall be made available by the agency as soon as possible after the effective date of the adoption of the land use and development plan.