



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

MEETING AGENDA

Thursday, November 8, 2007 - 10:00 a.m.

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES – November 1, 2007
6. CHAIRMAN'S REPORT (and Council Member Reports)
7. EXECUTIVE DIRECTOR'S REPORT
8. DISCUSSION OF REGIONAL MASTER PLAN PROGRAMS
9. PUBLIC COMMENTS
10. REVIEW OF PROPOSED WATER QUALITY MANAGEMENT PLAN
AMENDMENT – Heritage 55
11. EXECUTIVE SESSION
12. ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION
AND PLANNING COUNCIL
MINUTES OF THE MEETING OF NOVEMBER 8, 2007

PRESENT

JOHN WEINGART)	CHAIRMAN
ELIZABETH CALABRESE)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
BILL COGGER)	
JANICE KOVACH)	
DEBBIE PASQUARELLI)	
ERIK PETERSON)	
JACK SCHRIER)	
SCOTT WHITENACK)	

ABSENT

KURT ALSTEDE)
TIM DILLINGHAM)
MIMI LETTS)
GLEN VETRANO)
TAHESHA WAY)

CALL TO ORDER

The Chairman of the Council, John Weingart, called the 58th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:19 am.

ROLL CALL

The members introduced themselves.

OPEN PUBLIC MEETINGS ACT

Chairman Weingart announced that the meeting was called in accordance with the Open Public meetings Act, N.J.S.A. 10:4-6 and that the Highlands Council had sent written notice of the time, date, and location of this meeting to pertinent newspapers or circulation throughout the State and posted on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF MINUTES OF NOVEMBER 1, 2007

Chairman Weingart deferred the approval of the minutes until later in the meeting.

CHAIRMAN'S REPORT

Chairman Weingart congratulated Council Members Calabrese, Cogger and Schrier on their re-election to office. He noted that this meeting would be a work session and that Item #10 on the Agenda – the review of the proposed water quality management plan for Heritage 55 was postponed and that confirmation to postpone had been received by the applicant. He indicated that this matter would be reviewed at the December meeting. He announced that

the next meeting is November 19th at 4 pm and thanked the staff for the preparation of materials with one week between meetings. He asked Ms. Swan to give her report.

EXECUTIVE DIRECTOR'S REPORT

Ms. Swan asked that she begin the review of the Regional Master Plan programs in lieu of her Executive Director's report.

REVIEW OF REGIONAL MASTER PLAN PROGRAMS

LAND USE CAPABILITY MAP

She noted that all maps had been shown in a previous power point except the Land Use Capability Zone map. She indicated that staff is working on the shape files for maps. She remarked that if the Council approved release of the draft the maps would be released in full form for reproduction after date of release. She reviewed the requirement in the Highlands Act that a Land Use Capability Map be prepared. To address that requirement, staff recommended that a series of maps be released as the Land Capability Map Series in order to capture all of the relevant data She commented that in 2006 draft, there was a Land Use Capability Map, but comments received noted that it did not fully address capability and capacity . It was for this reason that a series of maps were prepared and one of the results was the environmentally constrained sub zones. The maps in the series are currently displayed on the walls of the meeting room.

Ms. Swan showed graphic slides as follows: the Land Use Capability Zone Map showing three primary zones: Protection, Conservation and Existing Community and the sub-zones Lake Community, Conservation Constrained and Existing Community Constrained. The second map in the series is the Water Availability map that was reviewed at the last meeting showing the net water availability by HUC 14 and conditional net water availability – the 1 and 2 % that was discussed with the 125% mitigation. The third map is the Public Community Water Systems, the fourth is Domestic Sewerage Facilities map and the fifth shows the Septic System Yield for the Planning Area conservation and protection zones only. She mentioned that the purpose today was to show the full series. She completed this discussion with a slide prepared by the GIS staff that was animated to show the zones and sub zones progression and the conflict resolution of the map.

Ms. Carluccio asked what standards are being attached to the environmentally constrained sub zones. She asked if those standards were to be in one place in the plan. Ms. Swan commented that the sub zones are primarily designed to demonstrate that there are further constraints in these zones and that during Plan Conformance these constraints would have to be examined on the ground to determine what the actual features are and the best approach to protect them. She also commented that there are some areas where a specific program can be applied. Mr. Siemon also noted that what standards apply in the environmentally constrained areas on a subject by subject basis and on a geographic basis. He commented that after adoption there could be an informational summary as to how these issues interrelate. He clarified that the data sets in the 2007 maps were more accurate than the 2006 maps . He also cautioned viewing the removal of land from previous zones and he again emphasized that the refinements in this series of maps were based on reality. He reviewed the additional tools to inform the process of analyzing the environmentally constrained zones, for example, technical reports, manuals and additional program materials.

Another question was raised on the protection of forested areas, i.e. core forest. Dr. Van Abs commented the forest resource area was defined before the zones. There are policies written to the resource and policies written to the zone. Septic system density is written as a policy to the zone. Combination of resource and zone policies will be applied. He also noted that the Highlands Open Water buffers are what they are no matter what zone.

Ms. Pasquarelli asked about the growth potential based on water and sewerage capacity and whether that analysis had been done. Ms. Swan commented that at a minimum there would be a table that reflects that data and a narrative to describe it. She also noted that the growth enhancement and redevelopment tool that was presented at the last Council meeting provided additional information on this subject and that there would be further work in this area. Ms. Pasquarelli also asked if there would be additional material to review prior to the November 19th meeting and Ms. Swan indicated that there would be some new information for review prior to the meeting.

Ms. Swan commented that the programs being presented are reflective of the Goals, Policies and Objectives and that some of the programs need technical documents to support them. She introduced the first program: **Lake Management**. She noted that the RMP provides for the protection and enhancement of Highlands Lakes and their environs, including Highlands lake communities. There are three tiers:

The first tier is a Shoreline Protection Tier comprised of all land within 300 feet of the shoreline of a Highlands Lake. Standards covering alteration of the shorelines, preservation and restoration of wetlands species, protection and restoration of shoreland vegetation, restrictions on new structures within 50 ft. of shoreline, municipal development regulations on width and length of piers and docks and sharing of same, boat lifts to allow light to waters, protection buffers.

The second tier is a Water Quality Management Tier comprised of land within 1,000 feet of the shoreline of a Highlands Lake. Standards covering landscape elements to retain stormwater, runoff directed to landscape elements to retain and filter, encourage green roofs, impervious surfaces to drain away from shoreline, maximum use of natural swales, constructed wetlands etc., stormwater runoff designs to protect water quality, septic systems to comply with density requirements and with buffers from lake, clustering to be used where it provides a greater buffer from lake, community wastewater systems to eliminate pollution by septic discharge. Ms. Swan commented that through the use of Best Management Practices for new development and restoration projects for existing systems, there will be additional improvement expected. She also noted that the Highlands Council has a grant program and studies in support of Storm Water Improvement Program.

The third tier is a Scenic Resources Tier consisting of an area measured 300 to 1,000 feet from the shoreline. Standards governing building heights, natural screening of buildings from view from lake, design standards, regulations on building on slopes, clearing of trees limited to footprint of buildings, outdoor lighting directed away from shoreline and with cut-off fixtures

Ms. Swan noted that the Highlands Council will encourage municipalities to implement lake restoration plans to include: Delineation of the lake's watershed; Description of point and nonpoint pollution sources; Lake monitoring schedules; In-lake management techniques; and TMDLs adopted by the NJDEP to address known pollution problems.

She also discussed Lake and Dam Management and that measures would be implemented to encourage the maintenance of public and private lakes and the restoration of lake beds and downstream areas when lakes are drained. She then reviewed the Education and Awards Program which will be to develop a Lakes Landscape Handbook and awards program for waterfront restoration and environmentally friendly landscaping.

Mr. Schrier commented that it would be costly to address Lake Management and asked what the source of funding would be. Ms. Swan said that the cost would be shared between local property owners and municipalities and that although these measures would economically benefit the property owners, it would be difficult to accomplish without other funding sources like the NJ Environmental Infrastructure Trust. Mr. Siemon commented that using the word "encourage" where there are unfunded mandates. He also noted that some standards can be required where there are site review requirements and those improvements go to the value of the property. There was some additional discussion regarding funding including the possibility of the Council advocating for additional funding from the legislature and the issue of funding for achieving the goals, policies and objectives of the plan.

Ms. Swan introduced the next program – **Cluster Development**. She reviewed the fact that there had been a great deal of work in response to comments. Mr. Siemon continued with the summary of general provisions that staff are recommended by included in the plan. Environmentally sensitive site design standards would be a term if a land use regulatory system were being designed today.

Mr. Seimon discussed that clustering is a basic land management tool whereby new growth and development is guided away from lands with high resource value or limited capacity to support human development to locations which are most appropriate for development. He then addresses **the proposed Cluster Development Provisions:**

- The total area of all building sites in a cluster development shall not exceed 20 percent of the parcel proposed for development.
- Where any parcel of land proposed for clustered development is owned in common with any contiguous parcels of land, the contiguous parcels of land shall be aggregated. It was noted that the land would have to be in common ownership to accomplish this.
- All development shall be clustered on the portion of a parcel of land proposed for development which has the lowest relative level of natural resource value and minimizes the creation of impervious surfaces. Due consideration shall be given to access to and from the parcel proposed for development and the public road network, as well as other important linkages.
- The number of dwelling units in a cluster development shall be limited to the yield of the parcel proposed for development, if developed without use of clustering unless the use of Highlands Development Credits (HDCs) or other transfer of density is involved.

- Access roads to the building sites shall avoid lands used for continuing agricultural purposes and high value natural resources to the maximum extent possible. He noted that short road straight up the hill is not preferable to a slightly longer winding road that would, for example, avoid a wetland.
- Cluster development using septic systems must meet a nitrate dilution model target of no more than 10 mg/L nitrates for the developed area. He noted that the developed area could not be so compact as to exceed the 10mg/L standard.
- Cluster development utilizing new wastewater collection and treatment systems shall be permitted only where such development is not within or immediately adjacent to an Existing Area Served, where the system is designed and has capacity only for the cluster development, where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served, and where adequate provision is made for the preservation of at least 80 percent of the project area in perpetuity for environmental protection or agriculture purposes with an impervious cover of less than 3 percent, and provided that the proposed development is otherwise consistent with the goals and requirements of the Plan. (*Objective 2K3f*)

Mr. Siemon commented that using the alternative technology to septic tanks in cluster development is preferable. He noted that in trying to strike a balance is the issue here. He also reviewed that there is a limit to impervious cover to ensure a positive outcome on overall nitrate dilution on the area left and it is recommended to be 3%.

Mr. Siemon clarified that a detention basin would be in the 20% and also there was discussion about the ownership of the open space. Mr. Siemon noted that recording the restrictions on the deed on a site by site basis would be accomplished. Ms. Swan also noted that under open space there could be separation of ownership and lot size averaging. Dr. Van Abs commented that the definition of clustering under MLUL, the ownership has to be government or the homeowner's association, but if lot size averaging is used, the ownership can remain in private ownership.

Ms. Pasquarelli asked if the policy being discussed was to extend sewer lines into the Protection Zone. Mr. Siemon said that the reality of the circumstance of extending a sewer into a cluster would involve a great deal of land being preserved and the balance would probably make sense. She asked about what alternative waste water and the safeguards. Mr. Siemon discussed the recommendation that there be a third party other than the Highlands Council who has the ability to enforce and the capacity constraints on the lines. He believes that as long as there is a legally enforceable method to ensure the safeguards, that this policy should be acceptable. Dr. Van Abs pointed out that one would start with the yield of the property without sewer and that is where you stop. This is not an intensification of use, according to Dr. Van Abs, but a layout issue. Chairman Weingart asked for examples of the covenants. Mr. Siemon commented that the covenants are enforceable by multiple agencies and sometimes third party beneficiaries like non profit organizations.

Scott Whitenack joined the meeting.

Ms. Carluccio asked about the density issue regarding the requirement of the 10 mg/L requirement and the models used and whether each well would be tested. Dr. Van Abs commented that there are policies with regard to cluster – the 10 mg./L and other design standards that would minimize the septic design within the development, then the private well testing act comes in after the wells are in and then with every change of ownership. She asked what happens when the initial test before anyone lives in the development exceeds 10 mg/L. Dr. Van Abs responded that previous use would most likely be the cause, e.g. agriculture. He said that regulations providing for treatment could be imposed. Ms. Carluccio advocated using a 2 mg/L standard for nitrate dilution. She will offer an amendment in terms of the calculation of septic density.

Ms. Swan noted that staff has been reviewing all the comments and bringing back to the Council when there is a policy issue. She reiterated that the staff recommendation is to take the number of development units that could be developed and clustering them, therefore, protecting a greater area. She also noted that using 4 people per unit taking a more conservative approach that would take into account other sources of nitrates.

Chairman Weingart asked Ms. Carluccio to clarify her concerns. She advocated for clustering only where it is adjacent to existing water and waste water infrastructure and asked that Policy 3C2 be amended. Mr. Schrier asked staff whether there was still a comfort level with the nitrate approach. Mr. Siemon responded yes and noted that the clustering tool was important for the agricultural viability of the region long term. Mr. Siemon continued the discussion with the following:

Cluster Development in the Protection Zone

- constrained by highly sensitive ecosystems and by the low allowable densities for development based on septic systems, and by limited water availability

Cluster Development in the Conservation Zone

- Strongly encouraged for the protection of agricultural lands and high value natural resources
- Presence of Prime Soils and lands used for active agriculture shall be considered to be high value resources in addition to natural resources
- The agricultural use shall be required to use best management practices to reduce nutrient and chemical loading rates.
- The portion of the parcel not developed as buildings sites shall be preserved in perpetuity for use in Highlands agriculture uses or natural resource preservation
- The standards and criteria applicable to cluster development may be adjusted during municipal conformance, provided that the Highlands Council finds that the adjustments are consistent with the goals, policies and objectives of the Highlands Regional Master Plan and that the adjustments provide comparable protection for the Highlands ecosystem.

He also commented that setting out clear standards and that ultimately the municipalities will have to administer the standards and that there should be a capability to modify. Where cluster development is adjacent to an existing hamlet, that setbacks would reflect that community. He also noted that in all zones there would be protection of natural landscape and setbacks from the road.

Mr. Siemon showed several examples developed by Lane Kendig showing cluster approach and a longer road avoiding environmental features. He also showed an agricultural example. Ms. Carluccio asked about a farm that was part of an agricultural area that is greater than 250 acres. She advocated for not allowing clustering in those areas as well as core forest and forest resource area. She will propose an amendment to this end.

The next program was introduced by Ms. Swan - **RMP Updates and Map Adjustments**. She reviewed the fact that the programs were in response to comments from the last meeting and also that these issues had been brought before the Council previously in the goals, policies and objectives. She noted that the specific program was in response to public comments as well. This process allows for a process to update maps and track changes. The update process is based on updated factual basis. She noted that submissions may come from conforming municipalities and counties, as well as non-conforming municipalities. The Map Adjustment process is based on policy decisions approved by the Highlands Council during Plan Conformance or upon the submission of a Map Adjustment Petition. Request must be supported by a demonstration that:

(1) comply with the intent of the RMP, (2) are based on municipal and county planning that results in a no net increase in land use intensity from the existing LUCM Series and RMP policies, (3) support both smart growth and resource preservation, and (4) provide no net loss of Highlands resources within the municipality or HUC14 such that all Map Adjustment protections are equal to or exceed, on a whole, the protection provided by the existing LUCM Series and RMP policies. In any case where the Map Adjustment involves a proposed adjustment to the Highlands Land Use Capability Zone Map designation from the Protection or Conservation Zone to Existing Community Zone, the demonstration must additionally meet at least five (5) of the following standards:

- creates a meaningful opportunity for the use of Highlands Development Credits;
- reduces the net impact on Highlands resources;
- eliminates substandard wastewater treatment facilities;
- contributes to the elimination of net water availability deficits in HUC14 subwatersheds;
- creates meaningful opportunities to provide affordable housing;
- creates meaningful employment opportunities for the residents of the Highlands Region in terms of the quantity and quality of jobs;• improves the balance of housing and employment in a manner which reduces the length of home/work trips within the Highlands Region;
- promotes the use of alternative modes of transportation, including transit; or
- provides uses and facilities which promote eco- and/or agro-tourism.

Ms. Carluccio spoke positively about the specifics presented in the context of last meeting's comments. She believes that the map adjustment process should not be allowed to be implemented in the Preservation Area. She also supported the no net loss approach. She advocated for not allowing the map adjustment process in the Protection Zone only from Conservation to Existing Community Zone. She also advocated for a 1:1 ratio swap, for example, if there is a high quality riparian area, it should be replaced by the same value of resource. Chairman Weingart asked how Ms. Carluccio's comments were different from no net loss and she responded that she would prefer additional specificity. Mr. Schrier spoke in support of the no net loss of Highlands resources and believes it is clear. He does not

necessarily agree that the replacement has to be the same resource exactly. There was additional discussion about these policies.

Mr. Siemon commented that the regional planning process where the goals policies and objectives are regional and are subjected to an ongoing process. It starts when the plan is adopted. He believes that for the plan to be successful, there needs to be professional technical advice and reasonable deliberate local deliberate officials to make what are subjective decisions. He continued that it was difficult to exact specific tradeoffs and asked that the council think not about zoning the highlands but about the management framework and that framework requires judgment and ongoing management.

Ms. Pasquarelli mentioned that her own local experience gave her concern about the issues that can be modified at the local level. Ms. Swan also noted that the municipality needs to develop a resolution and that is an additional protection. Mr. Siemon reiterated that the resources need to be protected on a regional basis. Ms. Carluccio asked about whether there would be a separate hearing for map revision so that in conformance, the request is not lost. Ms. Swan said that she would have staff address that issue. Ms. Carluccio also asked about a % cap for this process. Ms. Swan reiterated that the no net loss addresses that point.

Mr. Peterson followed up on a previous council member's comments about the Constitution that making changes and simple ways to do so are inherent in future success. He believes that simplicity is the best. He advocated for three instead of five additional tenets in the map revision process. Ms. Calabrese spoke in support of the no net loss, no net increase in land use intensity and thinks that is sufficient. Ms. Carluccio also suggested that there be a requirement for a specific amount of acreage for example an Agriculture Resource Area, there should be no map change allowed unless that acreage is replaced.

Ms. Swan introduced the next series of programs based on goals, policies and objectives. The first two are **Land Preservation** and **Agricultural Management and Sustainability**.

The Land Preservation program includes the focus on preservation of open space resources in order to protect and enhance ecosystem function, protect drinking water resources and preserve natural and recreational land. She commented that various analyses had been conducted by staff. and identified critical lands already preserved, the establishment of land preservation priorities to identify special areas, the implementation of strategies for land stewardship by maximizing current land stewardship funding programs, the establishment of alternative/new land preservation programs, the establishment of alternative/new stewardship programs, the development of open space/conservation design standards, and the identification of willing sellers.

She noted that the Highlands Council will establish a technical assistance program for land preservation and stewardship and will explore, in addition to existing funding sources, securing other stable, dedicated sources of funding as has been discussed previously such as:

- a reserve fund to capitalize the Highlands TDR Program;
- a Highlands water user fee; and
- a surcharge on public water supply systems rates that use Highlands water

She also noted the continuation of the dual appraisal method that is not included here, but has been previously discussed and advocated for by the Council. Ms. Schrier spoke in support of the description of a water user's fee.

Ms. Pasquarelli asked about the identification of land per the Act for lands for preservation. Ms. Swan explained that the list is confidential and will be given to NJDEP's Green Acres Program. Mr. Borden also reiterated that the tool for spatial analysis has been updated. Chairman Weingart asked what the plan would include. Mr. Borden said that the conservation priority tool would be used to develop that list.

Ms. Swan introduced the next program for Agricultural Management and Sustainability. She noted that the preservation of farmland and the promotion of agriculture in the Highlands Region are two essential objectives of the Highlands Act:

- Identification of Agricultural Lands
- Establishment of Agriculture Preservation Priorities
- Implementation of Strategies for Agriculture Preservation by Maximizing Current Agriculture Preservation and Stewardship Funding Programs looking at current programs
- Establishment of Alternative/New Agriculture Preservation and Stewardship (sustainability) Programs
- Establish Incentives for Voluntary Impervious Cover Limitations on Agricultural Lands. She noted the use of the FRPP and other federal programs.
- Development of Open Space/ Conservation Design Standards. These are similar to the previous program she discussed earlier.
- Additional Land Use Opportunities like B & B's according to Ms. Swan.
- Identification of Willing Sellers. She noted that some work had been done and programs like the FRPP program.
- Establishment of a Farmland Preservation and Stewardship Technical Assistance program
- Identification of Subwatersheds with Elevated Nitrate Levels & Development of Management Plans. Again she noted that there are programs to establish BMP's to address these issues.

Mr. Cogger asked about the Right to Farm Act. He asked that an ordinance approved by the local CADB be included. He also spoke about the ratio of woodland to farmland. He noted that Morris County has its own funds and he believes that the Council should be integrated into the process. Ms. Swan said that the CADB's are called out in the programs. Mr. Cogger spoke to helping farmers understand the various programs. Mr. Schrier said that Policy 3.4.5. needs to be reconciled with the current SADC policy. Dr. Van Abs said this was focused on an incentive program and is in addition to what is available under SADC program. Ms. Swan noted that there will be work with SADC on this matter. Mr. Borden clarified that the impervious cover limit is in the Highlands Act. Ms. Swan also commented that the farmer would be able to work through the existing programs and then the Council would work with FRPP in addition to SADC. She continued that the farmer has a choice.

Ms. Carluccio asked about Policy 3.4.1 and asked for a definition of alternative and wastewater treatment systems. Dr. Van Abs said that the state codes are minimum standards for anything that would occur here.

It was asked if Mr. Alstede had submitted comments and Ms. Swan said that he had not done so.

She introduced the next section - **Forest Resource Management and Sustainability**. She began by saying that forests provide essential ecosystem functions, including surface water filtration. Forests serve as habitat for plants and animals. In addition, when managed for sustainable use, forests can be as source of renewable wood products as well as alternative forest products. The following was a list of elements provided by Ms. Swan:

- Forest Sustainability - For long term sustainability of the forest resource in the Highlands, there must be proactive management of deer populations, non-native invasive species and reductions in the rate of forest fragmentation.
- She noted that the Council would work to develop a Model Municipal Tree Ordinance. She noted that there were many examples from municipalities and other like the Hunterdon County Environmental Tool Box.
- Develop Community Forestry Plans for Highlands Municipalities
- Develop Forest Conservation and Mitigation Plans
- Develop Forest Stewardship Plans for Preserved Lands
- “Green” or Third Party Certification for Highlands Forest Products

Ms. Carluccio asked about the regulating forest management through municipal tree ordinance. Mr. Borden noted that forest management activities are exempt. He also said that there will be a section in the plan where items will be identified for advocating for legislative changes to recommend. Chairman Weingart asked that those suggestions be held off until the adoption of the plan.

Ms. Carluccio also asked that for core forest and forest resource areas, the loss should be replanted in the same resource area and there should be restrictions on the size. Dr. Van Abs said there is one forest resource area in the region.

Ms. Swan began the next program for **Critical Habitat** and the protection of habitats that are critical to maintaining biodiversity contributes to the protection of rare, threatened, or endangered plant and animal species of the Highlands Region and is a mandate of the Act. She noted the following elements and said that close coordination with NJDEP would be important in this program area.

- Development of Municipal Conservation and Management Overlay District Ordinance
- Development of Critical Habitat Conservation and Management Guidance

- Ensuring Implementation of Critical Habitat Conservation and Management
- Implementation of Critical Habitat Conservation and Management Projects

The next topic discussed by Ms. Swan was **Water Quality Restoration**. She noted that this section is in response to the Act that calls for the protection, enhancement, and restoration of the Region's water and that there were two major issues - water quality and assessment throughout the region and the coordination with NJDEP regarding their responsibilities in developing TMDL's and incorporating management measures into the Regional Master Plan for TMDL implementation. She continued discussing the following elements:

- Watershed Restoration Plans identifying key HUC14 subwatersheds and either directly or in cooperation with other affected interests developing Watershed Restoration Plans for approval by NJDEP and incorporation, as appropriate, into the Regional Master Plan or its programs.
- Ground Water Restoration Plans
- Implementation of Water Quality Restoration Projects:
 1. Agricultural Best Management Practices
 2. Stormwater Management Plans
 3. Streambank and Riparian Restoration
 4. Wildlife
 5. Septic System Management
 6. Contaminated Site Remediation
- Education/ Outreach

Ms. Carluccio spoke to including another policy on tracing new sources of nitrates and non-point source as well as point source pollution. She also asked with respect to water quality assessment whether it had been addressed, namely, the assimilative capacity of streams with respect the NJDEP permitting. She would like to know what streams are at risk. Ms. Swan said that assessment tracking is addressed in the Science Agenda and is not site specific. She said that there is an intent to have a tracking system in conjunction with USGS for water, waste water and stream integrity. Mr. Siemon commented that this should be on a system not a project basis and the science agenda does that. Mr. Schrier asked about the Pinelands Commission and its addressing of various issues. Mr. Siemon explained that the situation was different because of the direct authorities that were granted to the Pinelands Commission. He added that specificity that could be added was done so and that the differences in the region dictated a balance between specificity and general guidelines. He continued saying that the comparison was hard to make on a specificity basis because the Pinelands had full authority until the municipalities took over.

Ms. Swan continued the presentation with the Smart Growth Manual. She described the elements to be included in the manual as:

- Location efficiency
- Resource efficiency
- Green building technology, including water conservation and energy efficient practices
- Innovative building practices and techniques
- Site layout and design techniques
- Cluster, lot-averaging and conservation development techniques
- Promoting a better 'jobs to housing balance'
- Redevelopment and revitalization techniques

- Addressing affordable housing and community facilities
- Connecting transportation, transit and land use planning
- List of state and national smart growth publications and resources

When this is developed, the Council will provide technical and planning assistance and planning grants and to use with communities during Plan Conformance. Chairman Weingart asked when the manual will be available and Ms. Swan said that not all the manuals would be finished by plan adoption. Mr. Siemon encouraged the Council to not have the manual prepared without an ongoing process to update as experience dictates.

Ms. Swan introduced the next program area for discussion the **Sustainable Regional Economy** again emphasizing that the Act seeks to encourage agricultural viability, redevelopment, smart growth strategies, improved land use efficiency, transit oriented development and shared service. She noted that:

1. The Council will conduct research with respect to existing and new economic development initiatives that can help promote and support the long-term integrity of the Region.
2. The Economic Tracking Program will monitor and evaluate the health of the Highlands economy for a set of regionally available economic indicators.
3. The fiscal monitoring component of the program includes the Cash Flow Timetable tracking mandated by the Highlands Act and the monitoring and tracking of municipal fiscal performance in support of conformance activities and regional shared service opportunities.

She also noted that the program will specifically focus on: tourism (agri-tourism and eco-tourism,) agricultural vitality and economic efficiency of land use.

The next program introduced by Ms. Swan was on **Transportation, Safety and Mobility**. She noted that the Act states that a primary goal is to promote a sound and balanced transportation system that is consistent with smart growth strategies and principles which preserve mobility. The first element is linking transportation and land use. Other elements include: circulation plans during Plan Conformance, Evaluate local transit scores (NJ Transit Score Program), Parking studies, evaluate and make recommendations on RSIS, evaluate and make recommendations on transit. She went on to discuss regional transportation safety and pedestrian security promoting transportation safety in coordination with other state agencies. Also the mobility of agriculture and freight access including coordinating safe travel routes for farmers with local governments and state agencies. She commented that much of this work would occur through the Plan Conformance process. Also, coordination with NJDOT on a new Comprehensive Statewide Freight Plan. She continued with several other elements that would be addressed: transportation and tourism economy, overview of transportation project review, and roadway capacity monitoring.

The next program that Ms. Swan reviewed was **Housing and Community Facilities**. She reviewed the fact that the goals and policies of the RMP seek to address a full range of housing needs for the Region within the context of resource protection needs and sustainable development patterns. She reviewed the different programs that would be included as: Housing Affordability - Municipal compliance with COAH; Highlands Build

out model; indicators as an assessment tool; partnerships for affordable housing; technical assistance and planning; Agricultural Workers Housing - seasonal and non-seasonal family and farm worker housing; Housing and Community Facilities - evaluation of the jobs to housing balance, transit enhancement, educational facilities, and recreation programs, opportunities for maximizing shared services and infrastructure investment; Smart Growth and Housing - appropriate development, redevelopment, economic growth, and a Transfer of Development Rights (TDR) program. Focusing on existing infrastructure and compact forms of development; Green and Energy Efficient Facilities; Housing and Employment - Coordinate with state agencies on initiatives such as Transit Villages, Main Street Programs and EDA and HMFA assistance programs.

The next program is **Local Participation** including such as elements as: Partnership Program, Technical Advisory Committees and The Network; Regular Public Meetings and Presentations. I update you on these as part of my Executive Director's report. There is ongoing individual outreach and constituent services. There are also special stakeholder events, web access and data sharing. She noted the website would be updated. She concluded this section by discussing training and education for Municipal Officials and their staff and that this will be very important during conformance.

She continued with Regional Master Plan Monitoring necessary to ensure the vision of long-term sustainability in the Highlands Region. She noted the following indicators:

- Indicators relating to environmental, social, and economic health will be used to document changes in the Highlands Region.
- Indicators will be chosen based upon the usefulness of information they communicate and data availability throughout the Region over time.
- Indicators may be either quantitative or qualitative depending on the parameter to be measured.

She commented that the Monitoring Review Report will track changes to the indicators and report on Highlands Milestones achieved and not achieved.

The next program is **Project Review Process**. She explained that the purpose of this program is to establish administrative and procedural standards to facilitate accurate, comprehensive and timely reviews of applications submitted to the Highlands Council. Included in this program are: administrative procedures standard operating procedures regarding all project applications received; technical review procedures establish detailed technical review procedures for all project categories. She also reiterated that Council Review Determinations will set forth the process for Council determinations. She mentioned that that there had been an opportunity to do pilot work with projects that have come into the Council. Chairman Weingart asked if this section will apply to municipal and county conformance and it was clarified that this is only for the project review.

The next program introduced was **Federal, State, and Regional Agency Coordination**. Ms. Swan noted that the Highlands Act requires a coordination and consistency component which details the ways in which local, State, and Federal programs and policies may best be coordinated to promote the goals, purposes, policies, and provisions of the RMP.

She noted that there had been a great deal of work to date with agencies, one would be the creation of interagency committees like the Office of Smart Growth's committee on Brownfields. Coordination with Regional and State Agencies, like the County Planner's meetings and on an as needed basis pulling together other agencies. There is ongoing work on the MOU with the Office of Smart Growth that has gone through the committee review and will come before the full Council.

Next on the agenda is the **Water Resources Science Agenda**. Ms. Swan reviewed that implementing the Goals, Policies and Objectives of the RMP will require programs to guide the ongoing research agenda after its adoption many of these components have already been started. They include:

- Ground Water Capacity Estimates And Ground Water Availability Thresholds
- Protection Of Downstream Water Source/ Safe Yields
- Expand Ambient Biological Monitoring Network In Highlands Region
- Digital Terrain Modeling And Hydrologic Unit Determinations
- Water Quality
- Water and Wastewater Tracking
- Water and Wastewater Use Data
- Regional Stream Integrity Model
- Ground Water Quality Management
- Models for Establishing Septic Density

Ms. Carluccio again reiterated that tracking nitrate levels from other sources need to be traced and wants a specific well monitoring programs and assimilative capacity. Dr. Van Abs discussed that the water quality component is where that is and cross references on water quality restoration.

Every one of these projects will need a work plan according to Dr. Van Abs. Ms. Carluccio also mentioned the Demicco letter asking about ground water capacity estimates and ground water availability. Dr. Van Abs mentioned the relationship between recharge and ground water availability are tied to the septic density analysis and further work will be done to look at other methodology for analyzing this data.

The final program addressed was **Plan Conformance**. Plan Conformance is intended to align municipal and county plans, regulations and programs with the goals, requirements and provisions of the RMP. The Highlands Council will then track progress of the municipality or county in meeting that schedule, and will monitor development reviews and capital projects for compliance with the conformance approval. The elements are:

- Plan Conformance Guidelines
- Planning and Technical Assistance
- Procedures for Municipal and County Plan Conformance
- Highlands Council Review, Evaluation and Decision Process
- Grants Programs - She wanted to highlight that communities can receive a grant for their professionals to assess how the plan affects their community.
- Compliance Component

Ms. Swan clarified that in 9-15 months the Council needs to work with towns that are designated to have to conform.

APPROVAL OF MINUTES OF NOVEMBER 1, 2007

Mr. Schrier introduced a motion to approve the minutes. Ms. Kovach seconded it. All members present voted to approve with one abstention, Ms. Pasquarelli.

Chairman Weingart asked if there were any other questions from Council Members. Ms. Pasquarelli questioned the change in the indicators used for the Lands analysis and Ms. Swan mentioned that there had been a table that was handed out at the last meeting and would be emailed to Ms. Pasquarelli. Ms. Pasquarelli was concerned about the stream protection element not being analyzed in the newest version. Ms. Swan commented that the model had been simplified, but that streams within the region had been captured using other indicators. Both Dr. Van Abs and Ms. Swan reiterated that the latest model had more specifically called out protection for critical environmental resources.

PUBLIC COMMENT

Julia Somers, NJ Highlands Coalition

She began by saying that she had spent six years trying to protect a sewer service area where NJDEP had every protection without resolution. She commented that it was difficult to keep politics out of sewer service areas without very specific guidelines. She spoke with respect to clusters that the discussion was not about either agriculture or cluster but increasing nitrates. She believes there should be areas that cluster is not appropriate like forested and high value agricultural areas. She would like a copy of the Demicco letter.

Wilma Frey, NJCF

She asked that the zone map have a distinction by color as the previous one for Preservation and Planning Areas. She spoke about her concern for clustering in the agricultural area and is against that practice where there is only agriculture permitted. She believes that the plan should protect agriculture not just the financial interests of farmers that want to develop. She was not pleased with the visuals showing development by taking out forests.

Elliott Ruga, NJ Highlands Coalition

He asked about water fees and whether they would apply to people who draw from private wells. He believes it should. With respect to forest resources, if mitigation is in place, he advocates that the size and species of trees be specified. He would also like to have heritage tourism mentioned where eco and agro tourism are mentioned.

Monique Purcell, Department of Agriculture

She spoke in support of the clustering discussion from the staff and consultants and said that TDR receiving zones need clustering to allow implementation of TDR. She urged the Council to adopt the staff recommendation.

David Shope, Long Valley

He spoke to the loss in developed assets in the Preservation Area and that land owners had lost billions of dollars of value. He would like a copy of the DeMicco letter. He commented that there were negative health effects from the 10 mg/L standard. He also did not agree with the water availability analysis by HUC 14. He also does not agree with agricultural viability.

Helen Heinrich, NJ Farm Bureau

She distributed material to the Council for the public record on rural character and clustering and also an analysis on TDR for Jeff LeJava and Ms. Swan. She advocated for the ability to cluster in all zones. She also advocated for natural resource land owners to be able to participate in TDR program.

Dave Peifer, ANJEC

He thanked staff for the materials distributed. He made several comments. 1) He posed the rhetorical question to the Council as to their comfort level in making no net loss decisions citing the difficulties that had ensued from the implementation of the Freshwater Wetlands legislation; 2) he spoke in support of limiting the scale of changes in the community; 3) limit the number and timing of map change requests; 4) wanted to know how far was adjacent thought apterinent was a better word; 5) cluster calculation of % of parcel, the commonly owned land, the same land around the municipality or the zone; 6) he believes that a planning standard is not a health standard; the groundwater should not be allowed to degrade to the health standard; 7) land preservation – he wants some form of information to landowners for tax donations at the federal and state levels and would like to see coordination of Council activities with non profit land trusts; 8) on water quality restoration he believes that monitoring conservation area for agricultural impacts in water quality – thermal, turbidity, nitrogen, phosphorus and pesticides; 9) in transportation section, air transport is not included and there are airports within and without the Highlands area; 10) Federal, State, and Agency Coordination – please add FERK, FAA and DOE. He would also like to see a section on climate change and believes that the Highlands can expect changes from climate and could play a role in it. He would also like a separate section on energy. Under conformance, he would like to have clarification of how the Highlands Conformance and Plan Endorsement relate and what materials will be available to help public understand the new RMP. He spoke about limestone areas again and their importance and complimented the computer visualizations.

Susan Buck, Oxford

She spoke against the structure of the current process. She was concerned about lighting with respect to lake management restrictions. She is also concerned about economic viability and meaningful employment. She believes everyone is a willing seller and that does not need to be addressed. She also did not believe that municipal tree ordinances should be in the forest plan. She also does not think the plan addresses property rights that have been granted through the constitution.

Marion Harris, Morris County Trust for Historic Preservation

She took issue with the characterization of her comments in the minutes about design review by the Council. She indicated that she had raised the issue of historic architectural design review with Mr. Borden and that currently under state law only SHPO or a municipal commission could now do that. She clarified that she was talking about design review where

a particular architectural design was appropriate in context not site plan review e.g. moving a driveway. She believes that the historic design is currently beyond the reach of the Council. She made the point on clustering that it is not just a planning concept, but it is also a design concept.

Chairman Weingart announced the next meeting November 19 at 4 pm.

Mr. Schrier introduced a motion to adjourn and Mr. Whitenack seconded it at 1: 42 pm.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Dated: December 19, 2007

Paula M. Dees
Paula M. Dees, Executive Assistant

TRUE COPY

Public comments submitted by Helen Heinrich-
PP, CLA Nov. 8 2007 council Meeting Pg 1/6

HELEN HENDRICKSON HEINRICH PP CLA

**71 Green Village Road
Madison, New Jersey 07940
Telephone: 973-377-3956; FAX: 973-966-0937
Email: helenh2@earthlink.net**

November 8, 2007

TO: JEFF LAJAVA

FROM: HELEN H. HEINRICH PP, RESEARCH ASSOCIATE



I have reviewed the language in the following documents dealing with TDR and the provisions for the Highlands TDR that, we believe, assure owners of land with natural resources worthy of preservation for the public good that they will be able to obtain TDR credits:

- The Highlands Water Protection and Planning Act
- The State TDR Act
- Resolution adopted at the HLC meeting 2 23 06
- 3-1-06 Meeting – NJ Farm Bureau powerpoint and notes
- 7-17-06 Technical Report: TDR Background and Program Development
- 7-17-06 Technical Report: TDR Sending and Receiving Zone Criteria
- 10-12-06 Consensus Revisions
- 11-30-06 Draft Regional Master Plan
- 10-4-07 Goals, Policies, and Objectives: Part 1: Natural Resources

The only document that could be interpreted as giving credits based solely on the development potential is the adoption of the TDR criteria on July 17, 2006. But the "Technical Report: TDR Background and Program Development" document discussed and released the same day contradicts this interpretation by adding language that seems to promise such participation in TDR.

Even after the TDR criteria were adopted, the HLC continued to assure landowners with natural resources that they could participate. In fact, even wording in the Goals, Policies, and Objectives for Natural Resources discussed and released Oct 4 2007 gives the same assurance.

There is no language anywhere until the TDR Program element discussed and released for the first time at the TDR Committee meeting on Oct. 11, 2007 connects obtaining natural resource bonus credits with forfeiting the right to build a single family residence on each parcel. Not only does this fly in the face of all the documented language that would assign credits for "the Natural Resource Factor", it eliminates TDR entirely as a tool to provide the "just compensation" required by the Highlands Act. The exemptions too were provided as the primary and immediate equity protection element. That has no connection with protection of natural resources and compensation for such protection.

A detailed method to prioritize natural resource lands and award credits is absolutely necessary. An extra bonus could be allocated if the landowner chooses to relinquish his/her exemptions.

There is still no effort by the HLC or staff to address the problem of providing an easement purchase program for owners of land that has natural resource features worthy of Highlands protection. Clearly the Legislature did not intend for all the natural resource lands to be acquired by the public to be protected. The Pinelands dealt with this by means of a Pinelands Valuation Formula making it possible for Pinelands landowners to sell their development easements at close to the value of their neighbors just outside the Pinelands boundary. I attach a copy of this in hopes the HLC will use this as a model in developing their own formula.

The financial future of hundreds of owners of farmland and woodland in the Highlands is dependent upon the tools to preserve equity in the Highlands Act. Please call on us to help in making them a reality instead of just a promise.

Cc: John Weingart
Eileen Swan
Rich Nieuwenhuis, President, NJ Farm Bureau
Peter Furey, Executive Director NJ Farm Bureau

Public comments submitted by Helen Heinrich-
PP, CLA Nov. 8 2007 council Meeting Pg 3/6

EXAMPLES OF LANGUAGE THAT SUGGESTS DEVELOPMENT OF A FORMULA TO GIVE VALUE TO NATURAL RESOURCE LANDS WITH LITTLE OR NO DEVELOPMENT VALUE AS OF 8 9 04.

Helen H. Heinrich PP 11 8 07

THE HIGHLANDS WATER PROTECTION AND PLANNING ACT (N.J.S.A. 13:20-1 et seq.)

Section 6n To identify and designate in the regional master plan special areas in the preservation area within which development shall not occur in order to protect WATER RESOURCES AND ENVIRONMENTALLY SENSITIVE while recognizing the need to provide JUST COMPENSATION to the owners of those lands when appropriate, whether through acquisition, TRANSFER OF DEVELOPMENT RIGHTS PROGRAMS or other means or strategies.

Section 12 a. a preservation zone element that identifies zones within the preservation area where development shall not occur in order to protect WATER RESOURCES AND ENVIRONMENTALLY SENSITIVE LANDS and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and THE TRANSFER OF DEVELOPMENT RIGHTS.

Section 13 – Transfer of Development Rights

13a. The Council shall...establish a transfer of development rights program...consistent with the "State Transfer of Development Rights Act" P.L 2004, c.2(C40:55D-137) or any other applicable transfer of development rights program created otherwise by law, except as otherwise provided in this section.

Sections 13 b – m: No language excluding natural resource lands in the allocation of TDR credits in the Sending Zone.

THE STATE TDR ACT (N.J.S.A. 40:55D-137 et seq.)

Section 144.a: "sending zones shall be composed predominantly of land having one or more of the following characteristics:

- (1) agricultural land, WOODLAND, FLOODPLAIN, WETLANDS, THREATENED OR ENDANGERED SPECIES HABITAT, AQUIFER RECHARGE AREA, ...OR OTHER LANDS ON WHICH DEVELOPMENT ACTIVITIES ARE RESTRICTED OR PRECLUDED BY DULY ENACTED LOCAL LAWS OR ORDINANCES OR BY LAWS OR REGULATIONS ADOPTED BY FEDERAL OR STATE AGENCIES.

Public comments submitted by Helen Heinrich-PP, CLA Nov. 8 2007 council Meeting Pg 4/6

2/23/06 HLC MEETING Attachment 1 to Resolution 2006-X Approval or Sending Zone and Receiving Zone Criteria

It is important to note that all lands in the Preservation Area are eligible to participate in the TDR program provided they satisfy Sending Area criteria. Thus, any land types are eligible, including but not limited to agricultural lands, woodlands, environmentally sensitive lands or lands zoned for residential, commercial or industrial development.

3 1 06 MEETING WITH NJ FARM BUREAU POWER POINT PRESENTATION BY LAJAVA, OTHERS

Explore techniques for allocation of Highlands Development Credits powerpoint slide

- Investigate the use of other allocation techniques including the use of a parcel's natural resource attributes.

Notes: 1 "Strength of this proposed TDR program"

- Highlands natural resource areas are quantifiable.

7 17 06 TECHNICAL REPORT: TDR BACKGROUND AND PROGRAM DEVELOPMENT

P. 13 "It is important to note that all lands in the Preservation Area are eligible to participate in the TDR program provided they satisfy the sending zone criteria. Thus, ANY LAND TYPES ARE ELIGIBLE, INCLUDING BUT NOT LIMITED TO AGRICULTURAL LANDS, WOODLANDS, ENVIRONMENTALLY SENSITIVE LANDS OR LANDS ZONED FOR RESIDENTIAL, COMMERCIAL OR INDUSTRIAL DEVELOPMENT.

P. 28: A. Program Purposes

..three essential and equally important purposes must be achieved through the Highlands TDR program. First, the program must serve as ANOTHER LAND USE TOOL TO AID THE HIGHLANDS REGION...TO PROTECT THOSE RESOURCES THAT MAKE THIS REGION SO UNIQUE – ITS WATER, ITS FORESTS AND ITS FARMLAND.

Second, the program must provide AN ADDITIONAL MEANS FOR LANDOWNERS TO RECEIVE EQUITY OUT OF THEIR LANDS EVEN THOUGH THOSE LANDS MAY HAVE BEEN AFFECTED BY THE HIGHLANDS ACT AND RULES.

7 17 06 TECHNICAL REPORT: TDR SENDING AND RECEIVING ZONE CRITERIA

Exec. Summary:

p. 5 Sending zone Criteria : only land that could have been developed as of Aug 9 04 – NOTHING ABOUT CRITERIA IN THE TDR ACT.

10 12 06 CONSENSUS REVISIONS

Establishment of a Highlands TDR program

p. 8 The Highlands TDR program shall permit the use of a Resource Value Factor for use in allocating Highlands Development Credits ...to encourage the protection and stewardship of important resource lands in the Highlands Region.

...the Resource Value Factor awards a bonus to lots to be identified...as lands of exceptional resource value...either ecological value or exceptional agricultural value. ...a bonus factor is meant to encourage property owners to enroll their property in the Highlands TDR program and provide additional incentives to manage resources consistent with the goals of the RMP.

P. 23: Step: Establish Resource Value Factor: This factor awards bonus HDCs to a sending zone lot where important ecological or agricultural resources are present on-site.

11 30 06 DRAFT RMP

TDR (p. 181)

P. 185 POLICY: The Highlands TDR Program will establish a Highlands Development Credit (HDC) allocation method that recognizes and accounts for the significant real estate market variability in the Highlands region and the RELATIVE VALUE OF HIGHLANDS RESOURCES.

- Adjustments to the number of credits allocated to a sending zone lot shall be made based upon (a) the location in the Highlands Region (b) the end-use to which that lot could have been developed, and (c) THE RELATIVE VALUE OF Highlands resources on the lot.

P. 185 POLICY: The Highlands TDR program shall permit the use of a Resource Value Factor for use in allocating HDCs to encourage the protection and stewardship of important resources lands in the Highlands Region.

10 4 07 GOALS, POLICIES AND OBJECTIVES DRAFT

Part 1 Natural Resources

Policy 1.1.1.4 To assign land within the Forest Resource Area a high priority for fee simple and easement and for the use of Highlands TDR.

Objective 1.2.1.8.1: Assign high priority to land acquisition, development restrictions and Highlands TDR credit bonuses for lands within both High Resource Value Watersheds and High Integrity Riparian Areas.

Public comments submitted by Helen Heinrich-
PP, CLA Nov. 8 2007 council Meeting Pg 6/6

Policy 1.4.1.3: To assign land within Critical Wildlife Habitats, Significant Natural Areas, and within 1000 feet of Vernal Pools a high priority for (fee) simple and easement (purchase) and for the allocation of Highlands TDRs.

Policy 1.5.1.6: To promote the acquisition and protection of open space resources within the Highlands Region under existing local and state open space preservation and land stewardship programs.

Intro to Landowner Fairness: The Highlands Regional Master Plan also recognizes the need to set priorities for acquisition of purchase of conservation easements in those lands within the Region that have the most significant resource values. To this end, the Plan proposes numerous policies in Part 1, subpart 5 and Part 3 to address open space acquisition and farmland preservation.

Goal 7.1: Protection of lands that have limited OR NO CAPACITY TO SUPPORT HUMAN DEVELOPMENT WITHOUT COMPROMISING THE ECONOLOCAL INTEGRITY OF THE HIGHLANDS REGION, THROUGH MECHANISMS INCLUDING BUT NOT LIMITED TO A REGION-WIDE TRANSFER OF DEVELOPMENT RIGHTS PROGRAM.

Goal 7.2: Provision for compensation to landowners in the preservation area whose properties have limited or no capacity to support additional development and who are disproportionately burdened by the provisions of the Highlands Act through a region-wide program of TDR.

Policy 7.2.6.2: Highlands TDR program elements which provide priority for the transfer and use of Highlands Development Credits for Sending Zone parcels based on their RELATIVE REGIONAL RESOURCE VALUE AND LIKELIHOOD OF DEVELOPMENT.

Policy 7.2.8: The allocation of Highlands Development Credits to individual Sending Zone parcels shall be adjusted according to the location of the parcel within the Highlands Region, the comparative development potential of the parcel, the resource value of the parcel.

From: Helen Heinrich [helenh2@earthlink.net]
Sent: Monday, November 12, 2007 11:27 AM
To: Eileen Swan; John Weingart
Cc: P Furey (E-mail); Nicole Goger; Ed Wengryn
Subject: Comments on the HLC meeting Nov. 8 and material released November 12 2007

Public comments submitted by Helen Heinrich,
NJ Farm Bureau Nov. 8 2007 Council Meeting
Pg 1/2

TO: JOHN WEINGART; EILEEN SWANN

FROM: HELEN H. HEINRICH, RESEARCH ASSOCIATE, NJ FARM BUREAU

SUBJ: COMMENTS ON THE HIGHLANDS COUNCIL MEETING NOV 8, 2007 AND MATERIAL RELEASED THAT DAY

Thanks for the opportunity to participate in the RMP review and drafting. The NJ Farm Bureau urges you to maintain your position about encouraging clusters, open space development and agricultural clustering in all zones where appropriate. This is a necessity if the RMP is to be implemented. It is the best way to protect water quality (see the recent EPA study about the relationship between density and water quality), it is the only way the most productive farmland can remain intact with threats of heavy loss through large lot zoning, and it is essential to maintain the character of the Highlands as the draft RMP describes it.

I am attaching the paper I gave you showing how it will be up to the Council to make clustering a success. There are legal obstacles in NJ that have made density transfer and compact development difficult in addition to municipal opposition. These items need to be added to your To Do list especially a major effort to enlighten the vision of conforming municipalities.

We applaud your strong endorsement of alternative wastewater systems instead of the usual septics. If groundwater quality is at all an objective of the Highlands Act and RMP, you must push the towns and DEP towards this solution that is widely used already in NJ and around the US. Please maintain the 10 mg/L standard for the cluster so that they can happen. With a 2% standard, they would not be feasible at all.

Upon further review of the material released on **Cluster Development and Agricultural Management & Sustainability**, we are very concerned that you are giving with one hand - encouraging compact development in the Conservation Zone - and taking it away with the other - requiring agreement to limit impervious cover on the FARMLAND portion to 3%. This is in violation not only of the NJDA Ag Development rules but the process they establish that is important because it not only limits increased impervious cover but also puts the landowner into the farm conservation process, an additional plus for water quality. Have you used your sophisticated GIS system to determine how many properties would have their agricultural viability reduced because of such a limit? New impervious cover may be necessary for the farm operator to adapt to new markets or to sell the farm to a different type of farmer. With such a limit the farm value will be reduced, a blow to the basic farm assets, all that's left since the development value will have been used up in the cluster.

Since the innovative use of impervious cover on active farmland can improve water recharge, reduce soil erosion and stormwater discharges, this policy would effectively close the door on such additional water resource quality benefits.

About the **Agricultural Management & Sustainability** program, we also have concerns:

- Objective 3.1.10.4 - what is going to be in that conservation easement? It should mirror the deed used by the SADC, not contain restrictions developed by the municipality or the HLC. We have yet to see any language about what the Council is considering for these easements, including TDR.

- Policy 3.3.1 and 3.2 - This seems to prohibit any increase or improvement to wastewater systems to support the agricultural and nonagricultural activities allowed in the section on Additional Land Use Opportunities. Difficulty obtaining permits for water and wastewater treatment from DEP is what drove processors out of New Jersey in the recent past. Please add another policy to make those opportunities a reality. Again here you give **with one hand and take away with the other**.

Public comments submitted by Helen Heinrich,
NJ Farm Bureau Nov. 8 2007 Council Meeting
Pg 2/2

- Establishment of Agriculture Preservation Priorities - a list of high-priority properties for easement purchase in conjunction with the SADC is fundamental. But this should not be interpreted as a "no growth" property list.

- Identification of Subwatersheds with Elevated Nitrate Levels & Development of Management Plans - what is your evidence that Highlands farmland nitrate levels are high? Is this merely a guess based on the assumption that farming is by definition a polluter or do you have soil and well tests that prove this? Until you do, we ask that you put this on your later To Do list and delete it in the program element where it negatively influences perceptions about farming without basis.

-We note there is no mention of requiring a conforming municipality to adopt and implement a Right to Farm ordinance that conforms to the model issued by the SADC. This is an essential legal protection about which the RMP and conformance efforts must inform local officials.

That said, there are many statements in this program element reflecting our past comments that will help the Council develop a more profitable and sustainable agricultural industry in the Highlands.

-The many ways described that the HLC will work with ongoing agencies and programs that have assisted agriculture for decades is a significant step.

-We strongly support making it possible for woodlands to be included in an easement purchase program but believe that you must fulfill your many promises to enable owners of important natural resource lands to participate in the TDR program.

-Please hold firmly to your support of the concept of clustering and onsite community wastewater systems in the language of this element as well.

-We welcome the Additional Land Use Opportunities but your other goals, policies, objectives and program elements must support this as you work with municipalities.

Highlands Regional Master Plan Final Draft

LAND USE CAPABILITY Zone Map (Map 1 of 5)

Source:
New Jersey Highlands Council, 2007

Legend

- Preservation Area Boundary
- Highlands Boundary
- Roadway Network
- Interstate Highways
- U.S. Routes
- State Routes
- Administrative Boundaries
- County Boundaries
- Municipal Boundaries
- Lakes Greater Than 10 Acres

Regional Master Plan Overlay Zone Designation

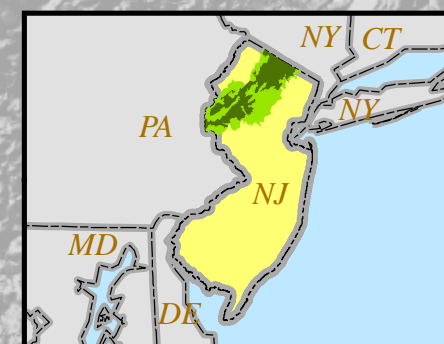
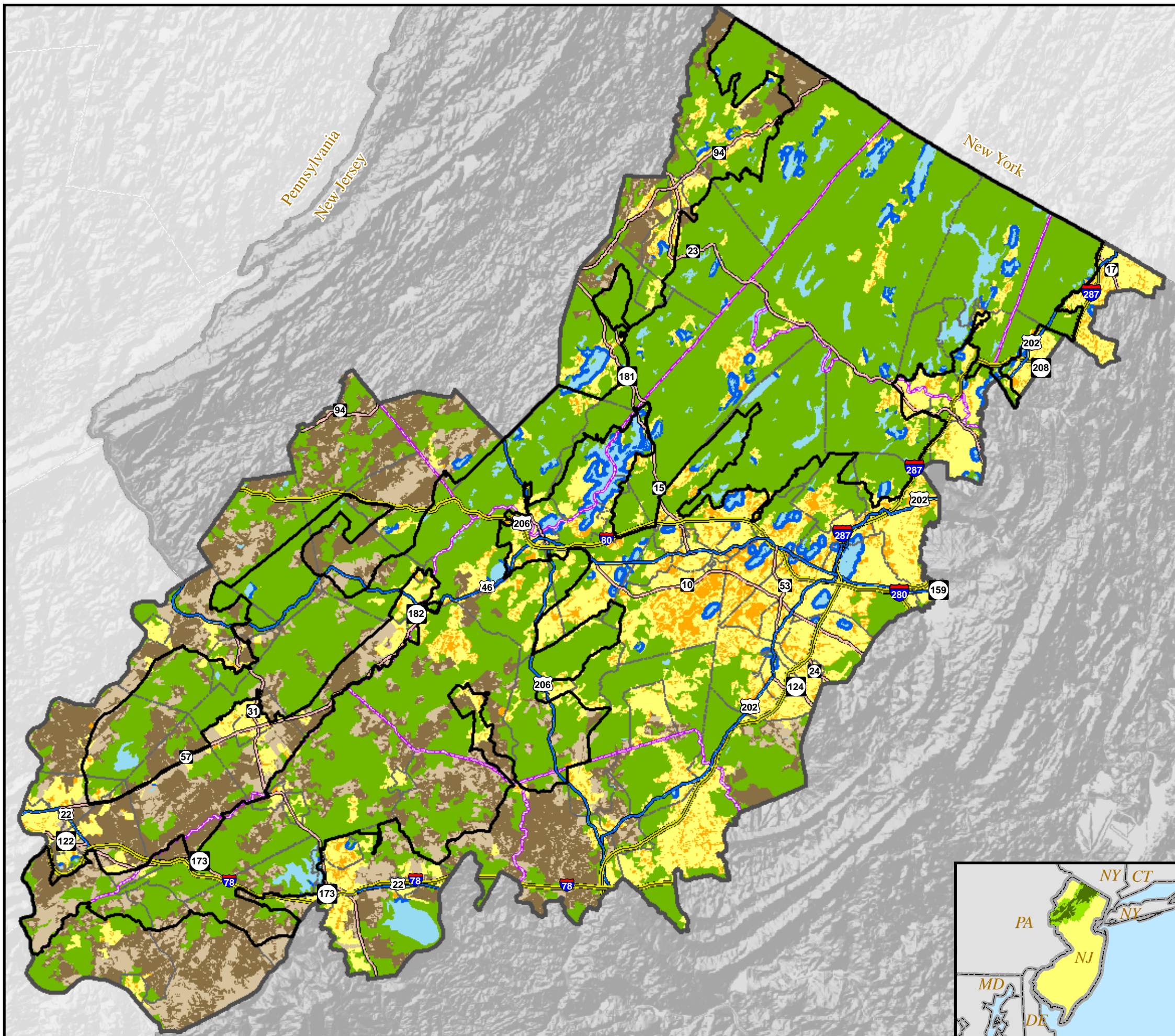
- | Zone | Sub-Zone |
|--------------------|--------------------------------|
| Protection | Lake Community |
| Conservation | Conservation Constrained |
| Existing Community | Existing Community Constrained |



0 1.5 3 6 9 12 Miles

The information contained on this map is the best available according to the Highlands Council. However, unintentional inaccuracies may occur, particularly where data or information is derived from sources other than the Highlands Council. The Highlands Council cannot be responsible for the misuse or misinterpretation of the information presented herein. Therefore, under no circumstances shall the State of New Jersey or specifically, the Highlands Council be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the State be liable for any other consequences from any such reliance. Additional sources of information may include NJDOT and NJDEP GIS digital data, but this secondary product has not been verified by NJDEP.

Prepared By:
New Jersey Highlands Council
November 2007



Highlands Regional Master Plan Final Draft

LAND USE CAPABILITY Water Availability Map

(Map 2 of 5)

Source:
New Jersey Highlands Council, 2007

Legend

- Preservation Area Boundary
- Highlands Boundary
- Interstate Highways
- U.S. Routes
- State Routes
- County Boundaries
- Municipal Boundaries
- Hydrologic Unit Code(HUC14)

Net Water Availability By HUC14

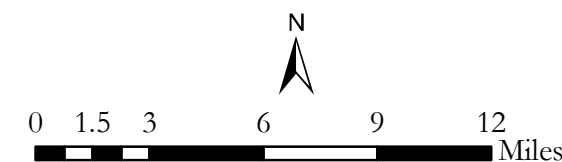
Million Gallons Per Day (MGD)

- 0.00 - 0.05
- 0.05 - 0.10
- 0.10 - 0.39

Conditional Net Water Availability By HUC14

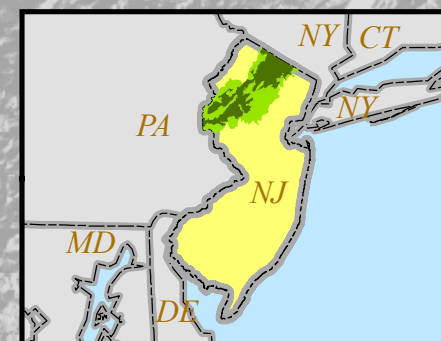
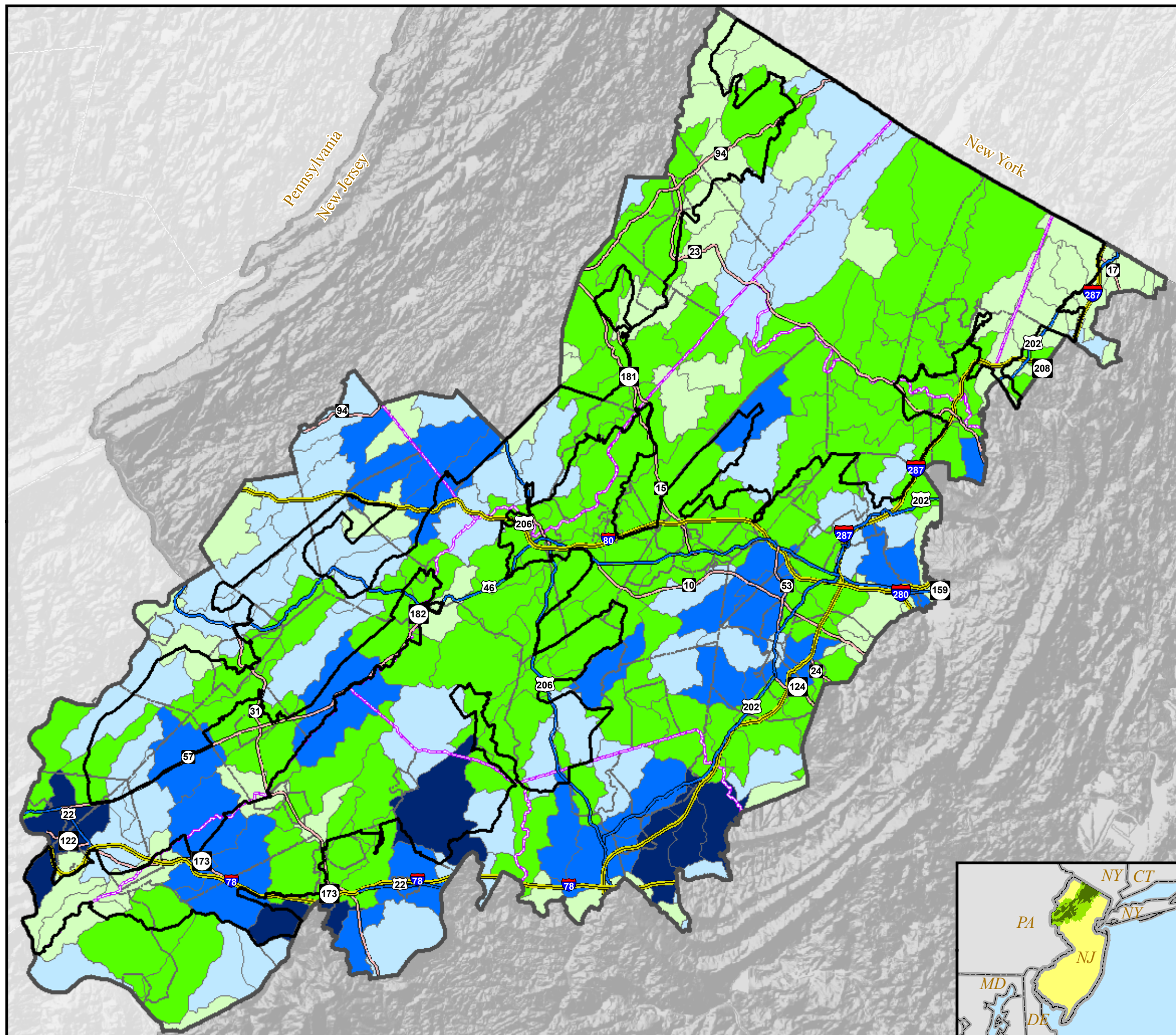
Million Gallons Per Day (MGD)

- 0.00 - 0.01
- 0.01 - 0.05



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Prepared By:
New Jersey Highlands Council
November 2007



Highlands Regional Master Plan Final Draft

LAND USE CAPABILITY Public Community Water Systems Map (Map 3 of 5)

Source:
New Jersey Highlands Council, 2007

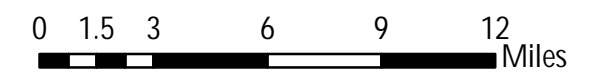
Legend

- Preservation Area Boundary
- Highlands Boundary
- Administrative Boundaries
- County Boundaries
- Municipal Boundaries
- Interstate Highways
- U.S. Routes
- State Routes

Highlands Public Community Water Systems

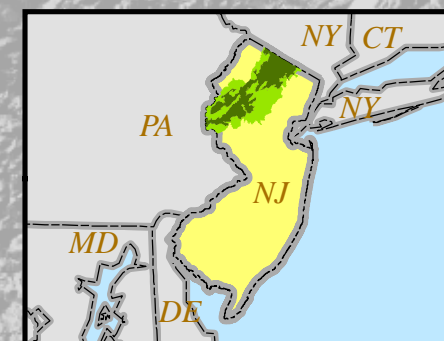
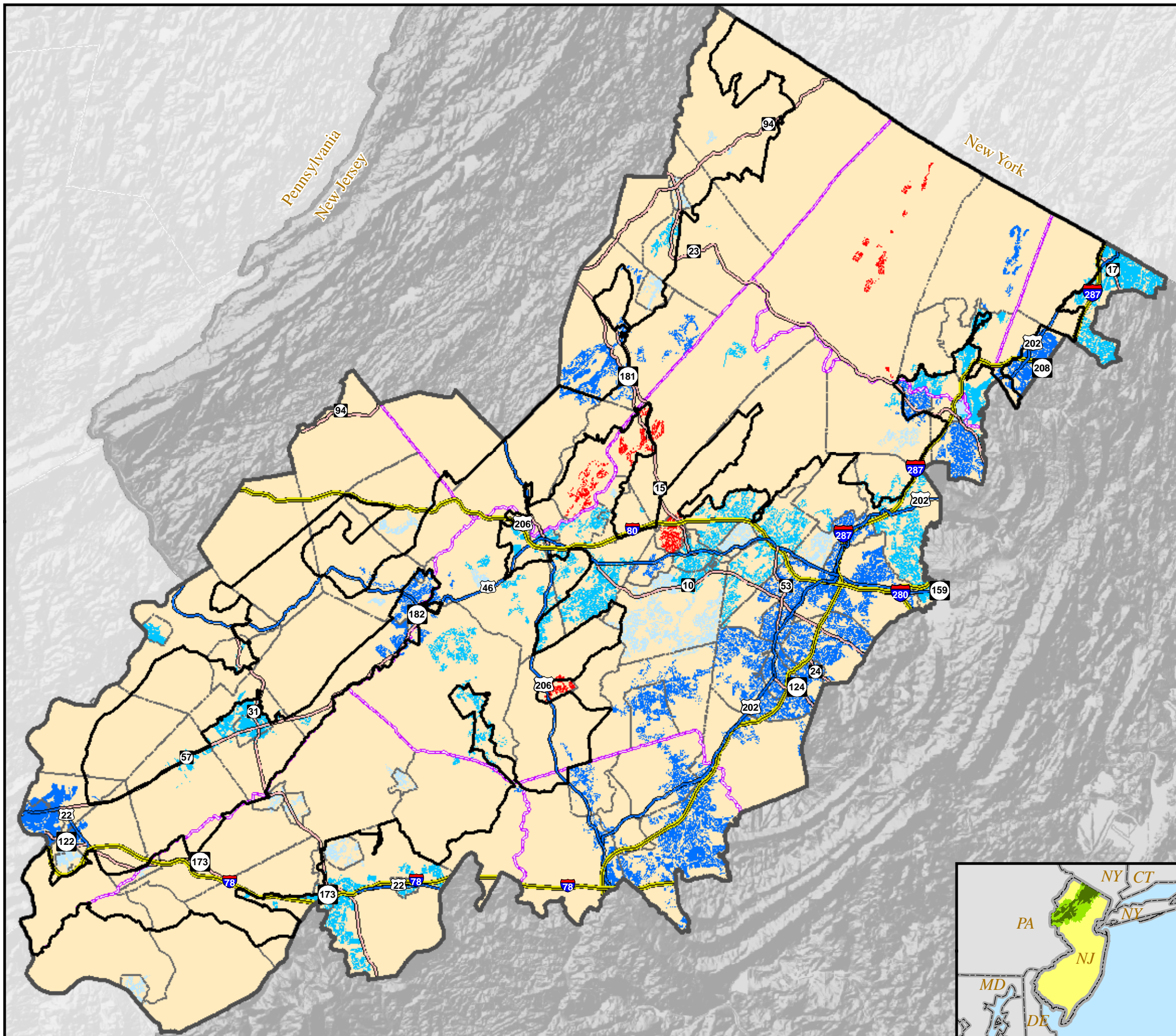
Available Capacity in Million Gallons Per Month (MGM)

- > 25 MGM
- 5 - 25 MGM
- 0.01 - 5 MGM
- No Capacity



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Prepared By:
New Jersey Highlands Council
November 2007














Highlands Regional Master Plan Final Draft

LAND USE CAPABILITY Septic System Yield Map

For Planning Area: Conservation and Protection Zones
(Map 5 of 5)






Source:
New Jersey Highlands Council, 2007

Legend

-  Preservation Area Boundary
-  Highlands Boundary
-  Roadway Network
-  Interstate Highways
-  U.S. Routes
-  State Routes
-  Administrative Boundaries
-  County Boundaries
-  Municipal Boundaries
-  Highlands Preservation Area
-  Existing Community Zone






Planning Area Zones

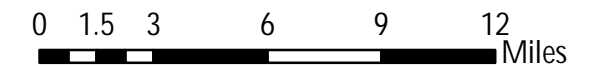
Septic Yield in Conservation Zone

-  0 - 10
-  11 - 34
-  35 - 77
-  78 - 132
-  133 - 297

Septic Yield in Protection Zone

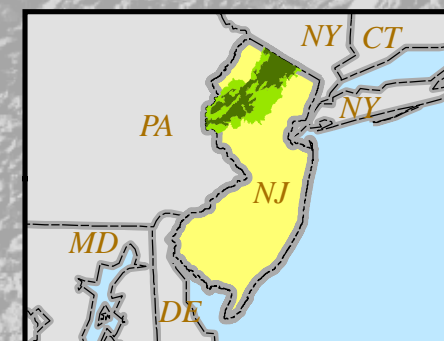
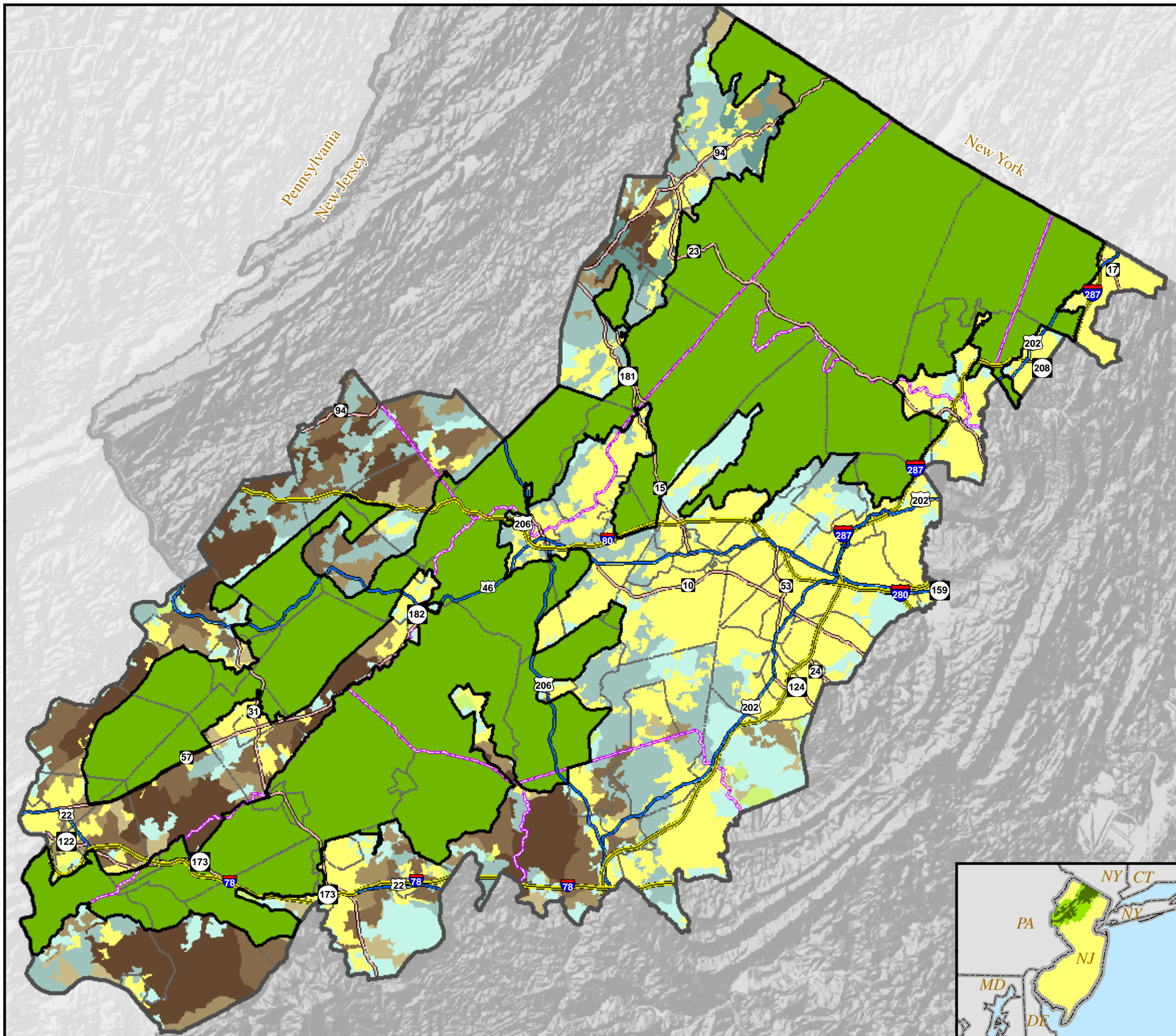
Septic Yield in Protection Zone

-  0 - 10
-  11 - 34
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-  133 - 297



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Prepared By:
New Jersey Highlands Council
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JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

***RMP Program: Lake Management Area
Version: November 7, 2007***

<p>Issue Overview</p>	<p>The RMP provides for the protection and enhancement of Highlands Lakes and their environs, including Highlands lake communities. Overbuilt, damaged and poorly managed shoreland areas can result in the degradation of water quality, harm to the lake ecosystem, the decrease of natural aesthetic values, and the overall loss of property values for lake communities. Lakes can be harmed by pollutant sources in the watershed area draining to them. Most existing lake communities were built out prior to modern environmental requirements. Some have sewer systems, but many rely on septic systems (or even cesspools) on inadequately sized lots. Studies indicate that nearly every public lake (privately-owned lakes were not evaluated) in the Highlands is experiencing contamination, often including excessive bacteria and nutrients. Many lake communities have been experiencing intensifying land uses as the original buildings are torn down and replaced by larger structures. The Council seeks to identify redevelopment opportunities to improve community character and value, to both protect natural resources and to enhance and restore the quality of lake environments in the Region.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 1.7.1.1 To establish tiers of lake management appropriate to management strategies that help protect lake water quality and community value from the impacts of present and future development.</p> <p>Objective 1.7.1.1.1 <i>Lake management programs shall use the following management tiers around Highlands Region lakes of greater than 10 acres in size:</i></p> <ul style="list-style-type: none"> • <i>A <u>shoreland protection tier</u> consisting of an area measured 300-foot perpendicular from the shoreline of the lake;</i> • <i>A <u>water quality management tier</u> consisting of an area measured 1,000-foot perpendicular from the shoreline of the lake, but outside of the shoreland protection tier;</i> • <i>A <u>scenic resources tier</u> consisting of an area measured 300 to 1000-foot perpendicular from the shoreline of the lake, scaled based upon the view distance from the opposite shoreline, and determined through the size and layout of the lake, with wider portions of lakes having longer view distances;</i> • <i>A <u>lake watershed tier</u>, consisting of the entire land area draining to the lake, through the evaluation of drainage areas using LiDAR topographic analyses or other topographic data where LiDAR data are not available.</i> <p>Policy 1.7.1.2. To establish management strategies to help protect lake water quality and ecosystem values from the impacts of present and future development.</p>

Objective 1.7.1.2.1. *Implementation of standards regarding lake ecosystem and water quality in the shoreland protection tier to address direct and proximate impacts upon the lake, including but not limited to shoreline modification and development (including limits to the hardscaping of shorelines using bulkheads, rip-rap and walls), docks, piers, boathouses, dredging, vegetation removal, and increased impervious cover. Pollutant discharges shall also be addressed, including the potential for contamination from septic systems, cesspools and other wastewater management systems within the tier that are failing or are inadequately designed and constructed. As such systems fail, landowners should be required to provide upgraded treatment to minimize pollutant movement to the lake.*

Objective 1.7.1.2.2. *Implementation of standards regarding land use compatibility and water quality in the water quality management tier, to prevent or reduce continuous pollutant sources that can contribute pollutants overland or through ground water to the lake from greater distances than the shoreland protection tier.*

Objective 1.7.1.2.3 *Implementation of standards regarding the protection of visual and scenic resources in the scenic resources tier, including but limited to requirements for vegetative screening of buildings, building height limitations, and limits on tree and understory removal for reasons other than public health and safety or as the minimum necessary to make reasonable use of the designated building envelope for the parcel proposed for development.*

Objective 1.7.1.2.4 *Implementation of lake restoration plans to restore, protect and, where possible, enhance lake water quality through management of pollutant sources in the lake watershed tier, including but not limited to the development, adoption and implementation of TMDLs by NJDEP pursuant to the Water Quality Management Planning Rules, N.J.A.C. 7:15.*

Policy 1.7.1.3. To require that conforming municipalities adopt and implement the standards applicable to the shoreland protection, water quality management and scenic resources tiers for application to lakes with public recreational access or ownership (i.e., with shorelines that are not entirely privately-held and managed through a lake association).

Policy 1.7.1.4 To require that conforming municipalities develop and adopt lake restoration plans, with sufficient input from lake community residents and landowners, for each of the municipality's developed lakes with public recreational access or ownership, to include watershed delineation, description of point and nonpoint sources of pollution in the watershed, lake monitoring schedules, existing and proposed in-lake management techniques, and recommended watershed best management practices. TMDLs adopted by the NJDEP to address known pollution problems may be used as lake restoration plans.

Objective 1.7.1.4.1 *Provide Lake Management Plan guidance to municipalities that includes watershed delineation mapping methodology, point and nonpoint source pollution references, example lake monitoring schedule with monitoring goals and methods, existing successful in-lake management techniques, and best management practices. Provide conformance grant funding as necessary to develop plans.*

Objective 1.7.1.4.2 *Replace septic systems and cesspools on small lots in close proximity to lakes with upgraded individual treatment systems, communal septic systems or community-based wastewater systems wherever feasible and cost-effective. Community-based systems should not provide for additional land development capacity except for exempt lots within that existing lake community that are not environmentally constrained, or for lots in a Planned Community Zone that are not environmentally constrained and are contiguous to the existing lake community.*

Policy 1.7.2.1 To provide guidance regarding evaluation of and standards for lake character and aesthetics that shall be adopted by municipal ordinance for application to publicly-owned lake communities, or that may be voluntarily adopted by privately-owned lake communities within their by-laws and regulations.

Policy 1.7.2.2 To encourage increased public access to publicly-owned lakes, within the lake's carrying capacity and while maintaining the lake character.

Policy 1.7.2.3 To discourage or control teardowns that result in altered lake community character, and to encourage community-supported limitations in lot coverage and building height for new construction.

	<p>Policy 1.7.2.4 To establish and implement performance and development standards for shoreline uses which achieve compatibility among shoreline activities and nearby neighborhoods.</p> <p>Policy 1.7.2.5 To encourage municipalities to utilize recreational sites as opportunities to educate the public to the ecological value of lake environs.</p> <p>Policy 1.7.2.6 To encourage municipalities to explore appropriate means to provide public recreation at the shoreline and on the water while ensuring retention of opportunities for passive recreation (e.g., natural areas, open space).</p> <p>Policy 1.7.3.1 To develop innovative financing and administrative mechanisms for the maintenance and operation of public and private dams and lakes, where those dams and lakes provide a continuing public or private purpose.</p> <p>Policy 1.7.3.2 To restore appropriate habitats in the lake beds and to prevent, mitigate or restore downstream habitats from damages due to lake drainage, when dams are allowed to fail or are deliberately breached or removed.</p>
<p>Program Summary</p>	<p>This program seeks to protect, restore and enhance the water quality of Highlands lakes and to protect the unique character of Highlands lake communities. It facilitates land use and water resource planning on the basis of lake management tiers:</p> <ul style="list-style-type: none"> • A <u>Shoreline Protection Tier</u> comprised of all land within 300 feet of the shoreline of a Highlands Lake • A <u>Water Quality Management Tier</u> comprised of land within 1,000 feet of the shoreline of a Highlands Lake • A <u>Scenic Resources Tier</u> consisting of an area measured 300 to 1,000 feet from the shoreline, scaled based upon the view distance from the opposite shoreline, and determined through the size and layout of the lake, with wider portions of lakes having longer view distances • A <u>Lake Watershed Tier</u> consisting of the drainage area of a Highlands Lake as determined through the use of LiDAR topographic or other topographic data where LiDAR is not available, within which actions will be focused on the restoration of lake water quality, including activities under the <i>Water Quality Restoration Program</i>. <p>The program also includes a lake and dam protection and enhancement component and a homeowner’s educational brochure and awards program component.</p>
<p>Shoreland Protection Tier</p>	<p>Program Description</p> <p>The Highlands Council will establish standards regarding lake ecosystem and water quality in the shoreland protection tier to address direct and proximate impacts upon the lake. Such standards include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Alteration of the shorelines shall be limited to the minimum disturbance necessary to provide for water dependent recreational uses such as beaches, docks and boat houses, generally limited to 10% or 25 feet of the shoreline of any parcel proposed for development, but subject to modification to limitations more appropriate to specific lakes 2. Where there is little or no wave action, reeds and other wetland species that are below the high water mark shall be preserved or restored 3. Existing shoreland vegetation within 50 feet of the shoreline shall be protected and preserved except for a minimum area permitted, established through municipal development regulations, for water dependent recreational facilities. Limitations should be more stringent for the first 25 feet. Restoration of native vegetation shall be required where development is proposed on property with existing disturbed areas within 25 feet of the shoreline. 4. No new structure other than water dependent recreational facilities shall be constructed within fifty (50) feet of the shoreline; 5. The width and length of piers and docks shall be controlled in municipal

	<p>development regulations to achieve the minimum disturbance of shoreline, shoreline vegetation and wetlands vegetation possible with due consideration to safety, including provisions for piers and docks held in common to reduce the total number of new docks and piers.</p> <ol style="list-style-type: none"> 6. Boat lifts, where used, shall be encouraged as a means of providing more light to the waters below and shall elevate boats a minimum of one foot above high water. 7. Development adjacent to Highlands lakes, which are Highlands Open Waters, shall include a protection buffer of 300 feet from the edge of the Highlands Open Water feature, or a lesser buffer if allowed based on RMP policies, and all development shall comply with buffer standards which provide for the protection of Highlands Open Waters
<p>Water Quality Management Tier.</p>	<p>Program Description</p> <p>The Highlands Council will establish standards regarding land use compatibility and water quality in the water quality management tier to prevent or reduce continuous pollutant sources that can contribute pollutants overland or through ground water to the lake from greater distances than the shoreland protection tier. Such standards include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. All parcels of land proposed for development shall be improved with landscape or garden elements which retain storm water 2. Runoff from roofs, driveways and patios shall be directed into landscape or garden elements which retain and filter storm water, or to infiltration practices 3. Green roofs are strongly encouraged to clean and slow the release of storm water 4. To the extent possible, impervious surfaces should drain away from the shoreline 5. Storm water should be directed to a stormwater management train that cleans and reduces the rate of runoff. 6. The stormwater management train should maximize the use of swales with natural vegetation or constructed wetlands and discharge through a constructed wetland or other channel that maximizes aeration and cleaning of the water 7. The stormwater improvements shall be designed in accordance with NJDEP regulations at N.J.A.C. 7:8 or the municipal stormwater management ordinance where more stringent 8. Where sufficient land is available, natural swales, constructed wetlands, and other stormwater facilities shall be used 9. To the extent possible, landscape or garden elements which retain storm water shall be designed so that during larger storms, the water is released primarily through overland sheet flow across a vegetated, naturally landscaped area 10. The discharge of stormwater shall, wherever feasible, be through sheet flow which may require the construction of an outlet that disperses the water over a substantial distance at a constant elevation so that water sheet flows over the top 11. Septic systems within the Lake Management Zone must comply with the Zone septic system density requirements with septic systems no closer to the lake than the Highlands Open Water Buffer or 100 feet, whichever is greater; clustering shall be permitted where it results in a greater buffer between the lake and the septic systems than would be feasible without clustering 12. Community wastewater treatments will service parcels of lands within the Lake Management Zone wherever feasible in order to eliminate pollution of Highlands Lakes by discharges from septic systems <p>The Highlands Council will work with other State agencies and counties to create a Highlands Storm Water Management Improvement Program comprised of:</p> <ol style="list-style-type: none"> 1. A grant program in support of studies of existing stormwater systems by Highlands communities with regard to existing capacity

	<ol style="list-style-type: none"> 2. A Bibliography of Stormwater Management Literature related to retrofitting stormwater management systems to reduce runoff and improve the quality of runoff. The Bibliography shall include information with regard to the use of landscape installation and maintenance to reduce pollutants. 3. A Highlands Council awards program in conjunction with Highlands municipalities to encourage land owners to participate in stormwater system remediation.
<p>Implementation of Lake Restoration Plans</p>	<p>Program Description The Highlands Council will encourage municipalities to implement lake restoration plans to restore, protect and, where possible, enhance lake water quality through management of pollutant sources in the lake watershed (see also the <i>Water Quality Restoration Program</i>). The restoration plan will include, but not be limited to the following elements:</p> <ol style="list-style-type: none"> 1. Delineation of the lake’s watershed 2. Description of point and nonpoint pollution sources in the watershed 3. Lake monitoring schedules 4. In-lake management techniques 5. TMDLs adopted by the NJDEP to address known pollution problems
<p>Scenic Resources Tier</p>	<p>Program Description The Highlands Council will establish standards regarding the protection of visual and scenic resources in the Scenic Resources Tier from development or redevelopment that include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Building heights should be limited so that the top of a building does not exceed thirty (35) feet except in Designated Centers where a greater height is in keeping with existing community design 2. All buildings shall be screened from view from lake by trees and other natural plant material 3. The exteriors of all new or redeveloped buildings shall be finished with materials which are compatible with a natural or historical character of the Highlands Region 4. New buildings shall be prohibited within areas which are Severely Constrained Slopes and Moderately Constrained Slopes 5. Clearing of trees should be limited to the minimum area needed for the footprint of a building 6. Outdoor lighting should be provided by cut-off fixtures and be directed away from the shoreline
<p>Lake and Dam Management</p>	<p>Program Description The Highlands Council will implement measures to encourage the maintenance of public and private lakes and the restoration of lake beds and downstream areas when lakes are drained. Such measures may include, but are not limited, to the following:</p> <ol style="list-style-type: none"> 1. Creation of Highlands Financing and Administrative Handbook for dam and lake maintenance and operation addressing creative public and private financing programs as appropriate for the lake or dam ownership. 2. Preparation of a Best Practices Manual for dam and lake maintenance 3. Preparation of a Best Practices Manual for dam removal, including the protection of downstream resources from the migration of sediments and other pollutants, and the establishment of stable terrestrial or wetland ecosystems in former lake beds 4. Provision of grants in aid to establish demonstration model dam and lake programs for publicly owned dams
<p>Education and Awards Program</p>	<p>The Highlands Council will develop a Lakes Landscape Handbook and awards program for waterfront restoration and environmentally friendly landscaping.</p> <p>In both the 300-foot and 1,000-foot tiers, landscaping and yard maintenance can make a contribution to improving lake quality. The handbook will focus on how-to material for the landowners to illustrate how they can replace lawns and restore beach areas to a</p>

	<p>natural condition that is attractive and enhances the property value. Having an awards program that recognizes environmentally sensitive restoration will be an incentive for people to undertake these projects and advertise for the program.</p> <p>The Highlands Council will coordinate with NJDEP, the landscape professional and hardware and garden centers to promote the use of fertilizers for lawn usage that do not contain phosphorous. Ideally, the sellers will not carry the lawn products that contain phosphorous, thus making unwitting usage very difficult. These sellers can also promote wise waterfront landscaping and maintenance.</p>
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JON S. CORZINE
Governor

State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007 MEETING OF THE HIGHLANDS COUNCIL

RMP Program: Cluster Development Version: November 7, 2007

<p>Issue Overview</p>	<p>Conventional or Euclidian zoning relies on a minimum lot area and frontage to control density. The conventional zoning design results in the entire property being divided into streets and lots and, more recently, some land for detention/retention basins for stormwater management. It is often referred to as “cookie cutter” zoning because the lot or cookie forces the developer set up lots just as one would stamp cookies out of dough. It does not allow flexibility to protect sensitive or critical areas while also promoting sensible growth. Any land that is left undeveloped to protect the environment results in a loss in development potential – a double negative as density declines and street length per dwelling unit increases. Most communities have relied on larger lot sizes to attempt to encourage environmental protection. However, even reduced growth can be harmful if it is forced to follow a rigid system. The reliance on septic systems combined with large lots is especially prone to fragmentation of habitats and other environmental resources.</p> <p>One of the key objectives of the Highlands Act is to minimize the impact of human development on the Highlands ecosystem. In this context, clustering is a basic land management tool whereby new growth and development is guided away from lands with high resource value or limited capacity to support human development to locations which are most appropriate for development. The concept of clustering is not intended to increase development beyond levels that are sustainable given natural resource objectives of the Highlands Act, but rather to minimize the impact of sustainable development.</p> <p>Clustering comes in two basic forms: 1) clustering where development is transferred from parcels which are not appropriate or best suited for development to other parcels which are appropriate for development, a concept usually implemented through either transferable development rights (“TDRs”) or noncontiguous clustering; and 2) concentrating development in a discrete portion or portions of a development site and preserving the balance of the site in its natural condition. Both techniques are key aspects of the RMP. In the context of this program, “clustering” is used to mean both “cluster development” using the Municipal Land Use Law definition,</p>
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	<p>where the open space preserved through the clustering must be retained in ownership by a homeowners association or deeded to the municipality, <u>and</u> other methods of clustering such as lot-size averaging or Open Lands Ratio where the open space can be privately owned but deed restricted. In cluster development, the land may be leased by the homeowners association or municipality to a farmer for purposes of agriculture, used for community-based agriculture (e.g., communal gardens), or kept in open space. In other forms of clustering, the largest lot may be retained for agriculture or open space by the original owner, sold for farming, or dedicated as open space, all with deed restrictions to prevent further subdivision or development.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Objective 2B9e Give highest priority for the use of Net Water Availability for non-agricultural water uses to clustered or compact development, redevelopment sites and brownfield development sites as designated by the Highlands Council, and municipal TDR Receiving Zones that result in the preservation of agricultural and environmentally sensitive lands.</p> <p>Objective 2J4b Accommodate compact development served by existing or proposed public water systems only where such development is within or immediately adjacent to an existing service area and provides for the clustering or aggregation of development that will preserve at least 80 percent of the project area in perpetuity for environmental protection or agriculture purposes with an impervious cover of less than 3 percent, and the development impacts are otherwise consistent with the goals and requirements of the Plan.</p> <p>Objective 2K3d Compact development served by existing or expanded wastewater collection and treatment systems shall be permitted in an Agricultural Resource Area only where such development is within or immediately adjacent to an Existing Areas Served and adequate provision is made for the preservation of at least 80 percent of the project area in perpetuity for environmental protection or agriculture purposes with an impervious cover of less than 3 percent, and provided that the proposed development is otherwise consistent with the goals and requirements of the Plan.</p> <p>Objective 2K3f Cluster development utilizing new wastewater collection and treatment systems shall be permitted only where such development is not within or immediately adjacent to an Existing Area Served, where the system is designed and has capacity only for the cluster development, where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served, and where adequate provision is made for the preservation of at least 80 percent of the project area in perpetuity for environmental protection or agriculture purposes with an impervious cover of less than 3 percent, and provided that the proposed development is otherwise consistent with the goals and requirements of the Plan.</p> <p>Objective 2L2e New residential development utilizing septic systems where lot-size averaging, clustering or open space subdivision design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the LUCM Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L.</p> <p>Objective 3A10c Implementation of regulations which require mandatory clustering for residential development in an Agricultural Resource Area with adequate provision for the preservation of at least 80 percent of the project area in perpetuity for environmental protection or agriculture purposes with an impervious surfaces of less than 3 percent, and provided that the proposed development is otherwise consistent with the goals and requirements of the Plan. Clustering for the purposes of this provision includes “cluster development,” lot size averaging, noncontiguous clustering, and similar methods allowed by</p>

	<p><i>the Municipal Land Use Law.</i></p> <p>Objective 3A10d <i>Implementation of regulations which require that all land preserved as farmland or natural resource area as a result of clustering be subject to a conservation easement enforceable by the appropriate municipality and the Highlands Council.</i></p> <p>Policy 3C2 To prohibit the development of additional water and wastewater infrastructure in a Agricultural Resource Area in a Conservation Zone, except where such additional infrastructure is necessary to address the needs of an existing public health concern, mandatory clustering or open space design development as approved by the Highlands Council.</p> <p>Objective 6A1e <i>Prevent the extension or creation of water and wastewater utility services in environmentally constrained sub-zones, except where the creation of such services is necessary to support clustered development that cannot feasibly be located outside the sub-zone or address a documented public health and safety issue due to failing septic systems and will maximize the protection of sensitive environmental resources.</i></p>
	<p>Policy 6D3 To encourage owners of lands which are eligible for exemptions under the Highlands Act to voluntarily offer their land for acquisition, participate in the TDR program, or engage in contiguous or non-contiguous clustering in cooperation with other exempt landowners, and comply with standards and criteria which protect the land and water resources of the Highlands Region from any adverse impacts.</p> <p>Objective 6G1b <i>Municipal and county master plans and land development regulations which require clustering or lot-averaging of non-agricultural development with a minimum of 80% of the property dedicated to agriculture and natural resources protection in order to avoid adverse impacts on agricultural uses and natural resources.</i></p> <p>Objective 6N1c <i>Flexible site development review programs, including reduction of minimum setbacks, modification of uniform road frontage requirements, increase in maximum permitted height or allowing non-contiguous clustering of development entitlements where necessary to mitigate or eliminate adverse impacts on Highlands natural resources.</i></p> <p>Objective 7G1b <i>Establish municipal clustering programs which allow landowners whose property is entitled to an exemption under the Highlands Act, for both contiguous and non-contiguous properties, to minimize the impact of such exempted development on the ecological integrity of the Highlands Region or the fiscal integrity of the municipality.</i></p>
<p>Program Summary</p>	<p>The use of clustering for new development, and particularly residential development, is a key mechanism for development siting that can reduce the environmental impacts of development and minimize the potential for conflict between the development and neighboring agricultural activities. Clustering is guided by somewhat different policies in the Protection, Conservation and Existing Community Zone, and especially within the Environmentally Constrained Sub-zones of the latter two Zones. Further, while clustering is a useful technique, its application on a project by project basis is not the best approach because an <i>ad hoc</i> approach can result in scattered clusters that do not provide for a sense of community, planned landscapes or efficient use of land. Therefore, municipalities will be encouraged and supported in the development of clustering plans that predetermine the best locations for clustered residential development that minimizes the number of total clusters, optimizes the use of utility and transportation infrastructure, improves the cost-effectiveness of land uses,</p>

	<p>and minimizes the potential for environmental impacts and landscape disruption.</p> <p>Clustering does not have a specific targeted lot size for the resulting lots, because each project will have different environmental, road frontage and utility constraints. Clustering in the Protection and Conservation Zones must achieve a dedicated, deed restricted open space (for agricultural or natural resource preservation purposes) of 80% of the total property. Clustering also does not have a specific mandatory layout. However, to minimize the creation of new roads and the fragmenting of natural ecosystems and resources, most cluster development will not actually result in the aggregation of all development into a corner of a property, which tends to also create internal lots that lack environmental amenities; more common will be “open space subdivision” layouts where existing road frontage (with appropriate buffering) is used where possible, followed by use of single-load internal roads that allow for maximum open space viewing from the homes but also place the homes at a distance from sensitive environmental features or agricultural uses.</p>
<p>Cluster Development General Provisions</p>	<p>Program Description</p> <p>Some aspects of cluster development apply regardless of the LUCM Zone. Municipalities shall include provisions for clustering based on general provisions including, but not limited to, the following:</p> <ul style="list-style-type: none"> • The total area of all building sites in a cluster development shall not exceed 20 percent of the parcel proposed for development. Where feasible based on septic system densities, availability of public utilities and site constraints, the use of more compact clustering to 90 percent or higher open space shall be encouraged for preservation of agriculture or natural resources. In the Existing Community Zone, where clustering to 20 percent of the site is not feasible based on septic system density requirements, clustering shall occur on public wastewater systems or site layout shall use lot size averaging or open space ratios to maximize the protection of open space in lieu of clustering. • Where any parcel of land proposed for clustered development is owned in common with any contiguous parcels of land, the contiguous parcels of land shall be aggregated as if they were a single parcel of land and shall be developed as a cluster development whereby all the parcels of land will be developed as a single cluster development. • All development shall be clustered on the portion of a parcel of land proposed for development which has the lowest relative level of natural resource value and minimizes the creation of impervious surfaces and the fragmentation of natural habitats, environmental resources, and continuing agricultural lands, and avoid the creation of awkward or odd-shaped parcels for the remaining open spaces. • The number of dwelling units in a cluster development shall be limited to the yield of the parcel proposed for development, if developed without use of clustering unless the use of Highlands Development Credits (HDCs) or other transfer of density is involved. • In determining which portion of a parcel of land proposed for development has the lowest level of natural resource value, due consideration shall be given to access to and from the parcel proposed

	<p>for development and the public road network, as well as potential linkages with existing developed land patterns and community facilities.</p> <ul style="list-style-type: none"> • Access roads to the building sites shall avoid lands used for continuing agricultural purposes and high value natural resources to the maximum extent possible • Cluster development using septic systems must meet a nitrate dilution model target of no more than 10 mg/L nitrates for the developed area • Cluster development using community or public wastewater and water supply services must meet the policies stated above regarding proximity to existing areas served. • In determining the relative level of natural resources value for a parcel of land, the presence of Forest Resources Areas, Critical Habitat Areas, Moderately and Severely Constrained Steep Slopes Areas, Prime Ground Water Recharge Areas and Highlands Open Waters and Riparian Areas shall be considered to be high value natural resources. • If the cluster development is located so as to be an extension of an existing village or hamlet, the setbacks or buffers from roads shall conform to the pattern of the existing community rather than the minimums of the districts above; the setbacks or buffers required for the protection of environmental constraints including but not limited to wetlands and Highlands Open Waters shall still apply.
<p>Cluster Development in the Protection Zone</p>	<p>Program Description The use of clustering in the Protection Zone will be constrained by the highly sensitive ecosystems in this Zone, by the low allowable densities for development based on septic systems, and by limited water availability. For this reason, clustering in the Protection Zone must be carefully planned and controlled. Municipalities with lands in the Protection Zone shall include provisions for clustering based on provisions including, but not limited to, the following:</p> <ul style="list-style-type: none"> • The portion of the parcel proposed for development which is not developed as buildings sites shall be preserved in perpetuity as open space for natural resource preservation
<p>Cluster Development in the Conservation Zone</p>	<p>Program Description The use of clustering in the Conservation Zone is strongly encouraged for the protection of agricultural lands and high value natural resources. Due to the potential for conflicts between clustered development and agriculture in this Zone, clustering in the Conservation Zone must be carefully planned. Where feasible, clustering sites should be planned prior to site-specific development proposals, to minimize the total number of clusters (see Municipal Cluster Development Plans, below). Municipalities with lands in the Conservation Zone shall include provisions for clustering based on provisions including, but not limited to, the following:</p> <ul style="list-style-type: none"> • In determining the relative level of natural resources value for a parcel of land, the presence of Prime Soils and lands used for active agriculture shall be considered to be high value resources in addition to those natural resources listed under Cluster Development General Provisions. • The agricultural use shall be required to use best management practices to the farm to reduce nutrient and chemical loading rates.

	<ul style="list-style-type: none"> • The portion of the parcel proposed for development which is not developed as buildings sites shall be preserved in perpetuity for use in Highlands agriculture uses or natural resource preservation, including notice within the deed of easement regarding the applicability of Right to Farm Act provisions • The standards and criteria applicable to cluster development may be adjusted during Plan Conformance, provided that the Highlands Council finds that the adjustments are consistent with the goals, policies and objectives of the RMP and that the adjustments provide comparable protection for the Highlands ecosystem.
<p>Cluster Development in the Existing Community Zone</p>	<p>Program Description Most development in the Existing Community Zone will consist of compact development using public water supply and wastewater utilities. This Zone has fewer environmental features, most of which will be addressed through buffer requirements. However, there may be opportunities for clustering on sites that have a larger than normal incidence of high value natural resource features. Municipalities in the Existing Community Zone shall include provisions for clustering based on provisions including, but not limited to, the following:</p> <ul style="list-style-type: none"> • The portion of the parcel proposed for development which is not developed as buildings sites shall be preserved in perpetuity as open space. • The standards and criteria applicable to cluster development may be adjusted during Plan Conformance, provided that the Highlands Council finds that the adjustments are consistent with the goals, policies and objectives of the RMP and that the adjustments provide comparable protection for the Highlands ecosystem.
<p>Protection of Natural Landscape</p>	<p>Program Description In all Highlands zones, the protection of natural vegetation shall be regulated to require resource protection and minimize the areas of lawn and reduce non-point loadings associated with lawns. The natural areas preserved close to homes are intended to enhance the value of the property as well as protecting the environment.</p>
<p>Setbacks from Road</p>	<p>Program Description All development in cluster developments shall be setback from existing roads to maintain the Highlands character.</p> <ul style="list-style-type: none"> • Protection Zone. A minimum of one hundred feet of undisturbed forest shall be required before lots begin. Where wetlands or other open field landscape exists next to the road the first 50 feet of forest after the open land shall be preserved as forest. • Conservation Zone. The cluster should be located behind a tree row or otherwise screened from the view from the road or seen in the background. Where this is not feasible, a landscaped buffer of 100 feet shall be required. Where practical, this should contain a berm. The buffer shall be landscaped leveling such a manner that it returns to a forested condition. • Environmentally Constrained Sub-zones. In the Conservation or Existing Community Zones of this type the Protection Zone standards

	<p>shall be applied.</p> <ul style="list-style-type: none"> Existing Community Zone. A 100 foot buffer shall be required along all roads, Where existing tree rows or forests exist these shall be retained. Such buffers shall be landscaped and maintained as a natural area with no mowing.
<p>Municipal Cluster Development Plans</p>	<p>Program Description</p> <p>As discussed above, <i>ad hoc</i> clustering, while beneficial for protecting natural and agricultural resources on each development project site, does not necessarily yield a community layout and design that provides for the highest community and environmental values. Therefore, the Highlands Council will provide grants, technical assistance and planning assistance to municipalities for the planning of clustering for their municipality. Projects involving cooperative planning by neighboring municipalities will be encouraged. The purpose of each planning grant will be to:</p> <ul style="list-style-type: none"> Identify the high value natural resources (including agricultural resources in the Conservation Zone) to be protected Identify community infrastructure, including but not limited to transportation, schools, public facilities and parks, that can provide capacity to and benefits for clustered development. Identify preferred locations for clustering that will minimize the disruption of the municipality’s natural and agricultural resources, maximize the creation of compact communities using smart growth principles, maximize the connection between existing community resources and the new development clusters, and maximize cost-effectiveness in the provision of community services and infrastructure Identify State, county and municipal planning and regulatory mechanisms to ensure that clustering within the municipality achieves maximum consistency with the preferred locations for clustering as established by the plan Identify resource needs for implementation of the clustering plan
<p>Developed Area of the Cluster</p>	<p>Program Description</p> <p>The developed area should include all amenities and essential improvements associated with the development. However, there are some exceptions to this that can enhance the value of the development without lowering the value of the cluster in meeting the preservation goals. For example, land treatment systems for waste disposal can provide nutrients to agriculture that can enhance productivity and cut the level of fertilizers that need to be applied. Similarly where stormwater management is feasible using natural site features such as overland runoff, the preserved areas may be used in this manner; engineering stormwater facilities may not be located in preserved areas. Pedestrian trails should also be exempt, provided that they do not disturb nesting habitats for threatened and endangered species. Agricultural use may include traditional agriculture, community supported agriculture businesses, and community garden plots for the home owners, all of which should be considered agricultural open space. The Council shall develop a handbook to promote environmentally sensitive design to refine the notion of developed land to exclude desirable environmental design from the developed area restraints.</p>

Modification of Standards for Cluster Design	Program Description An important reason for clustering is that it provides a means for superior design that can do a better job of protecting the environment. The Highlands Council shall emphasize resource preservation and design quality over the specific standards discussed above in reviewing implementing cluster ordinances submitted by the municipalities. Where those regulations enhance the ability of a developer to meet the goals of the Highlands, the Council shall allow for that enhanced program and approve municipal regulations that better meet the objectives of the RMP. This approach does not apply to the review and approval of individual development proposals. If a developer proposes something that is truly superior in meeting the objectives of the RMP, but is not permitted by the municipal regulations, the remedy should be through modification of the municipal regulations subject to review and approval by the Council under Plan Conformance.
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JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 1, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: RMP Updates and Map Adjustments
Version: November 7, 2007

<p>Issue Overview</p>	<p>The RMP addresses the requirements of the Highlands Act to provide guidance to municipalities and counties for the implementation of the resource protection and smart growth policies during Plan Conformance. The Highlands Council recognizes that the RMP was created at a regional scale and that new, updated or additional information available at the federal, State, county, municipal or public level may become available. The <i>RMP Updates and Map Adjustments Program</i> outlines the processes for making RMP Updates and Map Adjustments to the numerous components of the RMP including the Land Use Capability Map Series (LUCM Series), other RMP maps, and supporting base data layers, and the tracking of these changes.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 6B1. To use the Land Use Capability Map Series (LUCM Series) as a geographic framework for land use planning and management within the Highlands Region. <i>Objective 6B1a.</i> <i>The LUCM Series shall be based on the most current and available data.</i> Policy 6B2. To develop a program for RMP Updates for all substantive components of the RMP based upon the receipt of new, corrected or updated factual information and verification by the Highlands Council, when and where necessary to improve the accuracy of the RMP. Policy 6B3. To develop a program allowing the approval of municipal and county petitions (with accompanying municipal support by resolution) for Map Adjustments to the LUCM Series and other RMP maps, other than the RMP Updates addressed in Policy 6B2. Such Map Adjustments must be supported by a demonstration that they: (1) comply with the intent of the RMP, (2) are based on municipal and county planning that results in a no net increase in land use intensity from the existing LUCM Series and RMP policies, (3) support both smart growth and resource preservation, and (4) provide no net loss of Highlands resources within the municipality or HUC14 such that all Map Adjustment protections are equal to or exceed, on a whole, the protection provided by the existing LUCM Series and RMP policies. In any case where the Map Adjustment involves a proposed adjustment to the Highlands Land Use Capability Zone Map designation from the Protection or Conservation Zone to Existing Community Zone, the demonstration must</p>

	<p>additionally meet at least five (5) of the following standards:</p> <ul style="list-style-type: none"> • creates a meaningful opportunity for the use of Highlands Development Credits; • reduces the net impact on Highlands resources; • eliminates substandard wastewater treatment facilities; • contributes to the elimination of net water availability deficits in HUC14 subwatersheds; • creates meaningful opportunities to provide affordable housing; • creates meaningful employment opportunities for the residents of the Highlands Region in terms of the quantity and quality of jobs; • improves the balance of housing and employment in a manner which reduces the length of home/work trips within the Highlands Region; • promotes the use of alternative modes of transportation, including transit; or • provides uses and facilities which promote eco- and/or agro-tourism.
<p>Program Summary</p>	<p>The RMP includes a process of RMP Updates and Map Adjustments to provide factual updates to the RMP, and for other adjustments to the LUCM Series and other RMP maps at the municipal and county level after the adoption of the RMP. RMP Updates and Map Adjustments involve an iterative process and exchange of information between the Highlands Council and local government units and are intended to result in improvements to the RMP and supporting data base information.</p> <p>The following are examples of RMP Updates:</p> <ul style="list-style-type: none"> ▪ On-going updates made by the Highland Council to RMP spatial base layers (for example, Land Use Land Cover updates, new Landscape Project Data, or newly acquired preserved lands); ▪ Updates made during the Plan Conformance process including factual updates identified at the municipal and county scale; and ▪ Updates made during Highlands Project Review (including but not limited to the designation of Highlands Redevelopment Areas, WQMP amendments, and Capital Projects). <p>In contrast to the RMP Update process which is based on updated factual information, the Map Adjustment process serves as a mechanism to adjust the LUCM Series and other RMP maps based on policy decisions approved by the Highlands Council during Plan Conformance or upon the submission of a Map Adjustment Petition by a Highlands Region municipality or County.</p>
<p><i>RMP Updates – Highlands Council Base Layers</i></p>	<p>Program Description</p> <p>The Highlands Council has developed numerous spatial data layers in support of the RMP. Some were used directly to develop the LUCM Series, while others will be used primarily for Plan Conformance or Project Review. The Highlands Open Water Protection Area data layer is an example of a base data layer that was not used for the development of the LUCM Series, but will be used during Plan Conformance and Project Review. Some of these base data layers are updated regionally or statewide on a periodic basis by State or federal agencies or will be updated by the Highlands Council. Where a base layer is updated on this scale, the Highlands Council will periodically investigate the extent to which RMP Updates are appropriate using the new information.</p> <p>In addition, base data layers will need to be updated on a more local or even site-specific level based upon more detailed information available at that scale. Finally, RMP Updates are anticipated through the Plan Conformance process, Project Review, and Highlands Council initiated updates (see below).</p> <p>RMP Updates may be made by the Council where new information is presented and</p>

	<p>verified that changes the underlying assumption about conditions present in the area that were considered during the development of the RMP. RMP Updates must be based on data from published sources or other documented reliable sources acceptable to the Highlands Council. Changes shall be made based on the mapping and other criteria used to develop the RMP. These general data updates may occur when new information about areas or sites suggests that the RMP does not accurately reflect land conditions. RMP Updates in response to local and site-specific factual information will be made on an on-going basis. Submissions may come from conforming municipalities and counties, as well as non-conforming municipalities, using the <i>Digital Submission Standards</i> discussed below.</p> <p>RMP Updates related to the LUCM Series will be based upon updates to the Highlands Council base layers and indicators. Not all RMP Updates to the base layers will result in a change to the LUCM Series. In order to develop the LUCM Series, the Highlands Council used a modeled approach, called the Land Use Analysis Decision Support (LANDS) model. The LANDS model uses a series of resource indicators and a set of geographic and planning rules, according to which, overlay zones were assigned for the Land Use Capability Zone Map. The Land Use Capability Zone Map will only change if RMP Updates made to the base data layer result in a different overlay zone assignment when analyzed through the LANDS model.</p> <p>For example, a petitioner may petition the Highlands Council for RMP Updates to the wastewater service existing area served (EAS) data layer. Upon verification of the information by the Highlands Council, the RMP update would be made to the Highlands EAS base data layer. A change to the Land Use Capability Zone Map would only be made if the rerun LANDS model output would result in a change in zone assignment for the area in question. However, the corrected EAS data layer will serve to support Plan Conformance and Project Review.</p> <p>As a second example, a large development to be built in an environmentally sensitive area is found to be exempt from the Highlands Act based on prior approvals. In this instance, the new information would reveal that despite the site's sensitive features; the mapped resource features of the site may require an RMP Update due to the exempted approvals and scale of the development. As with the prior example, the change may or may not lead to a change in the Land Use Capability Zone Map, but would be reflected in future reviews.</p>
<p>Map Adjustments – Plan Conformance</p>	<p>Program Description</p> <p>The Highlands Council recognizes that planning is a dynamic process and the LUCM Series represents a snapshot in time and a specific and <u>regional</u> interpretation of how available geographic data should be represented. Therefore, the Council has established protocols for evaluating the LUCM Series and other RMP Maps during and after the Plan Conformance process.</p> <p>All requests for a Map Adjustments to must be submitted by a Highlands Region municipality or county (with accompanying municipal support by resolution) as a Petition for Map Adjustment or as part of a Petition for Plan Conformance. Such Petitions, based on local conditions (other than for general data and informational RMP Updates as discussed above), may be approved by the Highlands Council upon a finding that the proposed Map Adjustment is consistent with the goals, policies and objectives of the RMP. Such Map Adjustments requests must be supported by a demonstration that they meet the requirements described in Policy 6B3. The demonstration for the Map Adjustment must be prepared by a duly licensed</p>

	<p>professional and must be submitted with an authorizing resolution.</p> <p>Map Adjustments made during Plan Conformance or as a result of a Petition for Map Adjustment will help ensure that the RMP considers the most up-to-date information and that the LUCM Series recognizes the current conditions within a conforming municipality. Any Map Adjustments made as a result of the Plan Conformance process or as a result of a Petition for Map Adjustment will be effective immediately for the conforming entity or the area in question.</p>
<p><i>Map Adjustments – Project Reviews</i></p>	<p>Program Description</p> <p>Map Adjustments to the RMP and LUCM Series may also be made based upon Project Reviews. The Highlands Council is legislatively charged with reviewing proposed projects in the Highlands Region for consistency with the goals, requirements and provisions of the RMP. While the Council has the authority to comment on any project that requires federal and/or state agency permit approvals, reviews are specifically triggered by the categories identified in the <i>Project Review Program</i>.</p> <p>Review of projects may result in Map Adjustments based on the provision of more detailed or updated information specific to the site in question. Similar to the Map Adjustments relating to Plan Conformance or Petitions for Map Adjustments, changes will be made to Highlands Council baseline data layers and indicators, which may result in an adjustment to the LUCM Series. Any Map Adjustments made as a result of the project review will be effective immediately for the municipality or area where it has occurred.</p>
<p><i>RMP Updates and Map Adjustments – Requirements for Digital Submission Standards</i></p>	<p>Program Description</p> <p>For all RMP Updates and Map Adjustments, the digital submission standard will assist the Highlands Council and its participating entities in receiving, processing, utilizing, maintaining and disseminating digital data. All digital submissions shall meet the following minimum requirements:</p> <ol style="list-style-type: none"> 1. All digital maps shall be submitted as GIS shape files in New Jersey State Plane Coordinate System (NAD83 horizontal and NAV88 vertical) or the most current State Plane Coordinate System and in an ARCGIS compatible format. 2. All accompanying digital documents including reports, narrative descriptions and tables shall be submitted in Microsoft Word, Excel or compatible format. <p>Any submissions to the Highlands Council that do not satisfy the requirements shall be deemed incomplete and no further action shall be taken. See the <i>Highlands Digital Standards</i> for the complete submission standards.</p>
<p><i>RMP Updates and Map Adjustments– Tracking</i></p>	<p>Program Description</p> <p>All Council approved RMP Updates and Map Adjustments will be documented and publicly available. To provide an accurate picture of the progression that the RMP and LUCM Series takes over time, RMP Updates and Map Adjustments that are made shall be maintained in a database and as GIS spatial data in accordance with Highlands data management and data sharing protocols.</p>



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Land Preservation
Version: November 7, 2007

<p>Issue Overview</p>	<p>Public and private investment in land preservation over the years has protected nearly a third of the Highlands Region as perpetual open space. Maintaining the land in a natural condition is necessary to preserve ecosystem integrity and protect drinking water supplies. The Highlands Act contemplates preservation of additional open space resources in order to protect and enhance ecosystem function, protect drinking water resources, and preserve natural and recreational lands.</p> <p>The Highlands Region contains some of the most important forests in the state. These forests are vitally important to every element of the Highlands Region, including the natural and the built environment. Forests provide essential ecosystem functions, including surface water filtration, which is important to protecting essential drinking water supplies for the Highlands Region and for the state as a whole. Forests serve as habitat for plants and animals and are critically important to the maintenance of biodiversity in one of the most populous states in the nation. When managed for sustainable use, forests can be as source of renewable wood products. Forests are a defining visible and functional feature of the Highlands and constitute a majority of critical habitat in the Region.</p> <p>Agriculture is another important part of the essential character of the Highlands Region’s culture, landscape, and economy. It provides important economic benefits to the Highlands Region in the form of agricultural production and agri-tourism, provides food to area residents using less energy than would be required to import produce from other regions and helps maintain the Highland’s rural character.</p> <p>Programs specifically addressing Agriculture and Forestry as economic landscapes are outlined in the <i>Sustainable Agriculture Program</i> and the <i>Forest Resource Management and Sustainability Program</i>. This program addresses land preservation in the Highlands Region holistically.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 1.1.1.1 To meet the goal for the Preservation Area to preserve the Region’s contiguous forested lands.</p> <p>Policy 1.1.1.2 To limit human development in the Forest Resource Area in</p>

order to protect and enhance forest resources, critical habitat and the quantity and quality of water resources in the Preservation Area.

Objective 1.1.1.2.2 *Implementation of regulations through conformance which limit permissible uses within the Forest Resource Area to maintenance of pre-existing uses and restoration of impaired forest areas, where relief from strict adherence to these standards shall be permitted only upon approval of a forest mitigation plan.*

Objective 1.1.1.2.3 *To prohibit the deforestation of lands within the Forest Resource Area of the Preservation Area for human development except where authorized as an exemption by Section 30 of the Highlands Act.*

Policy 1.1.1.3. To promote the priority use of available funding to acquire forested lands within the Forest Resource Area..

Policy 1.1.1.4. To assign land within the Forest Resource Area, a high priority for fee simple and easement and for the use of Highlands Development Credits.

Policy 1.5.1.1. To identify and maintain an inventory of private and public open space land holdings and conservation easements in the Highlands Region.

Objective 1.5.1.1.1 *Create a coordinated and continually updated open space preservation data base of preserved lands and land stewardship activities by municipal, county, state and federal agencies, non-profit organizations and individuals*

Policy 1.5.1.2. To serve as a regional clearinghouse for information regarding funding sources for land acquisition, restoration and enhancement, and long-term stewardship of open space lands in the Highlands Region.

Policy 1.5.1.3. To provide assistance to land acquisition efforts of public and private organizations in order to maximize land preservation efforts in the Highlands Region.

Objective 1.5.3.2. *Creation of an open space preservation and land stewardship technical assistance program.*

Policy 1.5.1.4. To identify and maintain an inventory of lands within Conservation Priority Areas which should be preserved as open space.

Objective 1.5.1.4.1. *Creation of a current list of lands which are 5 and 10 year priorities for land acquisition in the Highlands Region.*

Policy 1.5.1.5. To promote the establishment of dedicated sources of funding for the preservation of open space lands in the Highlands Region.

Objective 1.5.1.5.1. *Establishment of a dedicated source of state revenue to be used for open space preservation in the Highlands Region, such as coordination with NJDEP Green Acres Program for re-authorization of the Garden State Preservation Trust Fund, including a dedicated fund for the anticipated land acquisition needs of the Highlands Region. Also the imposition of a water user fee.*

Objective 1.5.1.5.2. *Establishment of dedicated sources of state revenue for a reserve fund to capitalize the Highlands Transfer of Development Rights Program.*

Objective 1.5.1.5.3. *Establishment of an on-going program to secure significant federal funding in support of land acquisition and stewardship efforts in the Highlands Region including, but not limited to, additional appropriations under the Federal Highlands Conservation Act.*

Objective 1.5.1.5.4. *Establishment of an on-going program to seek funding for land acquisition and stewardship from unique sources of funding such as federal and state court-imposed fines for environmental damage, gifts, endowments and donations.*

Objective 1.5.1.5.5. *Establishment of a dedicated source of revenue for the preservation and land stewardship of open space through a surcharge on public water supply system rates for any system that directly or indirectly relies on Highlands water resources for more than 5 percent of their annual needs.*

Policy 1.5.1.6. To promote the acquisition and protection of open space resources within the Highlands Region under existing local and state open space

	<p>preservation and land stewardship programs.</p> <p>Objective 1.5.1.6.1. <i>Coordination of Highlands Region priority open space preservation and land stewardship activities with the NJDEP Green Acres Program and the State Agriculture Development Committee with regard to land acquisition and preservation priorities in the Highlands Region.</i></p> <p>Objective 1.5.1.6.2. <i>Coordination with NJDEP regarding the review of applications for Green Acres diversions for consistency with the RMP.</i></p> <p>Policy 1.5.1.7. To promote the creation of a Highlands Water Protection and Planning Trust Fund to secure monies from alternate sources of funding to assist in land acquisition and stewardship.</p> <p>Policy 1.5.1.8. To encourage municipalities and counties to establish and fund local open space acquisition and land stewardship programs or to expand existing open space and land stewardship programs.</p> <p>Policy 1.5.1.9. To support legislation to extend the dual appraisal methodology used by the Garden State Preservation Trust for lands in the Highlands Region beyond the June 30, 2009 expiration date to a minimum of five years beyond adoption of the RMP.</p> <p>Policy 1.5.1.10. To promote and facilitate the formation of an interagency working group comprised of representatives of appropriate federal, state and county agencies for the purpose of coordinating open space acquisition activities, including identification of high priority lands for preservation, land stewardship initiatives, and funding needs.</p> <p>Policy 1.5.3.1. To promote the creation of a Forest Preservation Easement Program for the Highlands Region which would be eligible for use by the State Agricultural Development Committee and participation in the Green Acres Program.</p> <p>Objective 1.5.3.1.1 <i>Achieve maximum preservation of working forests through the Forest Preservation Easement Program.</i></p> <p>Policy 3.1.5. To promote farmland preservation within the Agricultural Resource Areas and accord priority to the preservation of agricultural lands within Agricultural Priority Areas, through less than fee acquisition, TDR, and other agricultural land conservation techniques.</p> <p>Policy 3.1.6. To ensure land uses within an Agricultural Resource Area are compatible with and support sustainable agriculture or are compatible with cluster development.</p> <p>Objective 3.1.6.1. <i>Implementation of regulations which limit non-agricultural uses within an Agricultural Resource Area to those uses that support the preservation of farmland, the continued viability of the agricultural industry, or are compatible with cluster development.</i></p>
<p>Program Summary</p>	<p>One of the fundamental aspects of the Highlands Act is the emphasis on land preservation to ensure that public funds and other resources are focused on protection of critical Highlands resources. In order to accomplish this purpose, the case for land preservation and critical issues surrounding preservation must be addressed by the Highlands Council. The Council must create the criteria for the identification of critical lands, the priorities for land preservation, implementation strategies for land preservation and stewardship, and a process to ensure that sufficient financial and institutional resources are available for land preservation and stewardship.</p> <p>Successful land preservation requires four basic ingredients—targeting of land acquisition priorities based on a sound rationale, buyers with funding or other incentives, sellers willing to accept a buyer’s offer, and stewardship of the acquired open space. (Management of working farms and forests are addressed</p>

	<p>in the <i>Sustainable Agriculture Program</i> and <i>Forest Resource Management and Sustainability Program</i>.) Additionally, a federal, State, and county interagency working group will aid in coordinating land acquisition activities, identification of high priority lands, stewardship initiatives, and funding needs.</p>
<p><i>Identification of Critical Lands</i></p>	<p>Program Description An important factor in protecting environmentally critical areas is identifying existing preserved lands in the Highlands Region and the resources that are already protected. A total of 274,675 acres of the Highlands Region are primarily preserved open space or preserved farmland in a combination of federal, State, county municipal, nonprofit and private ownership. These lands represent a diverse catalog of the public and private land and water areas available for recreation or presently protected as open space. Developing a comprehensive open space dataset throughout the Highlands Region is a highly complex undertaking. There are over a dozen agencies and organizations which contribute to open space identification and each has its own structure for recording open space data to meet its business model. Time, accuracy, precision and completeness differences all play a role in making the assemblage a difficult and imprecise product. The Highland Council has acquired available data and will work with all agencies and organizations who contribute to open space recordkeeping to develop a data standard which meets each agencies' or organizations' individual needs while at the same time improving open space inventories at a regional scale.</p>
<p><i>Establishment of Land Preservation Priorities and Special Areas</i></p>	<p>Program Description In order to protect the important critical resources of the Highlands Region, preservation of the lands in which these resources are located must be encouraged and funded. However, since funds are not limitless, the resource values of lands must be known to rank them in terms of their importance and long-term viability. In order to determine high priority areas in the Highlands Region for preservation, the Council will use the results of the Resource Assessment to identify and prioritize those lands within the Highlands Region which have the highest water and ecological resource values. These values are based on a combination of indicators using methodologies discussed elsewhere in the RMP which measure the quantity and quality of regional resources such as: watershed conditions, open waters, riparian areas, prime ground water recharge areas, forests, critical habitat, and steep slopes. Moreover, existing protected lands, showing the historic pattern of land preservation activities in the Region, will be identified and integrated with the ecological resource value to identify priority areas for conservation. This prioritization process will enable the Council to identify Special Areas in the Preservation and Planning Areas.</p>
<p><i>Implementation of Strategies for Land Preservation by Maximizing Current Land Preservation Funding Programs</i></p>	<p>Program Description One of the fundamental aspects of the Highlands Act is the emphasis on land preservation to ensure that public funds and other resources are focused on protection of critical Highlands resources. The <i>Land Preservation and Stewardship Technical Report</i> identifies 10 federal, State, county, municipal, and nonprofit land preservation funding programs. The Highlands Council will collaborate and coordinate with agencies (in particular the NJDEP Green Acres Program, the NJ Department of Agriculture, and State Agriculture Development Committee), local governments, and local organizations to target and preserve natural and agricultural spaces in support of the RMP.</p>

<p><i>Implementation of Strategies for Land Stewardship by Maximizing Current Land Stewardship Funding Programs</i></p>	<p>Program Description The <i>Land Preservation and Stewardship Technical Report</i> also identifies 23 federal, State, county, municipal, and nonprofit conservation and stewardship funding programs. The Highlands Council will collaborate and coordinate with agencies (in particular the NJDEP Green Acres Program, the NJ Department of Agriculture, and State Agriculture Development Committee), governments, and local organizations to properly manage the preserved natural and agricultural spaces in support of the RMP. This effort is necessary to ensure that the natural resources targeted for acquisition are not later lost through insufficient stewardship.</p>
<p><i>Establishment of Alternative/New Land Preservation Programs</i></p>	<p>Program Description The Green Acres Program secures lands for recreation and conservation purposes while the State Agriculture Development Committee's (SADC) Farmland Preservation Program acquires the development rights on privately owned farmland. Consequently, the existing programs do not capture certain important resources in the Highlands Region and steps need to be taken to fill these gaps. For example, the SADC preserves farmland through the purchase of development easements. One criterion for prioritizing farmland is the percentage of land in crop production. As a result, a farm that is heavily forested may not be considered a priority for preservation by the SADC. Additionally, lots that are entirely forested with woodland management plans and are farmland assessed are not considered farms for purposes of SADC preservation. The Green Acres Program is primarily based upon the purchasing of property in fee rather than be easement. The Highlands Council will collaborate with NJDEP and SADC to develop an adequate method to preserve forested lands through easements to allow them to remain in private ownership and properly maintained through woodland management, in addition to the Transfer of Development Rights mechanism established through the Highlands Act. Given the fact that the Highlands Region is over 50% forested and maintaining forest land is important to protecting water quality, a program specifically for purchasing forest land easements should be available.</p>
<p><i>Establishment of Alternative/New Stewardship Programs</i></p>	<p>Program Description For long-term sustainability of the natural and agriculture resources in the Highlands Region, there must be proactive management of deer populations and non-native species, reduction in the rate of forest fragmentation and the creation of incentives for landowners to retain property in its natural or agricultural state. The Highlands Council will collaborate with the NJDEP and the NJDA to develop these management techniques and incentives. Additionally, intrinsic values for forests and agriculture (including water quality and water supply protection) should be established to enhance the justification for preservation of such lands.</p>
<p><i>Development of Open Space/Conservation Design Standards</i></p>	<p>Program Description Not all lands that are considered critical can be preserved because of limited funds and other factors. As a result techniques and systems that enable limited growth and the preservation of open lands are needed. The Highlands Council will develop Open Space/Conservation Design development layout standards that support the RMP and which take advantage of, but are not limited to, techniques such as clustering and lot-size averaging.</p>
<p><i>Identification of Willing Sellers</i></p>	<p>Program Description The Garden State Preservation Trust legislation requires that direct acquisitions by Green Acres and the State Agricultural Development Committee be from willing sellers. The Highlands Council will develop an outreach and education</p>

	<p>program for Highlands landowners to help them take advantage of funding opportunities and incentives available for land preservation.</p>
<p><i>Establishment of a Land Preservation and Stewardship Technical Assistance Program</i></p>	<p>Program Description The Highlands Council will establish a technical assistance program for land preservation and stewardship. For example, 28 Highlands municipalities do not have open space trust funds and the municipalities and counties that do may not be maximizing their potential; the Council can provide assistance in creating or amending their open space trust funds. Additionally, land acquisition by fee purchase or by easement is a major tool to protect natural resources and agricultural lands. Guaranteeing that these resources remain intact and viable is an overarching responsibility of the preserved landowner and easement holder. The Highlands Council will establish a program to aid in the development of federal, State, municipal, nonprofit, and individual stewardship plans which will include, but not be limited to, baseline documentation, monitoring, landowner/user relations, and enforcement.</p>
<p><i>Establishment of Dedicated Sources of Funding for Land Preservation and Stewardship in the Highlands Region</i></p>	<p>Program Description The Highlands Council supports a dedicated, directed, and stable source of acquisition and stewardship funding. Additionally, the Council supports the reauthorization of the Garden State Preservation Trust Fund and efforts to create a statutory funding mechanism for water quality and watershed land acquisitions.</p> <p>In recognition of this support, the Highlands Council will explore, in addition to existing funding sources, securing other stable, dedicated sources of funding such as:</p> <ul style="list-style-type: none"> • a reserve fund to capitalize the Highlands TDR Program; • a Highlands water user fee; and • a surcharge on public water supply systems rates that use Highlands water.



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Agricultural Management & Sustainability
Version: November 7, 2007

<p>Issue Overview</p>	<p>Agriculture, if it is to remain viable in the New Jersey Highlands, requires a land base. The Highlands Region contains over 859,000 acres of which over 118,000 acres were agricultural land in 2002. These agricultural acres serve not only as important agricultural resources, but are essential to the residents of New Jersey for local availability of agricultural products, for the economic benefits of agricultural production, and for the rural landscape associated with agricultural areas.</p> <p>In order to protect these important farmland resources, preservation of farms throughout the Highlands Region must be encouraged and funded. Additionally, programs are needed that focus more on the practices farmers can use to achieve sustainable profitability, sustainable use of natural and management resources, and sustainable coexistence with non-farmers in a densely populated state.</p> <p>The preservation of farmland and the promotion of agriculture in the Highlands Region are two essential objectives of the Highlands Act. The New Jersey Legislature declared that the agricultural lands in active production in the Highlands Region are important resources of the State that should be preserved, and that the agricultural industry in the Highlands Region is a vital component of the economy, welfare and cultural landscape of the Garden State. The Legislature also declared that the maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible wherever appropriate in the Highlands.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 3.1.5. To promote farmland preservation within the Agricultural Resource Areas and accord priority to the preservation of agricultural lands within Agricultural Priority Areas, through less than fee acquisition, TDR, and other agricultural land conservation techniques.</p> <p>Policy 3.1.6. To ensure land uses within an Agricultural Resource Area minimize conflict with or support sustainable agriculture, or are compatible with cluster development that preserves agricultural lands, and support the resource protection requirements of the RMP.</p> <p>Objective 3.1.6.1. <i>Implementation of regulations which limit non-agricultural uses within an Agricultural Resource Area to those uses that support the preservation of farmland, the</i></p>

continued viability of the agricultural industry, are compatible with cluster development that preserves agricultural lands, and the resource protection requirements of the RMP.

Policy 3.1.7. To permit human development, including family and farm worker housing in Agricultural Resource Areas which are accessory to and/or supportive of sustainable agriculture, subject to compliance with the resource management programs of the Highlands Regional Master Plan.

Policy 3.1.10. To establish and implement resource management programs which protect agricultural resources during site plan or subdivision review and approval.

Objective 3.1.10.1. *Implementation of regulations which ensure non-agricultural land development within an Agricultural Resource Area protects and enhances agricultural production, protects important farmland soils, or other natural resource management and protection requirements.*

Objective 3.1.10.2. *Implementation of regulations which provide that all non-agricultural development which is proposed in an Agricultural Resource Area comply with open space design requirements to avoid conflicts between such development and agricultural activities and protect farmland and sensitive environmental resources.*

Objective 3.1.10.3. *Implementation of regulations which require mandatory clustering for residential development in a Agricultural Resource Area such that at least 80% of the parcel proposed for residential development is preserved as farmland or natural resource area.*

Objective 3.1.10.4. *Implementation of regulations which require that all land preserved as farmland or natural resource area as a result of clustering be subject to a conservation easement enforceable by the appropriate municipality and the Highlands Council.*

Policy 3.1.13. To advocate for the amendment of the Farmland Assessment Act to permit the inclusion of credits for the control of invasive species, white-tailed deer reduction programs, and the water value of a well-managed agricultural lands.

Policy 3.2.1. To encourage private and public owners of lands within an Agricultural Resource Area in the Conservation Zones to lease open lands to farmers and/or to manage open space lands in a manner which is compatible with adjoining agricultural uses.

Policy 3.2.2. To promote research and study, and support proposals to enhance the long-term viability of the agriculture industry in the Highlands Region through innovative programs with regard to health care, banking practices, housing, and labor.

Policy 3.2.3. To seek additional funding from any and all state and federal funding programs for agriculture within the Highlands Region.

Policy 3.2.4. To coordinate with other municipal, County, state, and federal agencies to ensure to the maximum extent practicable that other agency programs are coordinated with the resource protection requirements of the Highlands Regional Master Plan.

Policy 3.2.5 To promote and enhance innovative agricultural practices including direct marketing, farmers markets, road side stands, agro-tourism and community supported agriculture.

Policy 3.3.1. To prohibit the development of additional water and wastewater infrastructure in a Agricultural Resource Area within the Protection Zone and the Preservation Area, except where such additional infrastructure is necessary to address an existing public health concern, a redevelopment waiver, or to provide for minimum practical use in the absence of any alternative through issuance of a waiver by NJDEP.

Policy 3.3.2. To prohibit the development of additional water and wastewater infrastructure in a Agricultural Resource Area in a Conservation Zone, except

	<p>where such additional infrastructure is necessary to address the needs of an existing public health concern, mandatory clustering, or open space design development as approved by the Highlands Council.</p> <p>Policy 3.4.1. To promote the use of appropriate alternative and innovative wastewater treatment systems to provide enhanced protection of surface and ground water quality in the Conservation Zone.</p> <p>Policy 3.4.2. To promote efforts to increase Integrated Pest Management and Integrated Crop Management programs and other innovative management techniques that reduce pesticide and fertilizer use in conjunction with agricultural activities.</p> <p>Policy 3.4.3. To identify subwatersheds with elevated nitrate levels, develop management plans for enhancing water quality, and implementing those plans in ways that enhance agricultural viability wherever feasible.</p> <p>Policy 3.4.5 - To work with the State Agriculture Development Committee and the Garden State Preservation Trust to establish incentives for any landowner in the Highlands Region seeking to preserve land under the farmland preservation program that would be provided in exchange for the landowner agreeing to permanently restrict the amount of impervious surface and agricultural impervious cover on the farm to a maximum of five percent of the total land area of the farm.</p>
<p>Program Summary</p>	<p>This program inventories existing agricultural lands; establishes the resource value of agricultural lands; utilizes the ranking criteria in support of farmland preservation programs; maximizes the existing federal, State, and county farmland preservation and agricultural sustainability programs; and develops stewardship and sustainability programs that are essential to the residents of New Jersey for local availability of agricultural products, for the economic benefits of agricultural production, and for the rural landscape associated with agricultural areas.</p>
<p><i>Identification of Agricultural Lands</i></p>	<p>Program Description</p> <p>Agriculture is a vital component of the culture and the landscape of the Highlands Region. It provides economic benefits through agricultural production and maintaining the rural character of Highland’s communities. The loss of farmland over recent decades emphasizes the crucial need to promote and encourage a positive agricultural business climate. In order to accomplish this goal, agriculture lands the Highlands Council, collaborating with the NJ Department of Agriculture (NJDA), Highlands County Agriculture Development Boards (CADBs) and the State Agriculture Development Council (SADC) must first identify and inventory the scope of the agriculture industry in the Highlands Region, through use of NJDEP land use/land cover data, aerial photography, data on lands eligible for farmland assessment, agricultural surveys and other data sources.</p>
<p><i>Establishment of Agriculture Preservation Priorities</i></p>	<p>Program Description</p> <p>The viability of Highlands Region farming depends upon a healthy agricultural environment and land base that encourages long-term, commercially significant agriculture. To continue to achieve the objective of protecting farmland in the Highlands Region, the Council will identify productive agricultural lands through an assessment of their agricultural and natural resource and other values in order to prioritize those values for preservation. The purpose for designating resource values in agricultural areas is to preserve, stabilize, and enhance the primary agricultural land base that is being used for, or offers the greatest potential for continued, commercially significant agricultural production. High priority areas for agricultural preservation will be established in consultation with the SADC.</p>

<p><i>Implementation of Strategies for Agriculture Preservation by Maximizing Current Agriculture Preservation Funding Programs</i></p>	<p>Program Description One of the fundamental aspects of the Highlands Act is the emphasis on farmland preservation to ensure that public funds and other resources are focused on protection of critical Highlands resources. The <i>Sustainable Agriculture Technical Report</i> identifies nine federal, State, county, municipal, and nonprofit farmland preservation funding programs. The Highlands Council will collaborate and coordinate with agencies (in particular the NJDA and SADC), local governments, and local organizations to target and preserve natural and agricultural spaces in support of the RMP.</p>
<p><i>Implementation of Strategies for Agriculture Stewardship by Maximizing Current Agriculture Stewardship Funding Programs</i></p>	<p>Program Description The <i>Sustainable Agriculture Technical Report</i> also identifies 16 federal, State, county, municipal, and nonprofit conservation and stewardship funding programs. The Highlands Council will collaborate and coordinate with agencies (in particular the NJDA, SADC, Natural Resources Conservation Service (NRCS), and North Jersey Resource Conservation and Development Council (NJRC&D)), governments, and local organizations to properly manage the preserved natural and agricultural spaces in support of the RMP. This effort is necessary to ensure that the natural resources targeted for acquisition are not later lost through insufficient stewardship.</p>
<p><i>Establishment of Alternative/New Agriculture Preservation Programs</i></p>	<p>Program Description SADC in association with CADBs preserves farmland through the purchase of development easements. One criterion for prioritizing farmland is the percentage of land in crop production. As a result, a farm that is heavily forested may not be considered a priority for preservation by the SADC. Additionally, lots that are entirely forested with woodland management plans and are farmland assessed are not considered farms for purposes of SADC preservation. However, such lands are productive woodlands and also critical to protection of Highlands natural resources. The Highlands Council will collaborate with NJDEP and SADC to develop an adequate method to preserve forested lands through easements to allow them to remain in private ownership and properly maintained through woodland management, in addition to the TDR mechanism established through the Highlands Act.</p>
<p><i>Establishment of Alternative/New Agriculture Stewardship/Sustainability Programs</i></p>	<p>Program Description For long-term sustainability of the natural and agriculture resources in the Highlands Region, stewardship and sustainability programs should include, but not be limited to:</p> <ul style="list-style-type: none"> • Proactive reduction of deer populations and non-native species, reduction in the rate of forest fragmentation and the creation of incentives for landowners to retain property in its natural or agricultural state • Innovative management techniques that reduce pesticide and fertilizer such as integrated pest and crop management • Innovative agricultural practices including direct marketing, agri-tourism, and community supported agriculture <p>The Highlands Council will collaborate with the NJDEP, NRCS, Rutgers Cooperative Extension, Soil Conservation Districts, CADB and the NJDA to develop these management techniques and incentives. Additionally, intrinsic values for forests and agriculture including water quality protection must be established.</p>
<p>Establish Incentives for</p>	<p>Program Description Because the preservation of contiguous acres of farming soils is vital to the</p>

<p>Voluntary Impervious Cover Limitations on Agricultural Lands</p>	<p>viability of agriculture in the Highlands Region, incentives need to be in place in order to maximize the utilization of those soils. In many cases, the creation of extensive impervious land cover on Highlands farms will result in significant environmental impacts, similar to the increase of impervious land cover from residential, commercial and transportation development. Impervious cover that involves soil compaction and concrete pads can also permanently damage soil productivity potential. Finally, intensive impervious cover can harm the rural nature of agricultural areas. As a result, impervious cover limits on farmland through incentives, voluntary programs and easements that supplement SADC easement purchases need to be made available. The Council will seek to limit the potential for added impervious cover on farmland through such initiatives, including but not limited to the use of federal Farm Bill programs. These voluntary efforts are distinct and separate from Highlands Act requirements for NJDA review of increased impervious cover for farms in the Preservation Area and the requirement for farm conservation or resource system management plans for such development activities.</p>
<p><i>Development of Open Space/ Conservation Design Standards</i></p>	<p>Program Description Not all agricultural lands that are considered critical can be preserved because of limited funds and other factors. As a result techniques and systems that enable limited growth and the preservation of farmlands are needed. The Highlands Council will develop Open Space/ Conservation Design development layout standards that support the RMP and which take advantage of, but are not limited to, techniques such as residential clustering and lot-size averaging and the establishment and implementation of resource management programs which protect agricultural resources during site plan or subdivision review and approval. In the case of clustering, which requires retention of the undeveloped land by a homeowners association or a municipality, the standards will emphasize layouts that maximize the potential for continued farming under leases.</p>
<p><i>Cluster Development</i></p>	<p>Program Description Preservation cluster development with a minimum of 80 percent open space will provide for a development that allows agriculture to continue. The clusters should use public sewer systems where feasible and appropriate to maximize the amount of open space and eliminate the impact of septic tank systems. (see <i>Cluster Program</i>)</p>
<p><i>Additional Land Use Opportunities</i></p>	<p>Program Description Additional business opportunities should be provided to the owner/operators of farm to increase the economic potential of the farm unit. Alternates to a home occupation business types; home business and cottage industry, should be permitted on farms above a minimum land area threshold should be permitted as a matter of right. The ability of a farm family to have a bed and breakfast, agricultural product processing facility, artisan or craft business with several employees other than family members enhances the ability of the farm to continue as an agricultural operation.</p>
<p><i>Identification of Willing Sellers</i></p>	<p>Program Description The Garden State Preservation Trust legislation requires that direct acquisitions by Green Acres and the SADC be from willing sellers. The Highlands Council will develop an outreach and education program for Highlands landowners to help them be aware of and take advantage of funding opportunities and incentives available for land preservation.</p>

<p><i>Establishment of a Farmland Preservation and Stewardship Technical Assistance program</i></p>	<p>Program Description The Highlands Council, in cooperation with other entities, will implement a technical assistance program for farmland preservation and stewardship. For example, 28 Highlands municipalities do not have open space trust funds and the municipalities and counties that do may not be maximizing their potential; the Council can provide assistance in creating or amending their open space trust funds. Additionally, land acquisition by fee purchase or by easement is a major tool to protect natural resources and agricultural lands. Guaranteeing that these resources remain intact and viable is an overarching responsibility of the preserved landowner and easement holder. The Highlands Council will implement a program to aid in the development of federal, State, municipal, nonprofit, and individual stewardship plans which will include, but not be limited to, baseline documentation, monitoring, landowner/user relations, and enforcement.</p>
<p><i>Identification of Subwatersheds with Elevated Nitrate Levels & Development of Management Plans</i></p>	<p>Program Description The Highlands Council will identify subwatersheds with elevated nitrate levels, develop management plans for restoring water quality, and implement those plans in ways that enhance agricultural viability wherever feasible through focused application of stewardship and sustainability programs, such as those described above. (See <i>Water Quality Restoration Program</i> for more details.)</p>



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Forest Resource Management and Sustainability
Version: November 7, 2007

<p>Issue Overview</p>	<p>The Highlands Region contains some of the most important forests in New Jersey. These forests are vitally important to every element of the Highlands Region, including the natural and the built environment. Forests provide essential ecosystem functions, including surface water filtration, which is important to protecting essential drinking water supplies for the Highlands Region and for the state as a whole. Forests serve as habitat for plants and animals and are critically important to the maintenance of biodiversity in one of the most populous states in the nation. In addition, when managed for sustainable use, forests can be as source of renewable wood products as well as alternative forest products. Forests are a defining visible and functional feature of the Highlands and constitute a majority of critical habitat in the Region.</p> <p>Current forest management practices, incentives and regulations are evaluated that will support the continuation and enhancement of science based management of the forest resource for long term societal benefits for future generations. Despite being the most densely populated state in the nation, forests cover 45% of New Jersey’s land mass and 54% of the total of land area (approximately 464,200 acres) of the Highlands Region.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 1.1.1.2 To limit human development in the Forest Resource Area in order to protect and enhance forest resources, critical habitat and the quantity and quality of water resources in the Preservation Area.</p> <p>Objective 1.1.1.2.3 <i>To prohibit the deforestation of lands within the Forest Resource Area of the Preservation Area for human development except where authorized as an exemption by Section 30 of the Highlands Act.</i></p> <p>Objective 1.1.2.1.3. <i>Implementation of programs which encourage the inclusion of appropriate wildlife and invasive species management techniques in Forest Management Plans adopted by any federal, State, county or municipal government entity.</i></p> <p>Policy 1.1.2.3. To limit deforestation in the Forest Resource Area and forested lands within High Integrity Forest Subwatersheds within the Existing Community Zone to maximum extent practicable.</p> <p>Policy 1.1.2.5. To ensure that forest resources are protected on a site specific basis during site plan or subdivision review.</p>

	<p>Policy 1.1.2.6. To establish standards and criteria for sustainable forestry activities in order to conserve and enhance the Forest Resource Areas and forested lands within High Integrity Forest Subwatershed within the Highlands Region.</p> <p>Policy 1.1.3.1. To require that conforming municipalities and counties address the protection of forested portions of Forest Resource Areas and High Integrity Forest Subwatersheds in their master plans and development regulations.</p> <p>Objective 1.1.3.1.1 <i>Maintain forest cover to the extent possible in the Highlands Region in natural as well as built environment.</i></p> <p>Policy 1.1.3.2. To develop technical guidelines and procedures to assist municipalities and counties in the development of forest mitigation and community forestry plans for inclusion in municipal and county master plans and development regulations.</p> <p>Objective 1.1.3.2.1. <i>Technical guidelines and procedures for development and implementation of low impact development best management practices to protect, enhance, and restore forest resources.</i></p> <p>Objective 1.1.3.2.3. <i>A model municipal tree ordinance for municipalities that allows active forest management with approved Forest Management Plans.</i></p>
<p>Program Summary</p>	<p>This program seeks to balance the need to protect the forest resource, biodiversity and water resources with the economic use and continued sustainable management of forests while promoting active stewardship to provide/optimize the multiple benefits and services forests provide including clean air, clean water, soil protection, recreation, wildlife habitat and forest products. The foundation has been set for continued scientific management and long term sustainability of the forest resource in the Highlands Area.</p> <p>A forest is far more than trees. It is a complex ecosystem – ever changing and defined by the interactions of living organisms and the surrounding environment. A native, healthy and diverse forest cover is the preferred land use to protect water quality and quantity. The multiple benefits and values provided by these forests are realized by society as a whole while the individual landowners are responsible for the care and stewardship of this resource.</p>
<p>Forest Sustainability</p>	<p>Program Description</p> <p>For long term sustainability of the forest resource in the Highlands there must be proactive management of deer populations, non-native invasive species and reductions in the rate of forest fragmentation.</p> <ol style="list-style-type: none"> 1. Criteria and indicators are needed to measure the sustainability of the forest resource. Data need to be collected to assess long term sustainability. 2. Incentives must be developed for invasive species control and management of White tailed deer populations. 3. Low impact development principles must be adopted to prevent further fragmentation of forest habitats. 4. Valuation methods are needed for carbon sequestration, invasive species control, and management activities tied to forest health improvement and the intrinsic societal values of forests including water quality protection.
<p>Develop a Model Municipal Tree Ordinance</p>	<p>Program Description</p> <p>A model tree protection ordinance that provides protection of the water resource, maintain forest cover and regulate forest loss associated with land use change, while exempting forest management activities conducted in conformance with New Jersey’s Best Management Practices, will be developed by the Highlands Council. This ordinance will provide consistency in municipal regulation across the Region. The following standards should apply:</p> <ol style="list-style-type: none"> 1. Municipalities should adopt an ordinance which meets the intent of the

	<p>Highlands RMP as far as exempting forest management activities conducted under a forest management plan approved by the State Forester.</p> <ol style="list-style-type: none"> 2. Ordinances should be consistent, to the extent possible, to provide equal protection of the resource throughout the Region. 3. Ordinances should include methods to protect trees and forest cover during construction.
<p><i>Develop Community Forestry Plans for Highlands Municipalities</i></p>	<p>Program Description Community Forestry Plans are used to maintain and improve forest cover in developed areas. Increased urban forest cover will improve storm water retention, water quality, air quality, community character and quality of life for residents of Highlands communities. They will be encouraged municipalities during Plan Conformance. Grants are currently available from the New Jersey Forest Service to fund a portion of these Plans.</p> <p>Many Highlands municipalities are operating under tree deficits where they are removing more trees than are planted. In many communities the Community Forest resource is nearing the end of its life expectancy and replacement trees have not been planted in advance in anticipation of mass loss of the resource.</p> <p>Community Forestry Plans are adopted as components of Municipal Master Plans and address portions of these plans.</p>
<p><i>Develop Forest Conservation and Mitigation Plans</i></p>	<p>Program Description Forest Conservation and Mitigation Plan criteria would be developed by the Highlands Council and distributed to all municipalities for use in the site plan review process.</p> <ol style="list-style-type: none"> 1. Forest Conservation Plans would be completed to protect existing trees on development and redevelopment sites to maintain the maximum forest cover long term. 2. Forest Mitigation Plans would be developed for all areas from which forests are cleared resulting in an alteration in land use (deforestation). Mitigation banks (planting focus areas) can be designated by municipalities and monitored by the Council. If a developer clears one acre of forest they can replant an acre in the proximate area or contribute financially to a municipal or regional mitigation bank from which municipalities can apply to implement planting projects designated in Community Forestry Plans.
<p><i>Develop Forest Stewardship Plans for Preserved Lands</i></p>	<p>Program Description Forest Stewardship Plans should be developed for all preserved lands within the Highlands. This includes non-profit, municipal, county and State owned lands. Stewardship of the lands will provide and optimize the multiple benefits and services forests provide including clean air, clean water, soil protection, recreation, wildlife habitat and forest products.</p> <p>There is currently a funding mechanism for Forest Stewardship Plans for non-profits but funding will run out at the end of 2007. A funding source for implementation should be developed including grants.</p> <p>Active management on preserved lands could reinvigorate the local forest product markets and create a critical mass for forest products industries to repopulate the region.</p>

<i>“Green” or Third Party Certification for Highlands Forest Products</i>	Program Description The Highlands Council will pursue as a long term goal the use of certification programs for Highlands forest products. Such programs would require that baseline data are collected, criteria and indicators established and Forest Stewardship Plans are completed on preserved land before products can be certified.
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JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

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RMP Program: Critical Habitat Conservation and Management
Version: November 7, 2007

<p>Issue Overview</p>	<p>Biodiversity is the variety of plant species, animal species, and all other organisms found in a particular environment and is a critical indicator of ecological viability. The protection of habitats that are critical to maintaining biodiversity contributes to the protection of rare, threatened, or endangered plant and animal species of the Highlands Region.</p> <p>It is important that Highlands Region critical habitat be protected and, where disturbed, be restored in both quality and function. The Highland Act provides for the protection of the Region’s critical habitat for fauna and flora. To meet this goal of the Act, several RMP policies and objectives address the requirement for protecting this resource element of the Highlands Region ecosystem.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 1.4.1.1. To protect and promote the biodiversity of Vernal Pools through assignment of a terrestrial habitat protection buffer of 1,000 feet around Vernal Pools to address the habitat requirements of vernal pool-breeding wildlife.</p> <p>Objective 1.4.1.1.1. <i>A Vernal Pools buffer may be modified if existing land uses present a human, natural, or development barrier to vernal pool-breeding wildlife.</i></p> <p>Objective 1.4.1.1.2. <i>A Vernal Pools buffer may be modified if vernal pool-breeding wildlife identified at a site do not require a 1,000-foot habitat buffer.</i></p> <p>Objective 1.4.1.1.3. <i>Prohibit Map Adjustments to Vernal Pool protection buffers other than in Objective 1.4.1.1.1 or 1.4.1.1.2, except as necessary to protect public health and safety, or to provide for minimum practical use with required mitigation, (including a habitat protection buffer in addition to mitigation), in the absence of any alternative through issuance of a waiver by NJDEP or the Highlands Council.</i></p> <p>Policy 1.4.1.5. To establish a program for habitat conservation and management including minimum standards and criteria for the protection, enhancement, and restoration of lands within Critical Wildlife Habitats, Significant Natural Areas, and within 1,000 feet of Vernal Pools.</p> <p>Objective 1.4.1.5.1. <i>Implementation of performance standards requiring all development to employ low impact development best management practices and avoid disturbance of a critical habitat feature whenever possible and to promote avoidance and minimize when disturbance is unavoidable.</i></p> <p>Objective 1.4.1.5.2. <i>Implementation of performance standards which require the mitigation of disturbed critical habitat.</i></p>

	<p>Objective 1.4.1.5.3. Implementation of performance standards for the enhancement or restoration of historically disturbed critical habitat.</p> <p>Objective 1.4.1.5.4. Establishment of a Highlands Council-approved Habitat Conservation and Management Plan.</p> <p>Policy 1.4.1.6 To require that applications any Project Review for lands within Critical Wildlife Habitats, Significant Natural Areas, or within 1,000 feet of Vernal Pools be subject to minimum standards and criteria outlined in the habitat conservation and management program.</p> <p>Objective 1.4.1.6.1. Prohibit alteration or disturbance of Critical Wildlife Habitat, Significant Natural Areas, and within 1,000 feet of Vernal Pools, except as necessary to protect public health and safety, or to provide for minimum practical use of in the absence of any alternative.</p> <p>Objective 1.4.1.6.2. Require that any disturbance to a critical habitat feature include mitigation for all adverse modification and provide for no net loss of habitat value.</p> <p>Objective 1.4.1.6.3. Require conformance with a Council-approved Habitat Conservation and Management Plan.</p> <p>Objective 1.4.1.6.4. Allow a decrease in vernal pool protection buffers, to the minimum decrease feasible, if an applicant can demonstrate, to the satisfaction of the Highlands Council and NJDEP's Endangered and Nongame Species Program, that:</p> <ul style="list-style-type: none"> • In an undisturbed wetland, the existing vernal pool-breeding wildlife require a smaller protective buffer; • Existing land uses present a human, natural or development barrier to the migration or viability of vernal pool-breeding wildlife; or • There is a need to protect public health and safety, or to provide for minimum practical use with required mitigation, (including a habitat protection buffer in addition to mitigation), in the absence of any alternative through issuance of a waiver by NJDEP or the Highlands Council.
<p>Program Summary</p>	<p>The RMP focuses on several areas of action to address the need to protect critical habitat. The <i>Critical Habitat Conservation and Management Program</i> will promote consistent standards for the protection, restoration and acquisition of the three categories of critical habitat in the Highlands Region: 1) Critical Wildlife Habitat (habitat for rare, threatened or endangered species); 2) Significant Natural Areas (regionally significant ecological communities); and 3) Vernal Pools (confined, ephemeral wet depressions that support distinctive [and often endangered] species that are specially adapted to periodic extremes in water pool levels).</p>
<p>Development of Municipal Conservation and Management Overlay District Ordinance</p>	<p>Program Description</p> <p>To protect the Highlands Region critical habitat, the Highlands Council will develop or adapt a conservation and management overlay district ordinance for use by municipalities for inclusion in municipal master plans. The purpose of the overlay district ordinance is to identify critical habitat within each municipality, highlighting: habitat in need of protection from fragmentation and other anthropogenic impacts; habitat critical to maintaining wildlife and plant populations; and habitat that serves other essential ecosystem functions such as carbon sequestration and ground water recharge.</p>
<p>Development of Critical Habitat Conservation and Management Guidance</p>	<p>Program Description</p> <p>The Highlands Council will develop or adapt technical guidance for habitat identified in the conservation and management overlay district to be used by municipalities for the inclusion and implementation of conservation and management of critical habitats in municipal master plans.</p> <p>Highlands Council guidance for habitat conservation and management may include, but not be limited to, performance and design standards for development within or adjacent to critical habitat, restoration of the ecological functions and processes of</p>

	<p>impaired or disturbed critical habitat, procedures for modifications to vernal pool boundaries, prevention of habitat fragmentation through open space preservation, corporate, non-profit, and community involvement in creating, protecting, and restoring habitat. An existing guidance manual, <i>Wildlife Action Plan</i>, developed by NJDEP and information from the Wildlife Habitat Council will be used as examples for the Council's work.</p>
<p><i>Ensuring Implementation of Critical Habitat Conservation and Management</i></p>	<p>Program Description Where a development project is proposed, a conforming municipality will require implementation of habitat conservation and management practices as a condition of local approval.</p>
<p><i>Implementation of Critical Habitat Conservation, Restoration and Management Projects</i></p>	<p>Program Description The Highlands Council will encourage critical habitat conservation and management by public and private landowners, government agencies, non-profit organizations and other interested parties wherever feasible. Opportunities for conservation, restoration and management include, but are not limited to:</p> <ul style="list-style-type: none"> • Redevelopment projects in areas containing previously degraded habitat; • Development projects in areas within or adjacent to critical habitat; • Stewardship projects of undeveloped land on large corporate campuses; • Park development capital projects, where restoration of prior damage can be cost-effectively incorporated into the capital project; • As components of Natural Resources Damage Assessment settlements.



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Water Quality Restoration
Version: November 7, 2007

<p>Issue Overview</p>	<p>Water quality affects drinking water, recreation, ecosystems, and aesthetic beauty. The most common parameters that affect surface and ground water quality are fecal coliform bacteria, phosphorus, temperature, arsenic, and nitrate-nitrogen. These contaminants can either cause health risks if ingested or harm native biota, resulting in non-attainment of designated water uses for the waterbody. Other pollutants also exist, including industrial contaminants in ground water.</p> <p>Water quality is influenced by the type and intensity of land use adjacent to and upstream of the waterbody. Pollutants are contributed to the environment from a wide variety of nonpoint sources (NPS) including human development (through stormwater and residential runoff, septic systems, fertilizer applications on lawns and Brownfields or contaminated sites), domestic or captive animals, agricultural practices (crop farming, livestock, and manure applications), and wildlife (large populations). Pollutants from these sources can reach waterbodies directly, through overland runoff, or through stormwater conveyance facilities. Point sources also exist, primarily wastewater treatment plants serving communities or industrial facilities. Each potential source will respond to one or more management strategies designed to eliminate or reduce that source of pollution. Each management strategy has one or more entities that can take lead responsibility to effect the strategy. Various funding sources are available to assist in accomplishing the management strategies. The Highlands Council in coordination with the New Jersey Department of Environmental Protection (NJDEP) will address the sources of impairment through systematic source track-down, remedial activities, matching strategies with sources, selecting responsible entities and aligning available resources to effect implementation.</p> <p>The Highlands Act calls for the protection, enhancement, and restoration of the Region’s waters. Water quality in the Highlands Region, where polluted,</p>
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	<p>must be restored to meet water quality standards, support designated uses, and support ecosystem needs. Where water quality is better than standards, protection is needed to ensure that antidegradation policies are met. Enhancement will be desirable at all times, through improved land management practices and other measures. Therefore, several RMP policies and objectives focus on water quality in the Region.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 2.3.1.1. To identify surface and ground water resources currently impaired or at risk of impairment, and in need of protection, restoration, and enhancement</p> <p>Policy 2.3.1.2 .To coordinate with NJDEP regarding a unified water quality assessment and the development and implementation of Total Maximum Daily Loads, where necessary, for all surface water within the Highlands Region.</p> <p>Policy 2.3.1.3. To coordinate with NJDEP regarding a unified ground water quality assessment, monitoring and attainment program.</p> <p>Policy 2.3.1.4. To coordinate with NJDEP regarding efforts to monitor areas of known contamination to ground water resources within the Highlands Region and activities to remediate and restore water quality</p> <p>Policy 2.3.1.5. To coordinate with NJDEP and other agencies to identify impairments and implement improved regulatory actions and management practices that will also support the water quality goals of the Highlands Act.</p> <p>Policy 2.3.1.6. To remediate the pollutant sources associated with existing or historic land uses in conjunction with redevelopment</p> <p>Policy 2.3.2.4. To determine where water quality improvements are necessary or beneficial for the improvements of water availability, develop watershed- based plans to achieve such improvements such as restoration techniques including disconnection and reduction of existing impervious surfaces, develop implementation mechanisms, and implement these plans</p> <p>Policy 2.4.4.3. To prepare and maintain an inventory of areas where existing ground water or surface water quality is impaired to such a degree that any increase in nitrate concentration would have an adverse impact on water quality</p>
<p>Program Summary</p>	<p>The RMP states the requirement to protect, restore, and enhance water in the Highlands Region. One way to protect and enhance water in the Region is to restore water quality. Water quality is affected by both current and historic land uses and a consistent and reliable assessment and characterization of the water quality in the Region is imperative in order to implement management strategies in appropriate areas.</p> <p>This program will address these problems and provide guidance to restore degraded water quality. Assessment is followed by management planning, which then leads to the implementation of various management practices depending on the types of contaminants, their sources, and the restoration needs identified.</p>
<p>Water Quality Assessment</p>	<p>Program Description</p> <p>Since water quality is a concern throughout the Highlands Region, a consistent and reliable assessment and characterization of the water quality is</p>

	<p>imperative in order to implement management strategies in the corresponding area. The Highlands Council will coordinate efforts with the NJDEP:</p> <ul style="list-style-type: none"> • to inventory where surface water quality is impaired, and to list such waters on the NJDEP impaired water bodies (303d) list • to inventory areas where ground quality is impaired by nitrates • to improve water quality monitoring program areas for ground and surface water resources within the Highlands Region • to coordinate efforts with the NJDEP and the U.S. Geological Survey to operate and improve the Ambient Stream Monitoring Network to assess the effectiveness of management measures • to provide lake characterization and assessment reports • to gain a full understanding of NPS pollution in the Highlands Region • to inventory and track contaminated sites in the Highlands Region <p>These efforts will evaluate potential sources causing impairment and help track trends in water quality to see if the implementation of management strategies is working properly.</p>
<i>TMDLs</i>	<p>Program Description</p> <p>The Highlands Council will coordinate efforts with NJDEP regarding the development and implementation of Total Maximum Daily Loads (TMDLs), where necessary, for surface waters in the Highlands Region. The adoption of TMDLs is a responsibility of NJDEP, to identify the reduction in pollutant loads to impaired surface waters necessary to meet surface water quality standards. NJDEP is also directly responsible for modifying wastewater discharge permits for point sources as necessary to implement the TMDLs. The Highlands Council will work with NJDEP to incorporate appropriate management measures into the Regional Management Plan for TMDL implementation, potentially including:</p> <ul style="list-style-type: none"> • Restrictions on new land uses regarding pollutant loadings • Improved stormwater management requirements for new land uses • Improved programs for reduction of pollutant loadings from existing land uses
<i>Watershed Restoration Plans</i>	<p>Watershed Restoration Plans are used to develop and implement improved regulatory actions and management practices that will support the water quality goals of the Highlands Act and the Water Pollution Control Act. They often are used to identify more detailed management approaches for TMDL implementation, but can address additional issues such as stream and riparian area restoration, water quality enhancement and water quality protection. The Highlands Council will identify key HUC14 subwatersheds in the Highlands Region and either directly or in cooperation with other affected interests to develop Watershed Restoration Plans for approval by NJDEP and incorporation, as appropriate, into the Regional Master Plan or its programs. Approval of Watershed Restoration Plans by NJDEP makes the implementation projects eligible for State and federal funding.</p>
<i>Ground Water</i>	<p>Areas of historic development on septic systems and agricultural use may</p>

<p>Restoration Plans</p>	<p>have ground water contamination levels that greatly exceed the regional norm. The Highlands Council will work with NJDEP and USGS to identify these areas based on direct monitoring or models, as appropriate, and develop management approaches to address these issues. The management plans will be similar in concept to TMDLs or Watershed Restoration Plans. For areas of very dense septic systems, where the potential for well contamination is greatly elevated, primary emphasis will be on the protection of public health through the installation of public water supplies, community wastewater systems, or both. For areas of intensive agricultural use, the emphasis will be on programs described below, plus protection of the farmstead wells from health threats.</p>
<p>Implementation of Water Quality Restoration Projects: Agricultural Best Management Practices</p>	<p>Program Description Many programs are available to assist farmers in the development and implementation of resource and farm conservation management plans, including identification and management of any known nonpoint source pollution. The best means to reduce nonpoint source pollution is to implement best management practices (BMPs), such as low phosphorus fertilizer application, nutrient management systems, integrated crop management, grazing systems, organic farming, etc. The Highlands Council will coordinate its efforts with existing assistance programs of farm preservation and other approaches to reduce pollutant loads from agricultural operations and prioritize for EQIP, CRP, and CREP funds to install agricultural BMPs. In addition, programs such as Farm-A-Syst will be evaluated to help farmers protect their own families from farm-related contamination problems.</p> <p>For more information refer to the <i>Agricultural Management and Sustainability Program</i>.</p>
<p>Implementation of Water Quality Restoration Projects: Stormwater Management Plans</p>	<p>Program Description Municipalities are already required to implement certain actions, including the adoption of stormwater management plans and ordinances and the implementation of management practices for municipal stormwater systems and facilities. The Highlands Council will:</p> <ul style="list-style-type: none"> • coordinate with counties, municipalities and other interests to develop and implement Regional Stormwater Management Plans in high priority HUC14 subwatersheds. These plans, where adopted by NJDEP, become part of each municipality's stormwater permit; • review Residential Site Improvement Standards for stormwater and determine whether improvements are necessary to better protect Highlands resources, and then coordinate with the Site Improvement Advisory Board for approval of those changes for municipal use; • coordinate with appropriate interests to develop and implement Nonpoint Source (NPS) Management Measures and Control Projects including the implementation of retrofitted stormwater devices to collect and filter NPS pollutants such as: retrofitted stormwater drains, detention basins, swales, the installation of cross-sectional catch basins to reduce NPS pollutants prior to entering a waterbody, inspection,

	<p>regularly scheduled stormwater basin cleanout and maintenance, storm sewer inlet cleanouts, street sweeping programs, and rehabilitation;</p> <ul style="list-style-type: none"> • identify alternative means of stormwater management that are more appropriate to rural and forested areas of the Highlands, potentially including use of stormwater wetlands, land spreading and other non-structural techniques to reduce fecal coliform and Total Suspended Solids (TSS) input.
<p>Implementation of Water Quality Restoration Projects: Streambank and Riparian Restoration</p>	<p>Program Description Streambank restoration and stabilization projects provide a reduction of sediment loads and nutrients entering a waterbody. These projects include riparian buffer restoration as well since they reduce and filter pollutant loads before entering a waterbody. Projects may involve dam removals, lake maintenance, riparian buffer and forest transition zone enhancement, restoring stream channels, restoring habitat to a more natural, native vegetated environment, and restoring wetlands and floodplains. Restoration projects such as reconnecting the natural drainages and improving the outfall channel connection reduces sediments and stream velocity thus restoring the natural hydrology and enhancing fish and wildlife populations.</p> <p>For more information refer to the <i>Streams/ Riparian Restoration Program</i>.</p>
<p>Education/ Outreach</p>	<p>Program Description Educating the public, farmers, landowners and municipalities with outreach programs is important for the success of water quality improvements. Educational programs may cover:</p> <ul style="list-style-type: none"> • addressing NPS pollution and implementation of an educational outreach program that encourages municipal officials and residents to protect their water resources and participate in water management activities to reduce the amount of NPS pollution entering the surface and ground water • developing an education program about low phosphorus fertilizers and soil testing for lawn applications • educating the agricultural community and working with farmers to protect water quality through the adoption of sustainable farming and grazing practices, nutrient and pest management, and supporting organic operations and a transition to organic operations, enrolling into Integrated Crop Management, and fertilizer chemical reductions (see the <i>Agricultural Management and Sustainability Program</i>) • public education on the benefits of native aquatic vegetation in shallow lakes and the balance of aquatic life uses with recreational uses of a lake • Highlands Council guidance manual for water quality restoration for use by municipalities and homeowners, include BMPs and other land management activities that will address water quality concerns.
<p>Implementation of Water Quality Restoration Projects:</p>	<p>Program Description Excessive deer populations, in addition to their habitat destruction, have been identified as a potential source of pollution in impaired watersheds. The forested and low-density residential areas that provide deer habitat</p>

<p>Wildlife</p>	<p>often can be found in close proximity to the impaired stream segments. Deer have been evaluated in TMDL reports by other states (e.g. Alabama and South Carolina) and could be a source of pollution in New Jersey. Their browsing of understory plants can change stormwater runoff potential in woodlands. Management measures to reduce pollution contributed by wildlife are not generally practicable, but could respond to measure such as improved riparian buffers, no feed ordinances, and signage. Other wildlife species, such as beavers or raccoons, have been identified as causing long-term damages if populations are excessive. Management may be necessary where the excessive populations are long-term, rather than episodic.</p>
<p><i>Implementation of Water Quality Restoration Projects</i> Septic System Management</p>	<p>Program Description Where septic system service areas are located in close proximity to impaired waterbodies, septic surveys should be undertaken to determine if there are improper effluent disposal practices that need to be corrected. Septic system management programs should be implemented in municipalities with septic system service areas to ensure proper design, installation and maintenance of septic systems. The Highlands Council will use GIS data to identify areas with concentrations of septic systems near water bodies, and will coordinate with municipal and county Boards of Health regarding surveys and management programs. For more information refer to the <i>Wastewater System Maintenance Program</i>.</p>
<p><i>Implementation of Water Quality Restoration Projects</i> Contaminated Site Remediation</p>	<p>Program Description To protect water resources from contaminated sites, the Highlands Act requires a coordinated implementation of all remediation standards and remedial actions. The NJDEP's Technical Requirements for Site Remediation at N.J.A.C. 7:26E, et seq. are the current State standards for the clean up of contaminated sites. The Council through interagency coordination and project review activities will evaluate and assess the need for protecting Highlands Resources through enhanced standards and practices in support of remedial actions, restoration and redevelopment. The clean up of contaminated properties in support of Highlands resource protection needs is a long term goal for the Council. This program component supports many of the RMP polices that are designed to ensure that restoration and redevelopment of these sites complement RMP goals and initiatives.</p>



JON S. CORZINE
Governor

State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Highlands Smart Growth Manual
Version: November 7, 2007

<p>Issue Overview</p>	<p>The Highlands Act notes that, “the existing land use and environmental regulation system cannot protect the water and natural resources of the New Jersey Highlands against the environmental impacts of sprawl development.” (Section 2).</p> <p>The Highlands Act requires that this Plan’s smart growth component include an assessment, based upon the resource assessment, “of opportunities for appropriate development, redevelopment, and economic growth, and a transfer of development rights program which shall include consideration of public investment priorities, infrastructure investments, economic development, revitalization, housing, transportation, energy resources, waste management, recycling, brownfields, and design such as mixed-use, compact design, and transit villages.” (Section 11.a.(6))</p> <p>The Highlands Act requires the RMP to promote smart growth practices in the Highlands Region, particularly with regard to development in the Existing Community Zone and in areas appropriate for redevelopment.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 6.4.1.3. To ensure that development activities within the Existing Community Zone are subject to standards and criteria which ensure that development and redevelopment does not adversely affect natural resources and incorporate smart growth principles.</p>
<p>Program Summary</p>	<p>The Highlands Council will work with state and local agencies and technical and planning experts to prepare a guidance manual on smart growth techniques for use by Highlands Region municipalities, and will employ an outreach and assistance program in support of both development and utilization of the manual.</p>
<p>Highlands Smart Growth Manual</p>	<p>Program Description</p> <p>The Highlands Council working in partnership with agencies and development partners will prepare a Highlands Smart Growth Manual addressing issues including but not limited to the following:</p> <ul style="list-style-type: none"> • Location efficiency • Resource efficiency • Green building technology, including water conservation and energy efficient practices

	<ul style="list-style-type: none">• Innovative building practices and techniques• Site layout and design techniques• Cluster, lot-averaging and conservation development techniques• Promoting a better jobs to housing balance• Redevelopment and revitalization techniques• Addressing affordable housing and community facilities• Connecting transportation, transit and land use planning• List of state and national smart growth publications and resources
Municipal Outreach	<p>The Highlands Council will distribute the Highlands Smart Growth Manual to all Highlands Region municipalities. It will establish an outreach program to engage professional planners, landscape architects, architects and property owner/developers implementing Smart Growth practices in the Highlands Region. Finally, the Council will provide technical and planning assistance and planning grants to municipalities with regard to the use of the Highlands Smart Growth Manual.</p>



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
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RMP Program: Sustainable Regional Economy
Version: November 7, 2007

Issue Overview	<p>The Highlands Region is characterized by a dynamic economy, and continues to exhibit strength relative to the State as a whole. The challenge facing many communities is the question of how to balance resource protection needs with maintaining a vibrant community and a sustainable local and regional economy.</p> <p>While water resource protection is a driving force behind the Highlands Act, the need for an economically viable Highlands Region is also addressed through certain goals and policies. One major goal is that of achieving "sustainable economic development in the Highlands Region" in order to achieve a more sustainable regional economy. The Act outlines what it seeks to encourage such as agricultural viability, redevelopment, smart growth strategies, improved land use efficiency, transit oriented development and shared services. Conversely, the Act discourages piecemeal, scattered and inappropriate sprawl-type development, and recognizes it as an inefficient use of land and an impediment to achieving a more sustainable regional economy.</p> <p>The Act states that it is critical to ensure the economic viability of all communities throughout the Region. Therefore, it is important that an economic program be established to provide a comprehensive suite of tools, incentives and assistance available for supporting regional vitality. Many RMP policies and objectives address this need. As the Highlands Region is large and diverse, certain policies and objectives may be more or less relevant depending on the local character and surroundings.</p> <p>In areas characterized by high natural resource values, economic vitality will be in the form of agriculture and forestry, efficient land use practices such as redevelopment of brownfield and greyfield sites and existing developed areas, expansion of recreation and tourism, and greater efficiency through sharing of municipal services. Agricultural areas will</p>
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	<p>benefit from an agricultural sustainability approach that includes agri-tourism and reduction of the potential for conflicting land uses through clustering and redevelopment of existing developed lands. Economic viability that stems from efficient land, infrastructure and resource use is perhaps best served in areas characterized by existing infrastructure and compact development. These opportunities may include redevelopment, sharing of services, downtown revitalization, business retention and expansion, transit oriented development, and heritage tourism.</p> <p>In order to evaluate the health of the regional economy in a reliable and consistent manner, monitoring, tracking and evaluation are required. As the RMP is being implemented over time, it is critical that there be a means to assess the long-term economic conditions of the Region, as well as the programs, policies and objectives associated with the Plan. The long-term economic tracking program will support and coordinate the comprehensive economic development efforts of the Highlands Council and other agencies.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 8.1.1. To promote appropriate, sustainable, and environmentally compatible economic development throughout the Highlands Region. <i>Objective 8.1.1.1. Establish a Highlands Economic Development Program which identifies sustainable economic development opportunities and strategies for recruiting and promoting such development in the Highlands Region.</i> <i>Objective 8.1.1.2. Serve as a technical resource and advocate for Highlands economic development assistance in working with municipalities, counties, regional agencies and the private sector to promote sustainable economic development in the Highlands Region on a coordinated basis.</i></p> <p>Policy 8.1.4. To serve as a clearinghouse for economic development opportunities in the Highlands Region. <i>Objective 8.1.4.1. Identification and marketing of Highlands Region areas including brownfield sites that may be appropriate for local and regional redevelopment initiatives.</i></p> <p>Policy 8.1.5. To conduct original research in regard to catalytic economic development initiatives, which would promote and support the long term integrity of the Highlands Region. <i>Objective 8.1.5.1. A long-term economic tracking program as a means to continually assess the long-term economic progress of the Region and its counterparts through specified economic indicators in order to establish Highlands trends.</i> <i>Objective 8.1.7.1. Develop protocols required for economic plan elements, including instruction on tracking and reporting of regional economic indicators</i></p> <p>Policy 8.2.1. To monitor and evaluate the agricultural economy in the Highlands Region in order to support enhancement of agriculture and long-term sustainability. <i>Objective 8.2.1.1. Coordinated activities with the NJ Department of Agriculture and other entities to improve opportunities for sustainable agricultural operations that improve farm incomes and the long-term viability of farming.</i> <i>Objective 8.2.1.2. Monitor and evaluate agricultural economic metrics such as National Agriculture Statistics, Census of Agriculture, crop value and production rates, farm operations for State, Region, county and municipality.</i></p>

	<p>Policy 8.3.1. To promote sustainable economic development like recreation and tourism which derive economic benefit from the natural resources of the Highlands Region through sustainable use.</p> <p><i>Objective 8.3.1.1. Identification of specific economic development initiatives which would encourage and promote eco-, agro- and heritage tourism in the Highlands Region.</i></p> <p><i>Objective 8.3.1.2. Evaluation of the feasibility of establishing transit-oriented tourism connections and opportunities.</i></p> <p><i>Objective 8.3.1.3. Evaluation of economic feasibility of alternative forms of overnight accommodations to promote recreation and tourism.</i></p> <p>Policy 8.3.2. To establish a certified eco-, agri- and heritage tourism program.</p> <p><i>Objective 8.3.2.1. Identification of the necessary elements of a sustainable and comprehensive tourism program for the Highlands Region.</i></p> <p><i>Objective 8.3.2.2. Creation of a formal tourism program for the Highlands Region.</i></p> <p>Policy 8.4.1. To ensure opportunities for home office, entrepreneurial and other small business activities in the Highlands Region.</p> <p><i>Objective 8.4.1.1. Municipal and county master plans and development regulations which permit the establishment of home occupations, small business incubator programs and innovative technologies that promote compact design, native species landscaping, low impact development, energy efficiency and resource conservation in support of comprehensive RMP goals.</i></p> <p>Policy 8.5.1. The Cash Flow Timetable shall track the revenues and costs associated with the above aspects of the Highlands Protection Fund, with the exception of the Pinelands Property Tax Stabilization Aid category. Four components that shall be tracked in the Cash Flow Timetable include:</p> <ul style="list-style-type: none"> • Planning Grants Program (including Incentive Planning Aid and Regional Master Plan Compliance Aid); • Highlands Property Tax Stabilization Aid; • State Aid for Local Government Units (Watershed Moratorium Offset Aid and other State Aid funding); and • Land Acquisition Tracking.
<p>Program Summary</p>	<p>This program serves as a comprehensive mechanism for supporting and monitoring the continued and enhanced economic health of the Highlands Region. The program includes tools, incentives and assistance which are available to support municipalities and counties through the Plan Conformance process and in support of all Highlands stakeholders. The focus is on the objective of long-term, sustainable economic viability, not short-term economic activity.</p> <p>The Council will conduct research with respect to existing and new economic development initiatives that can help promote and support the long-term integrity of the Region. These initiatives will address a variety of areas including heritage and eco-tourism, agri-tourism, business retention and improvement, land acquisition tracking, agricultural</p>

	<p>sustainability, land owner fairness concerns and enhanced growth and economic development. In order to ensure the viability of such Council initiatives, funding in the form of technical resources, planning assistance and grants is also anticipated. The program will monitor and evaluate the "Highlands Protection Fund" outlined in the Act for the purposes of RMP compliance, property tax stabilization, planning incentives, watershed offset aid, and in support of regional initiatives.</p> <p>The Economic Tracking Program will monitor and evaluate the health of the Highlands economy for a set of regionally available economic indicators. The program will provide essential information for consideration by Council as it seeks to meet the requirements of the Act, providing periodic evaluations of the performance of Highlands Region economic conditions. The information provided in the tracking program will also support development of the required economic plan element. The local economic plan element will be developed by conforming municipalities using the consistent economic indicators described in Economic Tracking Program description, below. As such, the tracking program will provide municipalities with the resources and data necessary to evaluate sustained economic vitality and economic development opportunities over time.</p> <p>The fiscal monitoring component of the program includes the Cash Flow Timetable tracking mandated by the Highlands Act and the monitoring and tracking of municipal fiscal performance in support of conformance activities and regional shared service opportunities.</p>
<p>Tourism Opportunities</p>	<p>Program Description</p> <p>Tourism is a major component of New Jersey's economy. It is the second largest industry in the State and continues to be a significant revenue source for the State in terms of billions of dollars annually and provides approximately 500,000 tourism-related jobs statewide. The tourism component seeks to recognize the Region's historic, cultural, recreational and scenic locations not just as tourism resources, but as economic assets which can be developed and enhanced in a sustainable manner adding much benefit to local economies.</p> <p>The program includes coordination with the Office of State Tourism to promote agri-tourism and eco-tourism activities to support the farm economy by allowing farmers to benefit from additional sources of income; and coordination with historic preservation, open space and recreation efforts as a means to link agricultural preservation/retention efforts; and the development of economic development incentives that include flexible land use regulations to support the expansion of food and farm-related businesses. (See <i>Historic, Cultural and Scenic Programs</i> and <i>Agricultural Sustainability and Management Programs</i> for addition details)</p> <p>The program components include:</p> <ol style="list-style-type: none"> 1. Identification of the necessary elements of a sustainable and comprehensive tourism program for the Highlands Region that both

	<p>takes advantage of and sustains the Region’s environmental, historic, cultural and scenic resources.</p> <ol style="list-style-type: none"> 2. Establish a certified eco-, agri- and heritage tourism program through a cooperative effort among appropriate agencies. 3. Evaluate the feasibility of establishing transit-oriented tourism connections and opportunities. 4. Evaluate the economic feasibility of alternative forms of overnight accommodations to promote recreation and tourism. 5. Coordinate with NJDEP and New Jersey Commerce, Economic Growth and Tourism Commission on innovative ways to market and expand the Region's recreation and tourism resources in a sustainable manner.
<p>Agricultural Vitality</p>	<p>Program Description</p> <p>This program will monitor and evaluate agricultural economic metrics for the Highlands Region in coordination with the United States Department of Agriculture, New Jersey Department of Agriculture, New Jersey Board of Agriculture, County Agriculture Development Boards, and additional sources as appropriate. It will utilize data from national, state, county and local resources to evaluate regional conditions and performance. (See <i>Agricultural Management and Sustainability Program</i> for additional details).</p> <p>The program component will evaluate data including but not limited to the following:</p> <ol style="list-style-type: none"> 1. Farmland Assessed Data as it relates to Agricultural Land Use types, Agriculture Crop types and yields, specialty crops, and livestock types. 2. Value of Farm Land and buildings. 3. Net Cash Farm Income. 4. Value of agricultural products sold for direct and organic. 5. Benefit to community if farms are permitted second businesses.
<p>Economic Efficiency</p>	<p>Program Description</p> <p>This program will monitor the efficiency of land development practices, and opportunities for value added economic development of development and redevelopment activities in the Region. It will coordinate with various municipal and county conformance elements and evaluate performance of RMP initiatives throughout the Region. It will also monitor the <i>Landowner Fairness Program</i> components related to the <i>Transfer of Development Rights Program</i> and support the tracking of exemptions and waivers in accordance with the Act.</p> <p>The program will serve as an opportunity to maximize connections of local expertise and knowledge with regional initiatives and economies to support efficient land development practices, infrastructure investment and performance, enhanced services and resource protection. The program tracking will include: monitoring of development and redevelopment activities, number of residential units and employment generated along with the number of acres that are redeveloped or developed, the infrastructure needs and capacity, and resource protection</p>

	<p>or enhancement measures. The information will provide a perspective on RMP economic efficiency initiatives and identify additional program refinements that may be required overtime. (See <i>Redevelopment Program, Housing Program, Highlands Land Preservation Program, Cluster and Alternative Development Program</i> and <i>Highlands Conformance Program</i> for additional details.)</p>
<p>Regional Master Plan Funding</p>	<p>Program Description</p> <p>In recognition of the costs associated with municipalities and counties conforming to the RMP, the Highlands Act provides funding, planning and technical assistance to avoid placing undue financial burdens on these entities. It is recognized, however, that the current funding available to Council for the purposes of RMP implementation will not cover all associated costs. The Act also prescribes the tracking of certain fiscal information through the development of a Cash flow timetable.</p> <p>This program tracks and assesses data, provides technical assistance and funding and includes but is not limited to the following:</p> <ol style="list-style-type: none"> 1. Track and update revenues and costs associated with the Cash Flow Timetable including: Highlands Planning Grants Program, which includes Incentive Planning Aid and Regional Master Plan Compliance Aid; Highlands Property Tax Stabilization Aid; State Aid for Local Government Units and in support of Land Acquisition 2. Provide funding and technical assistance to eligible municipal and county governments for the purposes of revisions to their master plans, development regulations, and other regulations through RMP Compliance and Incentive Planning Aid 3. Provide planning grants and technical assistance to be used by municipalities for special projects including the preparation of case studies relevant to Plan Conformance.
<p>Economic Tracking Program</p>	<p>Program Description</p> <p>This program addresses the need for a continual evaluation of the health of the regional economy as it compares to the rest of the State and its regional counterparts. As the RMP moves towards implementation, it is critical that there be a means to assess the long-term economic trends of the Region and thereby seek to gain insight regarding the effects of the RMP on a number of tangible economic indicators. It is important to understand and capture what a sustainable economy means to the region and support sustainable practices. The economic impact of certain land use restrictions associated with RMP implementation is of major interest to landowners, residents and businesses in the Region. As such, this program will look to refine and enhance baseline economic data and examine requests for expanded and additional regional economic indicators for Region. It will present data and describe trends in the context of sustainable economic practices and it will include areas of population, demographics, socio-economics, real estate, efficient land development practices, land preservation and municipal finance.</p> <p>The primary purpose of the program will be to establish a means for</p>

	<p>evaluating economic segments over time so that Highlands-related trends can be distinguished from general trends, regarding factors such as jobs to housing relationships, community and housing diversity, business mix, performance of local economic support programs, and community facilities. Conforming municipalities and counties will support the program by tracking data through the Economic Plan Element. The information will also support the development of information in support of performance milestones for the RMP Monitoring and Improvement program.</p> <p>This program initially will track the following and is subject to enhancement and refinement as required:</p> <ol style="list-style-type: none"> 1. Population <ul style="list-style-type: none"> • Distribution and Age Demographics 2. Household units <ul style="list-style-type: none"> • Age and Type of Structure 3. Building Permits <ul style="list-style-type: none"> • New Construction and Rehabilitation units 4. Property transactions <ul style="list-style-type: none"> • Median Selling Prices of Existing and New Homes • Volume of Real Estate Transactions • Preserved Open Space and Acquired Lands 5. Income <ul style="list-style-type: none"> • Per Capita and Per Household Income 6. Employment <ul style="list-style-type: none"> • Unemployment • Number of Establishments • Payroll by Major Industry Sector • Retail Sales & Establishments 7. Property Tax <ul style="list-style-type: none"> • Property Tax Bills and Rates (County, Municipal, School) 8. Property Values
Tourism Funding	<p>Program Description The Highlands Council shall seek to develop a funding source to promote agri- and eco-tourism in the Highlands. This will support and enhance the economy of the Region.</p>
Land Use	<p>Program Description Municipal zoning within the Conservation Zone should permit agri- and eco-tourism uses in this district, particularly when they are part of an established agricultural use and increase the economic health of the farm unit. Municipal zoning within the Environmentally Constrained Conservation and Existing Communities Zones should permit agri- and eco-tourism uses but with additional standards to prevent degradation of natural resources.</p>



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Transportation Safety and Mobility
Version: November 7, 2007

Issue Overview	<p>The Highlands regional transportation system uses roads, highways, railways and bridges to move people and goods through various modes of travel, including private automobile, bus, plane, truck, rail, bicycle and walking. In the Highlands, numerous factors including inefficient land use patterns have led to an increased dependence on automobile travel, which has had adverse impacts on natural resources and overall quality of life. By promoting efficient mixed land uses and increasing access to a multimodal transportation system, better protection can be offered to environmentally sensitive areas of the Region.</p> <p>The Highlands Act emphasizes the preservation and enhancement of the transportation system which integrates transportation and comprehensive land use planning. It emphasizes the promotion of a balanced, efficient and safe transportation system that is consistent with smart growth strategies and principles and which preserves mobility and maintains transportation infrastructure in the Highlands Region. Section 11 of the Act states:</p> <p><i>11. a. The regional master plan shall include, but need not necessarily be limited to...</i> <i>(5) A transportation component that provides a plan for transportation system preservation, includes all federally mandated projects or programs, and recognizes smart growth strategies and principles. The transportation component shall include projects to promote a sound, balanced transportation system that is consistent with smart growth strategies and principles and which preserves mobility and maintains the transportation infrastructure of the Highlands Region. Transportation projects and programs shall be reviewed and approved by the council in consultation with the Department of Transportation prior to inclusion in the transportation component;</i></p> <p>An assessment of roadway conditions across the Highlands indicates that many of the Region's roads are at or approaching traffic capacity. Some of the major U.S. and State highways have recurring capacity constraints during the AM and PM peak travel periods. In addition, because mobile source pollution is generated by vehicle emissions, this traffic congestion increases emissions of harmful pollutants and adversely affects air quality.</p>
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<p>RMP Policies and Objectives Addressed</p>	<p>Policy 5.1.1. To ensure that the Highlands transportation system provides safe and reasonable intra-regional and inter-regional mobility.</p> <p>Policy 5.1.2. To ensure that the Highlands transportation system affords Highlands industries, including agriculture, cost-effective transportation for raw materials, products and employees.</p> <p>Policy 5.1.4. To provide for safe pedestrian connections including features such as sidewalks, proper lighting, shade trees, and shelters consistent with NJDOT's Pedestrian Safety Initiative.</p> <p>Policy 5.2.2. Require an evaluation of potential growth inducing effects such as substantial new land use, new residents, or new employment that could occur as a result of increased capacity road improvements.</p> <p>Policy 5.2.3. To prohibit road improvements in the Highlands Region which a Growth Inducing Study demonstrates that proposed improvements are likely to be growth-inducing for lands with limited or no capacity to support human development without an adverse impact on the Highlands ecosystem.</p> <p>Policy 5.2.5. To encourage and promote tourism through appropriate transportation measures, accessible transit schedules, and enhanced street furnishings and information and directional signage.</p> <p>Policy 5.3.1. To ensure, to the extent practicable, that proposed transportation improvements which are not consistent with the Regional Master Plan be modified to be consistent or be re-evaluated in the context of state and regional planning goals.</p> <p>Policy 5.3.2. To coordinate with NJ DOT, NJ Transit, NJTPA (North Jersey Transportation Planning Authority) and counties with regard to transportation planning within the Highlands Region.</p> <p>Objective 5.3.2.1. <i>Highlands Region transportation site development activities will reflect Regional Master Plan resource protection, development, and redevelopment goals.</i></p> <p>Policy 5.3.3. To limit road improvements where roads are constrained by topography, forested lands or the community character of land uses fronting on the road.</p> <p>Policy 5.3.4. To support economic development by ensuring that transportation planning and improvements support regional development, redevelopment, and tourism opportunities. .</p> <p>Policy 5.3.5. To recognize and support the unique needs of the agricultural industry to move farm vehicles and goods along transportation corridors, and establish safe travel routes for farmers in order to ensure the safety and viability of farming as an occupation in the Highlands Region.</p> <p>Policy 5.3.8. To evaluate the existing and proposed Residential Site Improvement Standards (RSIS) in the context of the Regional Master Plan and develop an action plan for recommendations to minimize environmental impacts and maximize utility efficiency from new residential developments in a context-specific manner.</p> <p>Policy 5.4.1. To promote the use of alternative modes of transportation within the Highlands Region.</p> <p>Objective 5.4.1.2. <i>Increase overall transit rider-ship and the use of multi-modal transportation systems for peak hour travel.</i></p> <p>Policy 5.4.2 To promote transit improvements within the Highlands Region which primarily support intra-regional mobility.</p> <p>Policy 5.4.3. To promote priority for transportation improvements which primarily improve intra-regional mobility.</p> <p>Policy 5.4.4. To promote transit improvements which will increase capacity for inter-regional mobility.</p>
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	<p>Policy 5.5.1. To promote land use patterns that support a balance of jobs to housing as a means of reducing average trip lengths.</p> <p>Policy 5.5.3. To promote land use patterns which facilitate use of alternative modes of transportation including walking and the use of bicycles.</p> <p>Policy 5.5.4. To promote shared parking programs in support of mixed use development and redevelopment.</p>
<p>Program Summary</p>	<p>The Highlands Act states that a primary goal is to promote a sound and balanced transportation system that is consistent with smart growth strategies and principles and which preserves mobility. The transportation program serves multiple purposes such as identifying roadway capacity constraints, addressing safety concerns, assessing agricultural and freight needs, and promoting efficient land use patterns which look comprehensively at land use and transportation planning. The program also looks to enhance a multi-modal transportation system which facilitates the movement of people and goods without adversely affecting ecosystem integrity and community character. Each program component addresses a specific need area while providing a set of strategies through which the Highlands Council, in coordination with state agencies, local government units and stakeholders, can ensure that RMP goals are achievable.</p>
<p>Linking Transportation and Land Use</p>	<p>Program Description</p> <p>This program component discusses the critical relationship between transportation and land use in the Highlands Region, and the necessity to incorporate smart growth principles in transportation improvements in order to protect the environment while encouraging economic viability.</p> <p>Many of the transportation improvements made in recent decades have been in the form of adding roadway capacity, with the intent of relieving or mitigating traffic congestion. It is widely acknowledged, however, that the strategy of adding roadway capacity is not a sustainable solution to the many problems facing the transportation system. By looking at transportation and land use planning comprehensively, a long-term strategy can be developed to better solve the Region's transportation issues. There are several integrated land use/transportation corridor studies currently underway or planned in the Highlands Region including Interstate 78, Route 57 and Route 23.</p> <p>The idea of mixing land uses, combining jobs, housing, retail and other uses in a compact, efficient manner, is one approach which can lead to shorter and less frequent trips taken and fewer vehicle miles traveled. These mixed uses, when integrated as a compact, walkable community, can also create and enhance a sense of place and vitality, which may in turn lead to higher property values and lower infrastructure costs. Transit Oriented Development (TOD) is another method that integrates transportation planning specifically by promoting more compact development around existing transportation infrastructure as an alternative to sprawl. Innovative approaches to roadway design can also put greater focus on ecological systems. The NJTransit <i>Transit Score Program</i> is an approach for evaluating land use and transit supported links by defining a transit score index. The program evaluates the relationship between people, employment and vehicle use as related to land use to improve transit options in local and regional planning.</p> <p>Green Street approaches seek to design a street system that protects water resources in order to prevent the adverse affects of surface runoff. A concept called "Shared Parking" is used extensively in traditional neighborhood</p>

	<p>commercial settings and downtowns. In these locations, higher densities and mixed uses often allow people to park in a single spot and then walk from one destination to another, allowing the same parking spaces to be used by various uses.</p> <p>This program component includes the following:</p> <ol style="list-style-type: none"> 1. Municipal Plan Conformance includes the development of a circulation plan element in coordination with the land use plan element; it will evaluate local Transit Scores in support of connecting land use to transit services and address smart growth principles consistent with the goals of the RMP. 2. A circulation plan element must show the location and types of facilities for modes of transportation required for the efficient movement of people and goods, as well as a municipal evaluation of transit and shared parking opportunities through a comprehensive parking study. 3. Conforming counties shall develop a transportation plan that supports local and regional land use planning, evaluates regional Transit Scores as a means to screen for improved and innovative transit options, promote connectivity, shared service opportunities and long-term transportation network needs. 4. Council shall evaluate the existing and proposed Residential Site Improvement Standards (RSIS) in the context of the RMP and develop recommendations for amendments to minimize environmental impacts and maximize utility efficiency from new residential developments in a context-specific manner. 5. Coordinate with NJ Transit, counties and municipalities to increase the performance of the public and private bus carrier systems, increasing transit rider-ship and the use of multi-modal transportation systems for peak hour travel. 6. Encourage development and redevelopment which provides a balance of jobs to housing in close proximity to rail and bus.
<p>Regional Transportation Safety and Pedestrian Security</p>	<p>Program Description</p> <p>The widespread usage of the Highlands roadway system does not come without certain risks for pedestrians, bicyclists, motorists and bus passengers. Many years of vehicle safety and traffic engineering improvements have resulted in generally safer conditions for automobiles, with fewer fatalities and fewer crashes per vehicle miles traveled. Beyond automobile safety, there has been a growing awareness of the need to protect the most vulnerable road users - pedestrians and bicyclists.</p> <p>The Act emphasizes the importance of transportation safety and creates certain exemptions which allow for such things as the routine maintenance and reconstruction of transportation infrastructure provided that the activity is consistent with the goals of the Act, and does not result in new through-capacity travel lanes. The challenge of improving safety for all travelers in Highlands Region can best be addressed through strategic and coordinated efforts to integrate safety concerns into transportation planning with State agencies, local governments and stakeholders.</p> <p>This program component emphasizes the following strategies in order to promote transportation safety:</p> <ol style="list-style-type: none"> 1. Require municipalities to assess local transportation improvement needs and safety concerns as part of their circulation plan element for Plan

	<p>Conformance.</p> <ol style="list-style-type: none"> 2. Coordinate with municipalities, counties, NJDOT, NJTPA and NJ Transit in order to increase safety and security of inter-modal transportation for motorized and non-motorized users, and by implementing traffic calming measures in areas with high pedestrian activity. 3. Promote safe routes for children to travel to and from school in a coordinated effort with NJDOT's Safe Routes to School Program. In addition, encourage safe routes to public transportation through NJDOT's Safe Streets to Transit Program. 4. Provide for safe pedestrian connections including features such as sidewalks, proper lighting, shade trees, and shelters consistent with NJDOT's Pedestrian Initiative.
<p>Mobility of Agriculture and Freight Access</p>	<p>Program Description</p> <p>Transportation mobility is a vital component to the agricultural industry in the Highlands Region, as farmers rely on a functional transportation system in order to operate farms and ultimately bring a variety of goods to market. In order to ensure the safety and viability of farming as an occupation in the Highlands Region, safe travel routes for farmers need to be coordinated with local governments and state agencies.</p> <p>Mobility is also critical to the needs of a growing freight industry which continues to use the Region's infrastructure to haul goods to and from the State's major ports. However, a growing number of freight trucks are having a negative impact on the Region's roads. By improving upon existing rail infrastructure and shifting from truck to rail for long-distance transport, more freight can be moved safely and efficiently.</p> <p>The program components include:</p> <ol style="list-style-type: none"> 1. Coordinate with municipalities, counties, New Jersey Department of Agriculture and NJDOT to identify and support the unique needs of the agricultural industry to move farm vehicles and goods along transportation corridors, and establish safe travel routes for farmers in order to ensure the safety and viability of farming as an occupation in the Highlands Region. 2. Require that all circulation plan elements and county plans, as part of Plan Conformance, evaluate "farm-to-market" opportunities to improve upon the movement of goods from farms and areas of supply to areas where goods are in demand 3. Require that all circulation plan elements and county plan, as part of Plan Conformance, evaluate opportunities to increase freight service through the reactivation of abandoned freight lines. 4. Coordinate with NJDOT on new Comprehensive Statewide Freight Plan <p>(For more information on agricultural needs see <i>Agricultural Management and Sustainability Program</i>)</p>
<p>Transportation and Tourism Economy</p>	<p>Program Description</p> <p>As a Region that reflects history, exhibits scenic beauty, and provides outdoor recreational activities, the Highlands offers residents and visitors a variety of recreational and tourism opportunities. A strong tourism industry in the Highlands depends upon a safe and efficient transportation system.</p> <p>This component seeks to focus on the relationship between the Highlands transportation system and tourism resources. Are transportation services available so that tourists can travel safely and by a variety of modes? Is</p>

	<p>information about transportation to tourist attractions and activities available? What are opportunities to expand tourism through transportation-related activities such as rail, bus, hiking trails and signage? By answering these questions, Highlands communities can support enhanced regional economic vitality and contribute to overall quality of life.</p> <p>This program component includes the following:</p> <ol style="list-style-type: none"> 1. Coordinate with NJDOT, NJTransit and NJ Division of Travel and Tourism to increase tourism opportunities through innovative multi-modal transportation measures and accessible transit schedules. 2. Support the regional tourism economy in cooperation with NJDOT through a road signage program which identifies significant natural and historic resources and landmarks. 3. Require that circulation plan elements evaluate opportunities to expand tourism through multi-modal transit connectivity, thus promoting the use of transit as a means to access Highlands' tourism resources. 4. Coordinate with NJDOT and NJ Department of Agriculture to promote agri-tourism through enhanced information sharing, education and outreach.
<p>Overview of Transportation Project Review</p>	<p>Program Description</p> <p>The review of transportation projects by Council is a critical step to ensuring that transportation improvements are consistent with the goals and policies of the RMP. The Act states that the Council may provide comments and recommendations on any transportation project undertaken by any State entity or local government unit in the Highlands Region. In the Preservation Area, the Council must establish procedures for conducting reviews of projects that, except in certain cases, involve the disturbance of two acres or more of land, or a cumulative increase in impervious surface by one acre or more. The Act also states that the Council has the power to approve, approve with conditions, or disapprove a project, and that except in certain cases no such project can move forward without approval of the Council.</p> <p>Transportation project review will generally evaluate the following:</p> <ol style="list-style-type: none"> 1. Consistency with the goals policies and objectives of the RMP and smart growth and sound planning principles. 2. Determination of net effect on through lane capacity, as additional through lane capacity is prohibited in the Preservation Area. 3. Impact on water quantity and quality, and other critical natural resources such as forests, habitat and open waters. 4. Growth-inducing impacts regarding new land use, new residents, and new permanent employment which could have secondary growth implications, or greatly expand transportation infrastructure capacity, especially in areas with high natural resource values and limited capacity to support human development. 5. Use of alternative modes of transportation including transit, bus, pedestrian and bicycle. 6. Safety measures such as traffic calming strategies and pedestrian and bicycle safety features. 7. Impact on agricultural and freight mobility. 8. Effect on eco-tourism, agri-tourism and heritage tourism in the Region. <p>(Prior to Plan Conformance, guidelines and procedures will be developed in</p>

	support of transportation project review detailing the specific requirements)
Roadway Capacity Monitoring	<p>Program Description</p> <p>The roadway capacity assessment included in the <i>Transportation Technical Report</i> provides a detailed assessment of roadway conditions, identifying major origin and destination trips generated in the Highlands for the base year 2002. The Council worked with NJDOT, NJTPA and counties to develop a Highlands Sub-Area model based on information developed from a larger model known as the North Jersey Regional Transportation Model (NJRTM). It is currently the primary analysis tool for transportation planning in the Region.</p> <p>There is a need to re-examine, refine and monitor these roadway conditions and travel patterns, and the impact of future development and land use patterns on traffic conditions. The refined assessment will need to be conducted to a finer Traffic Analysis Zone standard in order to determine more accurately local roadway conditions by municipality in the Highlands Region. This more refined analysis can better reflect the impact of past land use changes in order to inform future land use decisions, and thereby shape transportation infrastructure improvements. The Council will continue to partner with NJDOT, NJTPA and counties to refine the model for future needs.</p> <p>(More information on the Roadway Capacity Assessment can be found in the <i>Transportation Technical Report</i> pg.11)</p>



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Housing and Community Facilities
Version: November 7, 2007

Issue Overview	<p>Housing is a major component of the land use patterns in the Highlands Region. The goals and policies of the RMP seek to address a full range of housing needs for the Region within the context of resource protection needs and sustainable development patterns. Housing costs in the Highlands, as across the State, continue to reflect the trend of increased values. The housing and community facilities issues for the Region include: addressing both low and moderate income ranges and middle and upper income housing needs, the relationship of employment opportunities to housing, and protecting community quality of life.</p> <p>To ensure that housing is compatible with regional needs, the Region should support a variety of housing types such as rental housing, multi-family housing, age-restricted housing, and supportive and special needs housing. Agriculture is an important part of the essential character of the Highlands Region's culture, landscape, and economy. Agriculture presents unique housing requirements in order to sustain the agricultural economy, such as farm worker housing (both seasonal and long-term) and the use of clustered development (to minimize development conflicts with agriculture). The RMP seeks to provide mechanisms to address the need to have a full range of variety and choice in housing opportunities in the Highlands Region and supports the Council on Affordable Housing (COAH) substantive certification program</p> <p>In order to guide future residential land use to areas appropriate for development and redevelopment and to maximize the efficiency of land use, the RMP seeks to identify regional opportunities for future growth that will be considered during the Plan Conformance process. Conforming municipalities will evaluate the Highlands build-out model as a means to assess long term planning needs in support of housing, employment, community facilities and quality of life.</p> <p>The RMP guides development away from environmentally sensitive and agricultural lands and promotes compact development and redevelopment in areas where adequate public facilities are available to serve new growth, provided that it is compatible with existing land uses and community character. Many of the RMP policies and objectives reflect the need for a range of housing opportunities. The long term integrity of the Highlands Region involves sustainable economic and fiscal health of the Highlands communities as well as preservation of its natural resources.</p>
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	<p>It also supports economic improvement, in the context of greater land, infrastructure and resource efficiency</p> <p>Several agencies and initiatives throughout the state play a role in supporting the RMP policies including the State Development and Redevelopment Plan, the Council on Affordable Housing, the Governor’s Affordable Housing Initiative and individual municipal and non-profit efforts. In the Highlands Region, the approach to housing will require a comprehensive analysis of conditions and a variety of approaches and mechanisms will be considered.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 6.1.1.4. To promote land uses which create a sense of place with attractive, walkable neighborhoods that support community connectivity of developed lands and community facilities.</p> <p><i>Objective 6.1.1.4.1. Communities of place with a mix of uses which promote multi-purpose trips, through proximity of neighborhood retail, commercial and entertainment uses to residential land uses that create communities that are largely self-sufficient regarding daily needs.</i></p> <p>Policy 6.6.1.3. To require conforming municipalities and counties to incorporate programs for community and neighborhood design that support a variety of housing options for people with different income levels and different needs, mixed uses, redevelopment, adaptive re-use of historic sites and structures, and infill development in their master plans and development regulations.</p> <p>Policy 6.7.1.1. To establish a region-wide, comprehensive approach to addressing residential needs in the Highlands Region, serving all age groups, income levels, and mobility options. Conforming municipalities shall perform a Highlands build out analysis that supports the required submittal of a petition for substantive certification to the Council on Affordable Housing (COAH).</p> <p><i>Objective 6.7.1.1.1. To develop a comprehensive Highlands housing program addressing regional housing needs within the context of preserving the character and environmental integrity of the Highlands.</i></p> <p><i>Objective 6.7.1.1.2 To develop an interagency partnership with COAH in support of conforming municipalities’ substantive certification plan development and regional affordable housing needs.</i></p> <p>Policy 6.7.1.2. To promote center-based development approaches that recognize and address a mix of housing types including affordable housing, support mixed uses where appropriate, and implement compact development approaches in the Existing Community Zone</p> <p>Policy 6.7.1.3. To promote affordable housing within new residential and mixed use development, redevelopment, or adaptive reuse projects in the Existing Community Zone and where appropriate throughout the Highlands Region.</p> <p>Policy 3.1.7. To permit human development, including family and farm worker housing in Agricultural Resource Areas which are accessory to and/or supportive of sustainable agriculture, subject to compliance with the resource management programs of the RMP.</p> <p><i>Objective 3.1.7.1. Implementation of regulations which allow for construction of ancillary structures and housing for family and farm workers that are necessary to support farm operations, upon a demonstration that the proposed development is consistent with the resource protection goals of the RMP.</i></p>
<p>Program Summary</p>	<p>The creation and maintenance of housing of all types has several important effects on communities and the Highlands Region as a whole. In particular, housing is linked to the sustainability, diversity, and quality of life for the Region. A number of tools can be used to greatly increase the flexibility of zoning ordinances to address both the need for smaller building footprints and maximize the number of market niches available to home builders and developers. Ultimately, housing costs and</p>

	<p>community quality determine who can and will live in a particular area. Opportunities should be created for all residents through the most efficient use of the land and resources with development taking place with minimal strain on the environment while maintaining low costs.</p> <p>In order to create a range of housing opportunities for the Highlands Region, several components will be addressed. First, there should be a variety and choice of housing. There is a need for options in the creation of affordable housing, including green building, as well as alternative housing schemes such as agricultural workers housing. Next, affordable housing in the Highlands Region should be both created and maintained. There is a constitutional obligation to provide realistic housing opportunities for low and moderate income families in New Jersey which applies throughout the Highlands Region. Sufficient housing for working families is crucial to the long-term sustainability of business and commercial enterprise in the Highlands Region.</p> <p>Inter-agency coordination between the Highlands Council and other key players is also important, particularly the Council on Affordable Housing (COAH) in support of municipal Plan Conformance. This coordination will allow both the Highlands Council and outside agencies to share data, provide innovative municipal options, promote regional planning, assist in the proper siting of affordable housing opportunities, share innovative technologies, and support affordable housing development in the Highlands Region. Conforming municipalities will evaluate housing opportunities using local knowledge and the Highlands build out model to evaluate and understand long range local and regional housing needs.</p> <p>Finally, an appropriate jobs-housing balance should be encouraged. The current disparity between jobs and housing opportunities has encouraged sprawling development and increased commute times and if mitigated can improve air quality, traffic times, and commuter costs.</p> <p>The housing plan element for Conforming municipalities shall discuss where affordable housing is to be located in support of RMP policies, local land use conditions and in support of long term planning needs. The housing plan element shall also contain an analysis of growth projections to be consistent with other RMP Conformance requirements, including the Municipal Assessment Report, the Master Plan, the land use plan, the community facilities plan, and evaluate the relationship of the housing and community facilities to the Board of Education 5-year facilities plan.</p> <p>The Highlands RMP Housing Program supports a range of housing opportunities and includes the following program components:</p> <ul style="list-style-type: none"> • Housing Affordability • Agricultural Workers Housing • Housing and Community Facilities • Smart Growth and Housing • Green and Energy Efficient Facilities • Housing and Employment
<p><i>Housing Affordability</i></p>	<p>Program Description Affordable housing needs are fulfilled in various ways. Several factors must be considered when analyzing the creation and maintenance of affordable housing in the Highlands Region, including housing costs, market factors, location and municipal-State coordination. In the Preservation Area, where future development is limited, it is especially important to evaluate innovative options for fulfilling</p>

	<p>municipal affordable housing needs. The following mechanisms will be used to address regional needs:</p> <ul style="list-style-type: none"> • Municipal conformance with the New Jersey Council on Affordable Housing (COAH) Substantive Certification Program; • The Highlands Build out model and RMP will serve in support of identifying local and regional housing needs; • In support of long term planning and the RMP Monitoring Program develop indicators that may serve as an assessment tool in gauging the level of success in providing a full-range of housing within the Highlands Region; • The creation and enhancement of partnerships for affordable housing between municipalities, counties, non-profits or other housing authorities; and • Maximizing the opportunities of State programs, technical assistance and planning, and agency coordination to ensure regional initiatives are met.
<p><i>Agricultural Workers Housing</i></p>	<p>Program Description The objective of this program component is to support human development, including both seasonal and non-seasonal family and farm worker housing which are accessory to and/or supportive of sustainable agriculture, subject to compliance with the RMP resource management programs. Coordination with the Department of Agriculture, the State Agricultural Development Committee, County Agriculture Development Boards and other interested parties will be necessary to further examine best practices and limitations that exist in support of this initiative. (See <i>Agricultural Management & Sustainability Program</i> for additional details)</p>
<p><i>Housing and Community Facilities</i></p>	<p>Program Description The link between housing and community facilities is characterized by state, regional, and municipal approaches in New Jersey. The New Jersey State Development and Redevelopment Plan serves as a tool used to support this inter-relationship. The designation of growth areas through the Plan Endorsement process of the State Plan identifies areas that are planned and appropriate for growth in New Jersey. The concept supports proper location, design, capacity and land to support the desired growth. The RMP supports the State Plan concept and builds upon it by identifying potential areas for enhanced land uses and evaluates the capacity and limitations of these areas. The RMP seeks to support county and municipal understanding and planning for appropriate housing and associated community facilities including opportunities for innovative and alternative technologies and shared service opportunities. The program will support the nexus between housing and community facilities through an evaluation of the jobs to housing balance, transit enhancement, educational facilities, and recreation programs, opportunities for maximizing shared services and infrastructure investment as related to local government fiscal and community sustainability. (See the <i>Community Development and Design Guidelines Program</i> and <i>Sustainable Regional Economy Program</i> for additional guidance)</p>
<p><i>Smart Growth and Housing</i></p>	<p>Program Description Inefficient land use and sprawl development patterns have created fiscal stresses and economic imbalances in the Region, resulting in a need for a smart growth approach in support of achieving regional housing needs. The goal of this approach is to use land more efficiently and in a manner that facilitates economically vibrant communities, complete with jobs, houses, shopping, recreation, entertainment, and</p>

	<p>multiple modes of transportation, as a means to promote community health and sustainability. This program supports a housing mix that conceives of housing opportunities as a continuum of housing types each of which offers specific opportunities, not only to the marketing of housing choices at a wide range of values, but also for housing types that can fit into specific environments or provide specific market opportunities. It also assures that the land area, yards, and other elements of a housing type are set to a level that produces quality design.</p> <p>The program will incorporate an assessment of opportunities for appropriate development, redevelopment, economic growth, and a Transfer of Development Rights (TDR) program. The program component seeks to identify ways to form livable, walkable communities in the Highlands Region. Municipalities will utilize the following smart growth planning approaches:</p> <ul style="list-style-type: none"> • Maximize the efficient use of existing infrastructure, in the form of redevelopment, infill, and adaptive reuse; and • Adopt an approach for implementing compact forms of development that supports center-based development, with the use of clustering, lot-averaging and conservation development approaches in environmentally sensitive areas. <p>(See <i>Smart Growth Program, Community Development and Design Guidebook Program, Redevelopment Program, Transfer of Development Rights Program, and Cluster Development Program</i> for additional details)</p>
<p><i>Green and Energy Efficient Facilities</i></p>	<p>Program Description</p> <p>This program will support the implementation of green building and energy efficient technology in the rehabilitation, redevelopment and development of facilities including but not limited to housing throughout the Region. Recent innovations in building practices and development regulations reflect significant energy efficiency measures through building materials, energy efficient appliances, water conservation measures, innovative and alternative technologies that support conservation practices and common sense practices such as recycling and re-use.</p> <p>Program components will include:</p> <ul style="list-style-type: none"> • Increasing the efficiency of land, resources, and utilities, by promoting green technology and energy efficient housing; • Coordination with the Sustainable State Institute, Board of Public Utilities, the Green Building Society and alternative energy agencies and non-profit entities; and • Education and outreach to stakeholders in support of RMP initiatives. <p>(See <i>Efficient Use of Water Program, Low Impact Development Program and Redevelopment Program</i> for additional details)</p>
<p><i>Housing and Employment</i></p>	<p>Program Description</p> <p>The Region and the State overall have a disparity between jobs and housing opportunities, forcing increased commutes by automobile. By providing a better balance of jobs to housing of all types, tailpipe emissions and the number of hours that vehicles are operating can be reduced. The quality of life concerns associated with increased miles traveled, limited housing near employment centers and inefficient infrastructure investments requires comprehensive planning initiatives. Through sound planning practices that support both resource protection and appropriate growth, the goal of community economic sustainability may be realized.</p> <p>The following opportunities serve to support RMP program components:</p>

	<ul style="list-style-type: none">• Coordination with the New Jersey Department of Transportation (NJDOT) along with NJTransit to promote the Transit Village Initiative which focuses on creating and maintaining livable and sustainable communities with transportation playing a key role. Through several programs, NJTransit and their partners attempt to build communities where public transportation already exists, supporting transit-oriented choices for people to live, work and play, thereby reducing reliance on the automobile.• The utilization of an Urban Enterprise Zone (UEZ) program, which allows participating businesses to access financial programs designed to stimulate job creation and business growth.• Implement the Main Street New Jersey program, which is a NJDCA Office of Smart Growth program intended to assist local business districts.• Coordinate with the Office of Smart Growth to ensure that regional conditions are reflected in State Plan policies and initiatives.• Coordination with the New Jersey Economic Development Authority and the Housing Mortgage and Finance Assistance programs to ensure that regional initiatives are supported by state economic and housing programs. <p>(For additional guidance see <i>Sustainable Regional Economy Program</i>.)</p>
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JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Local Participation
Version: November 7, 2007

<p>Issue Overview</p>	<p>The local participation requirements in the Highlands Act call for the “maximum feasible local government and public input into the council’s operations, which shall include a framework for developing policies for the planning area in conjunction with those local government units in the planning area who choose to conform to the regional master plan.” (Section 11.a.(3)), including the establishment of opportunities for public input in the regional planning process, including coordination with county and local governments, stakeholders and the general public. Section 6 of the Highlands Act additional authorizes the Council:</p> <p><i>j. To appoint advisory boards, commissions, councils, or panels to assist in its activities, including but not limited to a municipal advisory council consisting of mayors, municipal council members, or other representatives of municipalities located in the Highlands Region; and</i></p> <p><i>k. To solicit and consider public input and comment on the council’s activities, the Regional Master Plan, and other issues and matters of importance in the Highlands Region by periodically holding public hearings or conferences and providing other opportunities for such input and comment by interested parties.</i></p> <p>Local participation is a critical aspect of any planning process and has been a priority for the Highlands Council in the development of the RMP. This type of public participation is frequently utilized in land-use planning in order to involve citizens in the decision-making process and to enhance outcomes and establish a better sense of stewardship. Moreover, citizen participation may add knowledge to the planning process regarding local conditions, needs, and concerns that might otherwise go unaddressed.</p> <p>To be successful, specific public participation strategies should be tailored to the needs of the individual planning effort and the relevant stakeholder groups. The Highlands Council has used a multi-faceted approach to involve stakeholders and interest groups in the development of the RMP. The Council will continue to encourage and enhance local participation in the implementation and refinement of the RMP, which in turn will enhance and maintain the natural, cultural and economic resources of the Highlands Region for years to come.</p>
<p>RMP Policies and Objectives</p>	<p>To promote the understanding and support for the various RMP policies and objectives at the local level, and in support of Plan Conformance , the Highlands</p>

Addressed	<p>Council shall take actions that include the following:</p> <p><u>Resource Protection</u></p> <ul style="list-style-type: none">• Develop or utilize existing educational programs on water conservation measures to reduce consumptive and depletive uses of water supplies;• Develop or utilize existing training and educational programs on methods for using water capacity thresholds in land use decision making;• Provide educational and technical training programs to promote understanding of the importance of and consistent standards for the protection, restoration and enhancement of Prime Ground Water Recharge Areas;• Provide educational and technical training program on Prime Ground Water Recharge Area protection measures through the use of municipal planning, zoning and other regulatory authority;• Provide training and educational programs on ground and surface water quality protection and restoration methods;• Develop a training and educational program on concepts, approaches and methods for wellhead protection;• Develop training and educational programs on septic system design and maintenance and the protection of water quality;• Review information with counties and municipalities regarding areas of ground water quality impairment known to exist, or that are suspected (e.g., lake communities with failing septic systems, public community water systems) and how best to protect or restore these resources;• Develop educational and technical training programs to promote consistent standards for the protection, restoration and acquisition of important waters and riparian areas of the Highlands Region;• Develop educational and technical training programs on resource protection standards, restoration and mitigation practices, and Low Impact Development Best Management Practices to minimize impacts from land development activities on Highland Open Waters and Riparian Areas;• Coordinate with municipal Environmental Commissioners and watershed organizations to encourage a comprehensive stream monitoring and riparian area assessment program within the Highlands Region;• Develop an educational program on methods to identify and protect steep slopes;• Develop an educational program on methods to develop a forest stewardship plan;• Establish an educational program on sustainable forest management practices;• Educate the public on the ecological, economic, cultural and recreational value of maintaining healthy forests in the Highlands; and• Develop educational program on methods to develop Habitat Conservation and Management Plans. <p><u>Land Preservation</u></p> <ul style="list-style-type: none">• Educate the public on the economic, cultural and resource value of preserved open space in their communities;• Assist municipalities and counties in gathering open space information in order to update and track existing data; and• Develop educational and technical assistance on funding opportunities for land preservation, restoration and enhancement, and stewardship activities within the Highlands Region.
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	<p><u>Agricultural Sustainability</u></p> <ul style="list-style-type: none">• Develop educational and technical training programs f to promote a viable and environmentally sustainable agricultural and horticultural industry in their communities and in the Highlands Region;• Educate the public on the economic, cultural and resource value of maintaining a viable and environmentally sustainable agricultural and horticultural industry in the Highlands; and• Promote, establish and use an Agriculture Advisory Committees as a resource to meet the goals of the RMP. <p><u>Historic, Cultural and Scenic Resources</u></p> <ul style="list-style-type: none">• Provide educational and technical assistance to municipal and county officials regarding methods to identify and preserve the historic, cultural and scenic resources of their communities; and• Provide assistance to counties and municipalities interested in developing a heritage tourism component of their historic preservation and recreation planning efforts. <p><u>Future Land Use</u></p> <ul style="list-style-type: none">• Develop educational and technical training programs for innovative/alternative development and redevelopment initiatives in support of the RMP's policies for development, infill development and redevelopment;• Support stakeholder understanding of balancing development and redevelopment with resource protection and restoration, urban parks and green spaces, housing, employment, transit opportunities and other smart growth principles;• Support economic improvement of the Highlands Region through development and redevelopment initiatives that balance housing, employment and quality of life;• Provide programs and materials to educate stakeholders regarding the vast array of affordable housing options;• Provide educational programs regarding residential green building features and rebates available for utilizing energy efficient construction elements for new development and home renovations; and• Provide educational opportunities for Highlands Region stakeholders to learn about innovative design concepts and elements related to natural resource protection, smart growth principles, green building practices and other measures to enhance quality of life in the Highlands. <p><u>Water Resources and Utilities</u></p> <ul style="list-style-type: none">• Develop educational programs on water conservation, low impact development, recycling and re-use measures and methods to reduce demand of existing water supplies;• Develop training and educational programs for municipal utilities and public works departments to identify the adequacy or limitations of infrastructure for existing and future demands;• Develop educational programs on water conservation, recycling and re-use measures and methods to control infiltration and inflow to maximize available wastewater treatment capacity; and• Develop training and educational program for municipal and county planning boards and environmental commissioners on methods for using the RMP to revise and develop Wastewater Management Plans and in support of wastewater
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	<p>system maintenance.</p> <p><u>Transportation System</u></p> <ul style="list-style-type: none"> • Provide resources, technical support, education and outreach in order to implement the transportation, transit and related air quality protection policies. <p><u>Recreation and Tourism</u></p> <ul style="list-style-type: none"> • Assist with tourism inventories to identify both public and private tourist attractions, such as historic, cultural, scenic and recreation sites, as well as facilities to support tourism, such as bed and breakfast inns, restaurants, bicycle rentals and provisioners; and • Assist municipalities to work cooperatively with counties and neighboring towns to approach tourism from a regional perspective. <p><u>Land Owner Fairness</u></p> <ul style="list-style-type: none"> • Develop a public outreach and education agenda for the Highlands TDR Program, and information on Highlands Exemptions and Waivers; • Establish a process for designating voluntary receiving zones within the Highlands Region and the seven Highlands counties, which process shall allow for significant public input; and • Develop and implement a Voluntary TDR Receiving Zone Feasibility Grant Program to encourage and support interested municipalities in their petition to the Highlands Council for approval of TDR Receiving Zones. <p><u>Regional Economic Sustainability</u></p> <ul style="list-style-type: none"> • Provide a summary of the Cash Flow Timetable to the public on a periodic basis informing constituents regarding progress and expenditures related to the implementation of the RMP. • Assist municipalities in maximizing the efficiency of land development practices and opportunities for economic development and redevelopment in support of a sustainable regional economy. <p><u>Conformance and Implementation</u></p> <ul style="list-style-type: none"> • Assist municipalities, counties and stakeholders in understanding the nature and extent of Plan Conformance and Project Reviews requirements.
<p>Program Summary</p>	<p>The Local Participation Component provides for a variety of approaches to meet requirements of the Highlands Act. Various outreach and communication efforts have taken place since the creation of the Highlands Act. Since its inception, the Highlands Council has coordinated outreach programs and events for a variety of audiences. The overall efforts can be categorized into three separate programs: the Partnership, the Technical Advisory Committees (TACs), and the Network. The approaches that the Highlands Council uses to deliver information to the public and addresses constituent matters include: regular public meetings, public presentations, and the provision of individual outreach and constituent services. The Highlands Council website will continue to serve as a communication tool and reduce the need for physical production, distribution or packaging of Highlands Council documents.</p> <p>The Highlands Council has utilized a variety of outreach approaches in order to provide details regarding the RMP, disseminate technical information, address individual comments and concerns, and meet the constituents of the Highlands Region. The Council operates in a transparent environment and will continue to promote and maximize public participation and stakeholder involvement.</p> <p>The existing outreach components will continue to be utilized to encourage local participation. Additional strategies will include the development of training and</p>

	<p>educational programs on various subjects, resources and technical support on specific issues, and assistance in coordinating with other government entities in promoting regional goals.</p>
<p><i>Partnership Program</i></p>	<p>Program Description</p> <p>The Partnership is a consortium of government representatives of the 88 municipalities and seven counties of the Highlands Region. It was formed to provide a forum for disseminating information on the RMP and implementation process, as well as to create a direct line of communication between the Highlands Council and its constituent governments to address any questions that may arise.</p> <p>This program was created to make certain that local and county representatives and officials continue to have an active role in shaping their future. Representatives of the constituent towns and counties provided information on local issues and visions that related to elements of the RMP. Subjects of importance were identified and prioritized based on feedback from local and regional officials, including environmental protection, open space and land preservation, agriculture and forestry, economic development, tax rates, affordable housing, infrastructure capacity, transfer of development rights, developing model ordinances, and potential legal issues and challenges. Partnership meetings also took place with Highlands municipalities on an individual basis. Workshops, luncheons and other meetings were also convened with municipal representatives.</p> <p>The Council adopted a data-sharing agreements with all of the seven Highlands Counties in order to facilitate the production of the RMP. These agreements allow the Council to collect and share data with counties, such as parcel data, which will be helpful to sister agencies and the individual municipalities. These agreements facilitate contact between the Council and the seven Counties and assists the Council and staff in creating a sound, data-rich plan. The data sharing agreements between will provide updated information and resources on a continual basis. The information generated from this process maintains an investment of benefit to the participating entities as well as the Council.</p> <p>The Council will conduct constituent forums in support of the RMP and stakeholder understanding. In addition, education and training sessions covering a variety of topics including natural resources, housing, economic development, variances and exemptions for fair land stewardship, and innovative technologies, within the Highlands Region.</p>
<p><i>Technical Advisory Committees</i></p>	<p>Program Description</p> <p>The Technical Advisory Committees (TACs), consisting of technical experts and practitioners from a variety of relevant fields, including but not limited to planning, science, engineering, agriculture, transportation, real estate appraisal, and business, were convened to serve as resources to the Council and Highlands Council staff on specific subject matters. This outreach program was convened by the Highlands Council in order to gain a range of expertise in areas related to the development of the RMP.</p> <p>The 18 committees focused on subject matters that the Highlands Act mandated the Council to address as part of the RMP. Topics included water resources; land use planning; ecosystem management; land preservation; green construction; sustainable agriculture and forestry; eco-tourism; recreation; housing; community investment; regional development; brownfields; redevelopment; transportation; cultural, historic, and scenic resources; utility capacity; and transfer of development rights.</p>

	<p>The TACs, acting in the capacity of "volunteer consultants" have had meetings where individual issues to be dealt with in the plan were discussed amongst the experts and Highlands staff where information pertaining to the scientific and technical basis for sections of the RMP was exchanged and expert opinions offered on a course of action for each topic. A two-day workshop forum (or charrette) was held by the Highlands Council. The objective of the TAC Charrette was for Highlands Council staff and the participants to discuss and record a spectrum of approaches and strategies for addressing the goals of the RMP.</p> <p>The Highlands Council plans to continue outreach with the TACs, particularly in the development of the TDR Program and economic development and redevelopment initiatives. This process will allow the Highlands Council to gain different perspectives and will keep the TACs informed of the Highlands Council's program approaches. In some cases, multiple TACs will be combined to improve effectiveness and efficiency of the process.</p>
<p><i>The Network</i></p>	<p>Program Description</p> <p>The Network was created in order to open the door to stakeholders, including the general public, to share information about progress on the RMP, gain local insight and comments on significant issues, address individual questions of concern, host special stakeholder events, conduct public availability sessions and provide web access.</p> <p>To address their concerns, the Council has produced programs to inform citizens and business interests about the process surrounding the RMP and accept comments on any issues they may offer. The Council has participated in constituent meetings, received phone calls and responded to inquiries. The Highlands Council has also made numerous presentations to municipalities, interest groups and at conferences. Several times throughout the planning process, the Council proactively reached out to the Network in order to provide notice of the availability of new and updated information in the form of draft RMP data releases.</p> <p>Public Availability or Open House sessions held at the Highlands Office will continue to be scheduled and serve as a means to invite the public to ask questions about the RMP in an informal setting. The dates for these meetings will be available periodically at the Council's website. Repositories containing hardcopies of the RMP will be located at several local libraries and community colleges in order for the public to have enhanced public access to the documents for review. Currently, a repository for all hardcopy data released exists at the Highlands Council Headquarters in Chester, New Jersey and is available for public viewing upon request.</p> <p>The Highlands Council will continue outreach to the general public in order to inform the conformance process and implementation of the plan as well as to benefit stakeholders. Information will be presented on the ecological, economic, cultural and recreational value of maintaining healthy forests in the Highlands and of preserved open space in their communities. The Council seeks to achieve an understanding of balanced development and redevelopment with resource protection and restoration, urban parks and green spaces, housing, employment, transit opportunities, and other smart growth principles with the public, additional public outreach through the Highlands TDR Program.</p>
<p><i>Regular Public Meetings and</i></p>	<p>Program Description</p> <p>The Highlands Council meets on a regularly scheduled basis at the Highlands Council Office in Chester, New Jersey. The numerous committees of the Council</p>

<p><i>Presentations</i></p>	<p>meet on an as-needed basis. These meeting forums are open to the public and include opportunities for public comment. In fulfillment of the requirements set by the Act, the Council held hearings regarding the draft PMP to receive public comments, and also held Council meetings in each of the seven constituent counties to inform the public about the goals of the Highlands Council.</p> <p>The Council provides information to the public about a variety of topics related to the development of the RMP at regularly scheduled meetings of constituent municipalities and counties. Local concerns and comments are received at these meetings and will continue to be addressed on an individual basis.</p>
<p><i>Individual Outreach and Constituent Services</i></p>	<p>Program Description</p> <p>Outreach is also addressed by the Highlands Council on a case-by-case basis. Beyond the larger meeting forum, citizens may have general concerns, questions, or request a follow-up after Highlands Council meetings by either visiting, writing to, or calling the Council offices. Depending on the subject matter and availability of information, Highlands Council staff will offer an immediate response or acknowledge the request and provide a reply within a reasonable timeframe. Additionally, the Council is bound by the Open Public Records Act (OPRA) and have an established procedure for responding to any requests submitted via this procedure.</p> <p>Additionally, the Council is available to meet with representatives of constituent municipalities and counties regarding aspects of the Highlands Act, the PMP and Plan Conformance process, and any local concerns or information that these entities have to offer. There have been numerous meetings organized and/or attended by staff to interact and engage with property owners to provide specific information related to individual properties. Meeting handouts and other written documents have been prepared and distributed in an effort to educate the general public about the Highlands Region, the role of the Council, the RMP and NJDEP's Highlands Rules. This important outreach component will continue to be a service rendered to individuals and organizations by Highlands Council Staff.</p>
<p><i>Special Stakeholder Events</i></p>	<p>Program Description</p> <p>Open meetings and special events geared toward addressing individual topics and/or stakeholder groups are another avenue for disseminating information to groups of constituents. This format was employed to inform Highlands landowners, particularly those in the Preservation Area, about the Highlands Act in order for them to make educated decisions regarding the future of their land. The "Landowner Forum" convened early in the process, advised this special stakeholder group about landowner rights and options. More than 100 participants attended the forum which consisted of presentations by Highlands Council staff, the State Agriculture Development Committee (SADC), and Green Acres. The public was afforded the opportunity to meet with the various state, county and non-profit land preservation entities, including Morris Land Conservancy, Trust for Public Land, New Jersey Conservation Foundation, Association of New Jersey Environmental Commissions, Passaic River Coalition, Hunterdon Land Trust Alliance, as well as representatives from Morris, Passaic, and Warren Counties to discuss preservation opportunities. Another special stakeholder event was a bus tour for Highlands Council members and staff to view a variety of farms in the region with members of the New Jersey Farm Bureau and Highlands farmers to learn about local farmers needs.</p> <p>Educational programs and technical training which will be developed as part of the plan implementation will be presented at the Highlands Office. The dates for these meetings are available at the Council's website.</p>

<p><i>Web Access and data sharing</i></p>	<p>Program Description</p> <p>The Highlands Council has maintained a website since shortly after adoption of the Highlands Act (http://www.highlands.state.nj.us/). The site contains document releases, maps, frequently asked questions, legal requirements of the Act, and other information for stakeholder groups including the Council’s calendar, agendas, meeting minutes, public comments and press releases. Summary reports from the initial TAC meetings as well as the TAC Charrette Workbooks are available at the Highlands Council website. This is an important method of public education as many of the public releases and relevant documents provided by the Council have been posted to the website, as will be the release of the RMP.</p> <p>The stakeholder page provides specific information for many groups including homeowners, landowners, municipalities, counties, grassroots organizations, and farmers. A “hot topics” section contains timely issues and recent public information. There are also links to other State websites that deal with Highlands issues or that might affect the stakeholders in the Highlands Region. An important tool for stakeholders is the interactive mapping application which allows the public to determine if their property - by street address or specific block and lot designation - is in the Highlands Preservation or Planning areas. The property search tool will be enhanced with Land Use Capability Zone Map and Highlands resource data as they become available.</p>
<p><i>Training and Education for Municipal and County Officials and Staff</i></p>	<p>Program Description</p> <p>The RMP includes requirements and recommendations for municipal and county implementation through the Plan Conformance process, many of which require specialized knowledge regarding technical, scientific and planning fields. The Highlands Council will prepare and provide technical training and education for elected and appointed officials and their staff to ensure that Plan Conformance activities are implemented with the greatest possible understanding of the issues, effectiveness and efficiency. In most cases, these training and education opportunities will be provided at the regional level, and may be provided in cooperation with professional and municipal organizations.</p>



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
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**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
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RMP Program: Regional Master Plan Monitoring
Version: November 7, 2007

<p>Issue Overview</p>	<p>The RMP seeks to protect the natural and cultural resources of the Highlands Region, while maintaining a sustainable economy. The Highlands Council recognizes that the RMP will be implemented in an ever changing Highlands Region and despite a changing landscape, the RMP will need to continue to provide solutions to current issues.</p> <p>Monitoring and research are vital to understanding the impact of the RMP and of conditions that affect the RMP. Once data are collected and tracked over a period of time, conclusions can be drawn regarding the effectiveness of the RMP. Indicators will be used by the Highlands Council to evaluate regional conditions, identify new or emerging issues, and develop future priorities. Based on the findings of the monitoring, updates and amendments to RMP policies and programs may need to be made. The implementation of a monitoring program is necessary to ensure the vision of long-term sustainability in the Highlands Region.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 10A1 To ensure that programs and policies are effectively coordinated to promote the purpose and provisions of the RMP, through efforts with all levels of government, including local, county, regional, State and federal agencies.</p> <p>Policy 10A2 To ensure sufficient local participation in the development of the RMP and on-going work of the Highlands Council.</p> <p>Objective 10A2a <i>Engage stakeholder groups and individuals in public participation opportunities that provide meaningful input in the Highland Council planning process.</i></p> <p>Policy 10A3 To ensure maximum RMP Conformance by municipalities and counties to achieve the highest level of protection for all important natural systems and resources of the Highlands.</p> <p>Objective 10A3a <i>Provide benefits and incentives to municipalities and counties that Conform to the RMP.</i></p> <p>Policy 10A4 To monitor and track the long-term success of the Regional Master Plan.</p> <p>Objective 10A4a <i>Prepare a Highlands RMP Monitoring Review Report biennially to ensure that the RMP is meeting its goals.</i></p>
<p>Program Summary</p>	<p>The RMP Monitoring Program and associated Monitoring Review Report provide the framework for evaluating progress in achieving the goals of the RMP through</p>

	<p>implementation of policies and programs. The approach is similar to that of a municipal master plan re-examination report. The implementation of a monitoring program will ensure that the RMP remain effective and current.</p>
<p>RMP Monitoring</p>	<p>Program Description</p> <p>The RMP Monitoring Program will provide a framework for tracking the long-term success of the RMP. The review will consist of on-going monitoring of indicators and a periodic monitoring report which documents regional indicators and milestones. The monitoring initiative will evaluate progress in achieving the goals set forth in the RMP as they pertain to conforming municipalities and counties, as well as to non-conforming municipalities and counties, to the degree that information is available.</p> <p>Monitoring activities by the Highlands Council will guide potential amendments to the RMP. Indicators will help to identify where RMP policy is most effective, and where amendments to policy or programs may be useful. If an aspect of the RMP is found to be unattainable, ineffective, or missing, this assessment will result in an appropriate course of action.</p> <p>Indicators relating to environmental, social, and economic health will be used to document changes in the Highlands Region. Indicators will be chosen based upon the usefulness of information they communicate and data availability throughout the Region over time. Indicators may be either quantitative or qualitative depending on the parameter to be measured. If at any time an indicator is found to be inadequate, or another measurement is found to better measure a parameter of the RMP, the indicator may be revised. The values may reflect a Highlands baseline data standard or a governmental standard. Monitoring will also identify gaps in available data and develop data-gathering mechanisms to fill such gaps or include recommendations for additional or alternative data.</p> <p>The monitoring of indicators will be an on-going process, although the Monitoring Review Report will be prepared periodically, as described below.</p>
<p>RMP Monitoring Review Report</p>	<p>Program Description</p> <p>The RMP Monitoring Review Report will be used to communicate with state, federal, county, and local planning partners and the general public the successes of the RMP, as well as the remaining challenges to the Region. Initially, the RMP Monitoring Review Report will be a baseline assessment of the Highlands Region, based upon the RMP monitoring indicators. The initial assessment will inform the development of “Highlands Milestones.” Milestones will be chosen for each indicator and are intended to reflect progress toward long-term RMP goals. For example, an RMP indicator that would be measured yearly may be “acres of critical protection priorities that are preserved as open space”. The milestone would be an “increase in preserved critical protection priorities from the previous year.” Another associated milestone would be an “increase in conservation easements from the previous year.” An emphasis will be placed on substantive indicators that directly measure “real world” change or protection. Where milestones are needed for RMP implementation, administrative or programmatic indicators may be used as well.</p> <p>The Monitoring Review Report will track changes to the indicators and report on Highlands Milestones achieved and not achieved.</p> <p>Examples of Highlands Milestones that may be used include:</p> <ul style="list-style-type: none"> ▪ Increase in the acreage of new parks and preserved open space and farmland that preserve high priority lands; ▪ Increase in the number of redevelopment and brownfields properties that

	<p>are redeveloped in conformance with RMP policies;</p> <ul style="list-style-type: none">▪ Reduction or elimination of Water Deficits in HUC14 subwatersheds;▪ Increase in the percentage of new development within areas served by public water and sewerage;▪ Compliance of new development with RMP septic system densities, where public sewerage is not used;▪ Increase in the number of zoning amendments and/or new/updated ordinances reflecting RMP policy;▪ Increase in the percentage of new construction projects that include mixed use or green building approaches;▪ Increase in the number of new/updated resource management plans or protection measures reflecting RMP policy;▪ Increase in the number of opportunities for public participation in the Highlands planning process, including education and outreach programs; and▪ Increase in the number of municipalities or portions of municipalities participating in Plan Conformance. <p>The monitoring of indicators is an on-going process, and the RMP Monitoring Review Report will be produced every 2 years, or additionally, if necessary. RMP Monitoring Review Reports will be used to inform the development of future iterations of the RMP.</p>
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JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Project Review Process
Version: November 7, 2007

<p>Issue Overview</p>	<p>The Highlands Council is legislatively charged with reviewing proposed projects throughout the Highlands Region, including both the Preservation Area and the Planning Area, for consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. The Project Review responsibilities identified in the Highlands Act and specified through State agency coordination include the following:</p> <ol style="list-style-type: none"> 1. Development applications submitted to Local Government Units 2. Call-up of Local Government Unit approvals 3. Capital, State and Local Government Unit projects 4. Highlands Preservation Area Approvals (HPAA) 5. Approvals, authorizations or permits issued by NJDEP 6. Highlands Act exemption determinations in the Planning Area <p><u>Development Applications:</u> Section 6.r of the Highlands Act identifies the specific responsibility to “comment upon any application for development before a local government unit, on the adoption of any master plan, development regulation, or other regulation by a local government unit, or on the enforcement by a local government unit of any development regulation or other regulation, which power shall be in addition to any other review, oversight, or intervention powers of the council prescribed by this act.”</p> <p><u>Call-up of Local Government Unit approvals:</u> Section 17.a.(1) of the Act states that “[s]ubsequent to adoption of the regional master plan, the council may review, within 15 days after any final local government unit approval, rejection, or approval with conditions thereof, any application for development in the preservation area” with the ability to override the local decision if inconsistent with the RMP. Within the Planning Area, the Council shall include as a condition of Plan Conformance procedures for the Highland Council call-up <u>Local Government Unit approvals.</u></p> <p><u>Capital, State and Local Unit Projects:</u> Section 16 of the Act states that “the council may provide comments and recommendations on any capital or other project proposed to be undertaken by any State entity or local government unit in the Highlands Region.”</p>
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	<p><u>Highlands Preservation Area Approvals (HPAA)</u>: The Highlands Act, in Sections 9 and 11, authorize the Highlands Council to “identify areas in which redevelopment shall be encouraged” in the Preservation Area and “any areas identified for possible redevelopment pursuant to this subsection shall be either a brownfield site designated by the Department of Environmental Protection or a site at which at least 70% of the area thereof is covered with impervious surface.” These Redevelopment Site Approvals would be reviewed and approved by the Highlands Council and then review for consistency with NJDEP’s waiver provisions in accordance with N.J.A.C. 7:38-6.</p> <p><u>Approvals, authorizations or permits issued by NJDEP</u>: The NJDEP’s Highlands rules (N.J.A.C. 7:38) also empowers the Council to review and comment on proposed projects in the Region. The rules state “for the planning area, when consistent with its statutory and regulatory authority, the Department shall not issue any approval, authorization or permit that the Department determines, in consultation with the Highlands Council, to be incompatible with the resource protection goals in the RMP...”(N.J.A.C. 7:38-1.1(h)). N.J.A.C. 7:38-1.1(i) states “In its review of permits or approvals under this chapter in the preservation area, the Department shall apply the standards of this chapter and those in the RMP, to be incorporated by reference in (l) below, when adopted by the Highlands Council. Where the Department, in consultation with the Highlands Council, determines there is an inconsistency in the standards, the Department shall apply the Regional Master Plan.” As per N.J.A.C. 7:38-1.1(j), the NJDEP shall give great consideration and weight to the RMP, to be incorporated by reference in making permit decisions that: 1) provide relief from strict compliance with the standards of the applicable permit programs, such as making a determination of public benefit or hardship waiver from certain NJDEP permits; or 2) provide relief through the issuance of a HPAA with waiver.</p> <p>Specifically, the rules at N.J.A.C. 7:38-1.1(k) require that NJDEP only approve a Water Quality Management Plan (WQMP) amendment after receiving from the Highlands Council a determination of consistency with the RMP, for both the Preservation and Planning Areas.</p> <p><u>Highlands Act exemption determinations in the Planning Area</u>: The Highlands Council will review and make determinations of those projects in the Planning Area that determined to be exempt from the Highlands Act under Section 30. The Council shall use the applications procedures and substantive standards for Highlands Applicability Determinations in NJDEP’ Highlands Rules at N.J.A.C. 7:38-1.1 et seq which are incorporated herein by reference.</p> <p>It is imperative to develop a comprehensive, coordinated system of project reviews to ensure that there is consistency and sufficient detail in review approach among different types of projects. Implementation of a detailed and comprehensive process will result in maximum efficiency, cost-effectiveness, and transparency and will serve as a mechanism to coordinate state agency reviews on projects requiring multiple permits.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 1.1.2.5. To ensure that forest resources are protected on a site specific basis during site plan or subdivision review. <i>Objective 1.1.2.5.1. Applications for development approval require identification of any forest area on and adjacent to a site in accordance with the Highlands Council’s <u>Alternate Method for Identifying Upland Forest Areas</u> in the Highlands Region.</i></p> <p>Policy 1.2.1.4. Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the Highlands Open Water feature. All development shall comply</p>

	<p>with buffer standards which provide for the protection of Highlands Open Waters reviewed on a site-specific basis during site plan or subdivision.</p> <p>Objective 1.2.1.4.1. <i>Require that all applications for site plan or subdivision approval include the identification and mapping of Highlands Open Waters.</i></p> <p>Policy 1.2.1.5. Protect the integrity of the Riparian Areas through the application of project review standards during site plan review.</p> <p>Objective 1.2.1.5.1. <i>Require that all applications for site plan or subdivision approval include the identification and mapping of Highlands Riparian Areas.</i></p> <p>Policy 1.3.1.6. To require that applications for site plan or subdivision approval include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.</p> <p>Policy 1.3.1.7. To require that applications for site plan or subdivision approval involving parcels of land with slopes of 10% or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock and Soil Capability Classes.</p> <p>Policy 1.4.1.6 To require that applications for site plan or subdivision approval for lands within Critical Wildlife Habitats, Significant Natural Areas, or within 1,000 feet of Vernal Pools be subject to resource management programs, including minimum standards and criteria.</p> <p>Policy 2.2.2.7. To implement resource protection standards to provide for the protection of ground water recharge areas on a site-specific basis during site plan review.</p> <p>Policy 3.1.10. To establish and implement resource management programs which protect agricultural resources during site plan or subdivision review and approval.</p> <p>Policy 4.1.4. To require that the impact of proposed human development on the historic and cultural resources of the Highlands Region be addressed during site plan or subdivision review and approval.</p> <p>Objective 4.1.4.1. <i>All applications for site plan or subdivision approval shall include identification of any cultural, historic or archaeological resources in the Highlands Region which are listed on the Highlands Historic and Cultural Resource Inventory and may be affected by the proposed development.</i></p> <p>Policy 4.2.5. To require that the impact of proposed human development on the scenic resources of the Highlands Region be addressed during site plan or subdivision review and approval.</p> <p>Objective 4.2.5.1. <i>All applications for site plan or subdivision approval shall include identification of any scenic resources in the Highlands Region which are listed on the Highlands Scenic Resources Inventory and may be affected by the proposed development.</i></p> <p>Policy 9.1.5. To implement resource protection standards to provide for the protection of air quality on a site-specific basis during site plan or subdivision review.</p>
<p>Program Summary</p>	<p>The purpose of this program is to establish administrative and procedural standards to facilitate accurate, comprehensive and timely reviews of applications submitted to the Highlands Council. The procedures will be designed to provide accurate and complete information as a basis Council determinations. The program will establish a process that is clear, transparent and understandable to, applicants, the Council, state agencies and the public. The program has three principal components:</p> <ul style="list-style-type: none"> • Administrative Review procedures to ensure that applications are processed and tracked and that the review process is efficient and transparent • Technical Review procedures to ensure that there is an accurate and consistent technical review • Council Review procedures leading to a comprehensive Council determination
<p>Administrative Procedures</p>	<p>Program Description</p> <ul style="list-style-type: none"> • The Highlands Council will establish standard operating procedures regarding all

	<p>project applications received. The Council will implement its filing system by project category (e.g., WQMP, Redevelopment, etc.), county and municipality. Following are the general elements that will comprise the administrative procedures process: a system regarding the logging, tracking and filing of all applications</p> <ul style="list-style-type: none"> • a process of notifying the public regarding all pending reviews • procedures regarding pre-application meetings • a process for determining if an application is administratively complete • appropriate permit fee schedules • review timeframes/schedules • procedures for public access to, and review of, applications • procedures for determining whether a public hearing or staff administrative hearing is required • procedures for conducting public hearings or staff administrative hearings • procedures for establishing a service list for each application
<p><i>Technical Review Procedures</i></p>	<p>Program Description</p> <p>The Highlands Council will establish detailed technical review procedures for all project categories. Following are the general elements that will comprise the technical review procedures:</p> <ul style="list-style-type: none"> • all applications must be submitted with sufficient information to allow a complete project review, including a GIS or AutoCAD site layout. Submittal of written and graphical information in electronic format will be encouraged. • all project reviews will utilize the standard RMP resource GIS layers • all project reviews will utilize the standardized project review checklist; the checklist for a particular project category will be tailored as necessary to accommodate specific requirements (e.g., the 70% impervious surface determination for proposed redevelopment areas) • all WQMP reviews will be based upon information provided by the NJDEP or applicant on behalf of NJDEP, in addition to the Council’s RMP resource GIS layers • based upon the GIS-layer review and the completion of the project review checklist, staff reviews will be summarized in a draft staff recommendation report • applicants will be provided with the draft staff recommendation report and given an opportunity to provide comments
<p><i>Council Review Determinations</i></p>	<p>Highlands Council staff will present a final staff report with recommendations to the Highlands Council to approve, deny, or approve with conditions. Approval of a proposed project is dependant on the demonstration that it is substantially consistent with the goals, requirements, and provisions of the Highlands Act and the RMP. Any The Highlands Council shall provide an opportunity for public comment and then approve, approve with conditions, or deny the application. Where a project is approved with conditions, the conditions shall be specified. Where a project is denied, the specific justification for denial shall be specified. The Highlands Council’s final determination shall include written findings of fact and conclusions based thereon.</p>



JON S. CORZINE
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State of New Jersey
Highlands Water Protection and Planning Council
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(908) 879-6737
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JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Federal, State, and Regional Agency Coordination
Version: November 7, 2007

Issue Overview	<p>The Highlands Act requires a coordination and consistency component which details the ways in which local, State, and Federal programs and policies may best be coordinated to promote the goals, purposes, policies, and provisions of the RMP, and which details how land, water, and structures managed by governmental or nongovernmental entities in the public interest within the Highlands Region may be integrated into the RMP.</p> <p>For a regional planning initiative to thrive, a substantial amount of participation and coordination is required from all levels of government. In addition to the 88 constituent municipalities and seven Highlands counties that will play a large role in implementing the RMP, it is necessary for the Council to incorporate thorough and effective interaction and coordination with federal and State agencies. Coordination with the seven county planning departments in support of both county and municipal Plan Conformance as well as RMP data management and data sharing is also a critical component.</p> <p>This extraordinary degree of cooperation is vital in order to achieve the most positive, sustainable outcome for the environment and economy of the Highlands Region, and thus the quality of life for all who live and work here or benefit from its resources. Establishing a process based on the consistent treatment of factors at all levels of government is key to the success of regional policies and initiatives.</p> <p>State level coordination between the Council and the Department of Environmental Protection will be particularly important due to the requirements of the Act that establish stringent regulatory standards for development in the Preservation Area administered by the Department and the provisions in NJDEP regulations at N.J.A.C. 7:38-1.1(g) through (l), which require that consideration and weight be given to this Plan.</p> <p>The Highlands Act provides that any municipality or county located entirely or in part in the Preservation Area shall be exempt from the State Planning Commission's Plan Endorsement process and provides that the Council must consult with the State Planning Commission before approving, rejecting, or approving with conditions the revised plans and associated regulations of Planning Area municipalities and counties for lands in the Planning Area. Further, the Act provides that upon the State</p>
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	<p>Planning Commission’s endorsement of the RMP, any municipal master plan and development regulations or county master plan and associated regulations that are found by the Council to be in conformance with the RMP shall be considered the equivalent of having those plans endorsed by the State Planning Commission.</p> <p>Finally, regional coordination between the Highlands states (Connecticut, New York, and Pennsylvania) is necessary in order to address and implement comprehensive conservation measures, since regionally significant resources do not neatly follow political boundaries.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Objective 1.5.1.5.1. <i>Establishment of a dedicated source of state revenue to be used for open space preservation in the Highlands Region, such as coordination with NJDEP Green Acres Program for re-authorization of the Garden State Preservation Trust Fund, including a dedicated fund for the anticipated land acquisition needs of the Highlands Region. Also the imposition of a water user fee.</i></p> <p>Objective 1.5.1.6.1. <i>Coordination of Highlands Region priority open space preservation and land stewardship activities with the NJDEP Green Acres Program and the State Agriculture Development Committee with regard to land acquisition and preservation priorities in the Highlands Region.</i></p> <p>Objective 1.5.1.6.2. <i>Coordination with NJDEP regarding the review of applications for Green Acres diversions for consistency with the Highlands Regional Master Plan.</i></p> <p>Policy 1.5.1.10. To promote and facilitate the formation of an interagency working group comprised of representatives of appropriate federal, state and county agencies for the purpose of coordinating open space acquisition activities, including identification of high priority lands for preservation, land stewardship initiatives, and funding needs.</p> <p>Policy 2.1.2.1. To track and consider water availability in the review of site-specific and regional planning activity, including any major Highlands development, issuance of a Highlands Preservation Area Approval or waiver, State or local capital projects that involve disturbing two or more acres of land or a cumulative increase in impervious surface by one acre or more, development applications that disturb two or more acres of land or increase impervious surface by one acre or more, wastewater management plan amendments, and other applications under the purview of the Highlands Council.</p> <p>Policy 2.3.1.5. To coordinate with NJDEP and other agencies to identify impairments and implement improved regulatory actions and management practices that will also support the water quality goals of the Highlands Act.</p> <p>Objective 2.3.3.1.1. <i>Coordinate with NJDEP to establish and maintain an inventory of Wellhead Protection Areas in or affecting the Highlands Region.</i></p> <p>Objective 2.4.2.9.2. <i>A program of coordination with NJDEP, water purveyors and water utilities to ensure that service areas and franchise areas are supplied by and consistent with sustainable yields from their designated sources.</i></p> <p>Objective 3.1.9.1. <i>Coordinate with the State Forester to provide guidance for the development of Forest Management Plans that improve maintenance of ecosystem and water resource values of the Highlands Region.</i></p> <p>Policy 3.2.4. To coordinate with other municipal, County, state, and federal agencies to ensure to the maximum extent practicable that other agency programs are coordinated with the resource protection requirements of the Highlands Regional Master Plan.</p> <p>Policy 4.1.6. To coordinate the Highlands Council’s activities with regard to the historic and cultural resources with the New Jersey Historic Trust and State Historic Preservation Office.</p> <p>Policy 5.3.2. To coordinate with NJ DOT, NJ Transit, NJTPA (North Jersey Transportation Planning Authority) and counties with regard to transportation</p>

	<p>planning within the Highlands Region.</p> <p>Objective 6.5.2.1.1. Establish a Highlands Interagency Team to support and expedite redevelopment and development activities that conform to the Plan.</p> <p>Objective 6.5.4.1.1. Any restoration of contaminated sites will be conducted in accordance with the criteria required by the NJDEP’s technical requirements for site remediation (NJAC 7:26E)</p> <p>Objective 6.5.4.1.2. Coordinate with NJDEP on Highlands Brownfield designations and in support of a mechanism that facilitates remedial activities within the Highlands Region.</p> <p>Policy 6.7.1.1. To establish a region-wide, comprehensive approach to addressing residential needs in the Highlands Region, serving all age groups, income levels, and mobility options. Conforming municipalities must prepare and submit a petition for substantive certification to COAH.</p> <p>Objective 8.1.4.2. State agency coordination of economic development funding and programs that support Highlands Region development and redevelopment areas.</p> <p>Objective 8.2.2.1. Coordinated activities with the NJ Department of Agriculture and other entities to improve opportunities for sustainable agricultural operations that improve farm incomes and the long-term viability of farming.</p>
<p>Program Summary</p>	<p>The purpose of this program is to establish a process based on the consistent treatment of factors at all levels of government to ensure the success of RMP policies and initiatives. Towards this end, a fundamental goal of this program is to establish or enhance interagency coordination to address critical issues such as environmental review procedures, land use regulation, affordable housing, land acquisition, agriculture, TDR, and Smart Design practices. Additionally, through this program, the Highlands Council will establish regular lines of communication and exchange technical information with representatives of the Federal Highlands Region in Connecticut, New York, and Pennsylvania.</p> <p>Through proactive coordination with federal, State and county agencies the Council will promote the use of the RMP policies and standards to ensure the consistent protection of resources in the Highlands Region. Consistency is particularly important with those federal or State programs related to water supply availability, water quality, biodiversity conservation, and infrastructure capacity needed to handle growth.</p>
<p>Creation of Interagency Committees</p>	<p>Program Description</p> <p>The Highlands Council has established a State and Federal Agency Coordination Committee that will work with staff to develop the creation of Interagency Teams as needed to implement the RMP. The Interagency Teams will reflect the multiple modes of coordination that are required and will be dynamic and subject to change based on the nature of the issues at hand. The Interagency Teams may address critical coordination measures such as environmental review procedures, land use regulation, affordable housing, land acquisition, agriculture, Brownfields, TDR, historic and scenic resources, transportation and Smart Design practices. The Teams will serve in support of RMP policies, Plan Conformance reviews, and Project reviews as well as technical and planning partners in the implementation of RMP policies. The role of the Interagency Teams for all stakeholders is that it serves as a local and regional entity in support of Highlands’s issues and concerns.</p>

<p><i>Coordination with Regional Agencies</i></p>	<p>Program Description The Highlands Council will establish or enhance regular lines of communication and exchange technical information with representatives of the Federal Highlands Region in Connecticut, New York, and Pennsylvania. The Council will also ensure consistent coordination with relevant federal departments and agencies including the United States Departments of Agriculture, Interior, Commerce, Transportation, and Defense and the Environmental Protection Agency, as well as any federal departments and agencies that engage in activities that affect the Highlands Region. The Council will maintain liaison with each federal department or agency that administers or funds programs that affect the use of lands or protection of resources in the Highlands. These coordination efforts will encourage each federal entity to rely upon the RMP when their actions or decisions about programs, projects, or funding have the potential to affect the Highlands Region.</p>
<p><i>Coordination with State Agencies</i></p>	<p>Program Description The Highlands Council will ensure consistent on-going coordination with State agencies and between the Council and NJDEP. The Council will work with NJDEP to actively encourage NJDEP to utilize the RMP as the basis for establishing regulatory thresholds and standards. The Council will also work with NJDEP to develop a coordinated land use permitting strategy for lands subject to the NJDEP's Highlands Rules and the RMP'ss Preservation Area requirements. The Council will also develop a process to ensure consistent coordination with the New Jersey Departments of Agriculture, Law & Public Safety, Community Affairs, Education, Health and Senior Services, Treasury, and Transportation, and the NJ Commerce, Economic Growth and Tourism Commission on issues appropriate to their jurisdictions.</p> <p>In order to aide municipalities where they seek the appropriate development, redevelopment, and preservation of appropriate lands within the Highlands Region, the Council will coordinate with the Economic Development Authority, New Jersey Redevelopment Authority, the Housing and Mortgage Finance Agency, the New Jersey Environmental Infrastructure Trust, the New Jersey Historic Trust, and the Garden State Preservation Trust to facilitate funding and the institution of policies that help to implement the RMP.</p> <p>To help ensure that new infrastructure and State funded public development is guided to appropriate locations in the Highlands Region, the Council will work with the Board of Public Utilities, New Jersey Transit, the New Jersey School Construction Corporation, Department of the Treasury, and New Jersey Building Authority.</p>
<p><i>Specific Coordination with State Planning Commission</i></p>	<p>Program Description The Highlands Council will take the following steps related to the State Development and Redevelopment Plan:</p> <ul style="list-style-type: none"> • Within sixty days of adoption of the RMP, the Council will, as required by the Highlands Act, submit the RMP to the State Planning Commission for Plan Endorsement for the Planning Area of the Highlands Region; • Coordinate with the State Planning Commission to resolve inconsistencies between the State Development and Redevelopment Plan and Map and the Highlands RMP and Land Use Capability Map through modifications that respond to requirements of the Highlands Act; • Maintain a cooperative planning process with the State Planning Commission to reconcile conflicting land use policies that municipalities may encounter when seeking to gain Plan Endorsement by the State Planning Commission or Plan

	<p>Conformance by the Highlands Council;</p> <ul style="list-style-type: none"> • Coordinate with the State Planning Commission to ensure the sharing of all reports, petitions, recommendations and/or reviews generated for the State Plan Cross Acceptance and Plan Endorsement processes by Highlands municipalities and counties as well as those prepared as part of the Highlands RMP and Plan Conformance process with local Highlands governments; • Streamline the State Plan and Highlands processes for municipalities and counties by providing for simultaneous agency reviews as well as joint meetings, whenever possible; • Coordinate with the State Planning Commission to ensure consideration of any written comments provided by the Council concerning petitions before the Commission prior to any action approving, rejecting, or approving with conditions the petition for Plan Endorsement; and • Coordinate with the Department of Community Affairs' Office of Smart Growth to ensure the sharing of all relevant documents and data concerning the review and coordination of State infrastructure capital investment, community development, and financial assistance for local governments with lands in the Planning Area.
<p><i>Specific Coordination with Regional, County, and Municipal Planning Agencies</i></p>	<p>The Highlands Council will ensure consistent, on-going coordination with the Regional, County, and Municipal Planning Agencies in support of Plan Conformance and State agency coordination. The Council will work with these agencies to allow for coordination and consistency in support of County and municipal planning, project reviews and long term planning and funding programs. The Regional and County Planning Agencies serve as a critical interface between state, regional and local knowledge to ensure that RMP policies and initiatives are coordinated throughout the Region. The data sharing and management practices with Regional, County, and Municipal Planning Agencies will continue to be refined and enhanced to ensure that timely updates are achievable, quality assurance measures are in place and innovative approaches may be realized.</p>



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Water Resources Science Agenda
Version: November 7, 2007

<p>Issue Overview</p>	<p>The Data and Analysis chapter of the RMP includes resource assessments for a multitude of natural resources, particularly water resources, based on a significant research effort by the Highlands Council. Much of that information represents one-of-a-kind data products using innovative methods and techniques. For example, water utility service areas maps developed by the Highlands Council remain a unique product in the State.</p> <p>Implementing the Goals, Policies and Objectives of the RMP will require programs to guide the ongoing research agenda after its adoption. A major focus will be continued refinement, updating and research into new methods to improve the Council’s understanding of the Highlands Region’s resources.</p>
<p>RMP Policies And Objectives Addressed</p>	<p>Policy 2.2.1.1 To improve estimates of Net Water Availability over time, including testing, development and adoption of ecologically-based assessment techniques to evaluate the high and low flow needs of streams necessary to maintain the health of aquatic ecosystems, and the relationship between ground water recharge, ecological flow needs, consumptive water uses and estimates of water availability for both ground and surface water resources.</p> <p>Policy 2.2.1.2 To evaluate potable water supply reservoir safe yield and passing flow requirements and examine the effects of upstream consumptive and depletive water uses on safe yields and of passing flows on Highlands Open Waters and recommend regulatory changes to NJDEP as appropriate.</p> <p>Policy 2.2.1.3 To develop a more refined Hydrologic Unit Map using Light Detection and Ranging (LiDAR) technology and high resolution digital elevation modeling to support more detailed geographic estimates of water availability.</p> <p>Policy 2.2.1.4 To develop more refined estimates of the effects on Net Water Availability regarding the exportation and importation of water and wastewater.</p> <p>Policy 2.4.5.1 To monitor and assess nitrate-related impacts to water resources within the Highlands Region.</p> <p>Policy 2.4.5.2 To develop appropriate and innovative resource management programs to protect, restore, and enhance subwatersheds where existing ground water quality is impaired.</p> <p>Objective 2.4.5.2.1 <i>Identify innovative technologies that may be appropriate for the design,</i></p>

	<p><i>installation, and maintenance of on-site wastewater treatment systems to minimize impairment to ground water or surface water quality due to elevated nitrate concentrations providing the systems meet the minimum standards of N.J.A.C 7:9A.</i></p>
<p>Program Summary</p>	<p>The following components represent items for inclusion into a long-term science agenda for the Highlands Council, particularly as they related to water supply, water quality and watershed integrity. They represent a variety of research topics.</p> <p>As seen in the program components, some of these items began during drafting of the RMP. Therefore, many of these components have already been started. Others will require a long-term effort and their initial development will begin after RMP adoption and in some cases after Plan Conformance.</p>
<p>Ground Water Capacity Estimates And Ground Water Availability Thresholds</p>	<p>Program Description</p> <p>The estimates of ground water capacity are critical in the RMP's water resource assessments. They serve as the measure of natural sustainability of the Highlands waters and quantify stream base flows that are critical for aquatic ecological integrity and water quality.</p> <p>The Highlands Council investigated several methods to calculate ground water capacity. However, no accepted method provided a direct relationship between aquatic ecosystem integrity and stream flows. Therefore, the Highlands Council focused on the severity and duration of base flows as a reasonable surrogate for ecosystem and water supply impacts. Ultimately, the Highlands Council utilized the Low Flow Margin of Safety method, which is also being used by the New Jersey Department of Environmental Protection for the upcoming NJ Water Supply Plan.</p> <p>Several other methods, which were not initially selected because of the limited schedule and lack of regional data available, may yet show promise for additional research in estimating the availability of water resources for human and ecological needs. Additional research may be warranted for the following methods: New Jersey Hydrologic Assessment Tool (Eco-flow goals), Range of Variability, R2Cross, or Wetted Perimeter method.</p> <p>Another critical determinant in the net water availability analysis is determining the amount of ground water capacity that is available for human uses without adversely affecting aquatic ecological integrity. This parameter, known as ground water availability, is computed as a fraction (or threshold) of ground water capacity. The aforementioned models can aid in improving estimates of appropriate thresholds.</p> <p>As a long-term objective, the Highlands Council will develop a program for improving estimates of ground water capacity and availability. This effort will consist of development, testing and adoption of ecologically-based models or techniques that characterize varying flow regimes in streams necessary to maintain the health of aquatic ecosystems.</p> <p>The Highlands Council has already contracted with the USGS for additional support under this program. After RMP adoption in 2008, the Highlands Council and USGS will develop a specific scope of work for additional research under these water resource programs. Development and implementation of this program is anticipated to be an on-going, multi-year task.</p>
<p>Protection Of Downstream Water Source/ Safe Yields</p>	<p>Program Description</p> <p>NJDEP is currently updating its guidance for evaluating the safe yield and passing flow requirements for surface water systems with reservoirs. NJDEP is also reevaluating those safe yield values to reflect operational and infrastructure</p>

	<p>modifications in those systems while incorporating the new methodology.</p> <p>The Highlands Council will coordinate with NJDEP as appropriate as surface water supply systems examine the effects of upstream consumptive and depletive water uses on safe yields and of passing flows under the new procedure. The Highlands Council will recommend regulatory changes as part of the ongoing process. Of specific interest will be methods to better ensure that passing flows from reservoirs are sufficient to maintain ecological integrity.</p>
<p>Expand Ambient Biological Monitoring Network In Highlands Region</p>	<p>Program Description</p> <p>The Ambient Biological Monitoring Network (AMNET) program, initiated by NJDEP in 1992, established sampling stations in every subwatershed of the state to evaluate the health of instream benthic macroinvertebrates communities. There are approximately 200 AMNET stations within the Highlands Region.</p> <p>The Highlands Council (in cooperation with Rutgers-Center for Remote Sensing and Spatial Analysis and the New Jersey Water Supply Authority) performed statistical analyses to assess correlations between key watershed characteristics and AMNET scores for the Region's streams. The analysis did not yield sufficiently strong statistical correlations for assigning scores to non-assessed watersheds.</p> <p>The intent of this program component is to coordinate with NJDEP to expand and establish a consistent AMNET to include additional stations in the Highlands Region. The Highlands Council will use the data as input into the continued development of a Regional Stream Integrity model to further refine protection requirements of Highlands Open Waters based on biological and water quality indicators.</p>
<p>Digital Terrain Modeling And Hydrologic Unit Determinations</p>	<p>Program Description</p> <p>Many of the resource assessments in the RMP, including all hydrologic and many ecological assessments, are performed using the HUC14 subwatershed as the standard areal unit. HUC14s are the smallest standardized hydrologic drainage unit commonly used in water resource analysis. Delineation of HUC14 boundaries is only as accurate as the topographic mapping, typically developed using aerial photographs.</p> <p>The Highlands Council has contracted for the use of Light Detection and Ranging (LiDAR) technology to generate high-resolution digital elevation modeling. This will enable the Council to develop more accurate topographic information that is necessary to refine HUC14 mapping. In addition, the LiDAR data could be used to map drainage areas at a smaller scale (HUC17) than the current subwatershed, if its utility warrants that effort.</p> <p>Development of this program is already underway. The Highlands Council already has gathered the LiDAR data and intends to begin using it in early 2008. Refinement of HUC14 boundaries and mapping of HUC17s could begin by summer 2008.</p>
<p>Water Quality</p>	<p>Program Description</p> <p>The Highlands Council will determine where water quality improvements are necessary or beneficial for the improvement of water quality, develop watershed-based plans to achieve such improvements, develop mechanisms, and identify funding sources to implement these plans. As part of this effort, the Council will determine in coordination with NJDEP and USGS the extent to which additional water quality monitoring stations are needed in the Highlands Region to better assess water quality in key watersheds.</p>

	For more detail on this program, see the <i>Water Quality Restoration Program</i> .
Water and Wastewater Tracking	<p>Program Description</p> <p>The RMP calls for refined estimates on Net Water Availability. Of particular importance in the analysis regards the transfer of water and wastewater between subwatersheds (depletive uses). The import and export of these utilities have a significant effect on the estimate of consumptive and depletive water demands.</p> <p>Understanding consumptive and depletive uses is a complex task, but is crucial to estimating Net Water Availability. Using its unique compilation of water and sewer service areas, and their associated demand/discharge data, the Highlands Council now has the ability to track water from its withdrawal point to its ultimate discharge. The tracking model will be conducted largely using GIS techniques, as have been utilized in the past the New Jersey Geological Survey (NJGS) and the New Jersey Water Supply Authority (NJWSA). Based on an estimated 9-12 month project schedule, water tracking could be incorporated into the Net Water Availability analysis, perhaps by early 2009.</p>
Water and Wastewater Use Data	<p>Program Description</p> <p>The Highlands Council utilized several forms of water and wastewater data from NJDEP and utility sources. These data sets include permitted water allocation withdrawals, reported wastewater discharges, and public community water system demand data. The data were incorporated into both the Utility Capacity and Net Water Availability analyses.</p> <p>The information is typically collected and reported on an annual basis. However, the data must often be checked and validated before their use in regional capacity analyses. The most recent complete data set used by the Highlands Council was from the year 2003. Having the most up-to-date data is important for both capacity assessments.</p> <p>The Council will implement an ongoing effort to update water and wastewater data as they become available on an annual basis. The data will be incorporated into resource assessments to provide the most accurate capacity analyses possible. The Highland Council has already contracted with the USGS for continued technical support and intends to develop a defined scope of work for this program component. This program is anticipated to be an ongoing program.</p>
Regional Stream Integrity Model	<p>Program Description</p> <p>A Regional Stream Integrity Model will aid in the evaluation of the protection, restoration and enhancement of streams within the Highlands Region. Regional integrity scores will be assigned to streams within a specific sub-watershed to measure the physical, biological and chemical integrity of a stream to serve as an aid in resource protection decision making.</p> <p>The Model will function to classify Highlands Region streams, which will aid in qualifying regional protection measures and restoration targets for water quality, aquatic community structure, and in-stream and riparian habitat enhancement. The data used to classify streams will also aid in evaluating existing State Water Quality Standards for stream classification, including identifying streams appropriate for petitioning NJDEP to upgrade streams to C1 status.</p>
Ground Water Quality	<p>Project Description</p> <p>Nitrate has been selected as a surrogate for non-point source impacts to ground</p>

<p>Management</p>	<p>water quality, particularly for monitoring potential water quality degradation from on-site wastewater treatment systems, which can pose threats to human health and the environment.</p> <p>The Highlands Council proposes to improve existing monitoring networks and use additional data sources, in coordination with the NJGS and USGS, for monitoring and evaluating both natural conditions and anthropogenic factors in ground water quality. Particular emphasis will be placed on contaminants of interest, such as nitrates associated with septic systems in high density residential areas and agricultural areas, to more accurately characterize existing water quality conditions, land use impacts, and the efficacy of land planning and management practices. If possible, sampling should include potable wells in near proximity to different types of land uses so that a more representative characterization of potential health risks and their relation to land use can be achieved. Use of the Private Well Testing Act data, in a manner that fully complies with privacy provisions of that Act, will be explored.</p> <p>The Highlands Council has already contracted with the USGS for additional support under this program. After RMP adoption in 2008, the Highlands Council, NJGS, and USGS can develop a specific scope of work for defining an improved ambient ground water quality monitoring network.</p>
<p>Models for Establishing Septic Density</p>	<p>Project Description</p> <p>Existing USGS logistical regression models for estimating septic densities based on median nitrate concentrations can be further tested and refined with additional data collected and modeling. Additionally, logistical regression models could be developed to assess the impacts of specific land use types, such as agricultural, residential, and undeveloped areas, and different hydrogeologic setting, such as limestone and unconsolidated.</p> <p>These models could not only better quantify septic densities for areas characteristic of varying land use types and settings, but increase an understanding of various land use factors and other conditions that influence water quality, which can lead to improve land planning and wastewater management practices.</p> <p>Development of this program is anticipated to be performed in conjunction with NJGS and USGS during design of the improved ambient ground water quality modeling network.</p>



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Plan Conformance
Version: November 7, 2007

Issue Overview	Municipal and county Conformance with the RMP (Plan Conformance) is the overall goal for implementation of the various elements of the Plan. The Highlands Act establishes the requirement that all municipalities and counties with land in the Preservation Area bring their local plans and development regulations into conformance with the “goals, requirements, and provisions of the regional master plan.” Voluntary conformance for municipalities and counties with land in the Planning Area is also provided for in the Act, which outlines the benefits that shall accrue to those municipalities and counties that conform.
RMP Policies and Objectives Addressed	This program relates to most components of the RMP regarding the modification of municipal master plans, zoning ordinances and development review ordinances for Plan Conformance, and regarding the modification of county master plans and development review requirements for Conformance.
Program Summary	Plan Conformance is intended to align municipal and county plans, regulations and programs with the goals, requirements and provisions of the RMP. The process to achieve that conformance will be logical, time efficient and comprehensive. The conformance process will begin with the development of detailed guidance for municipalities and counties, which will be provided along with planning and technical guidance from the Highlands Council. Each municipality and county going through the conformance process will follow a general approach that includes an assessment of current plans and regulations, an evaluation of future planning needs and conditions, modification of plans and regulations as necessary, and a public involvement process. The Highlands Council will review Petitions for Plan Conformance and decide to approve, approve with conditions or reject the petition. Conformance approval will in most cases be with conditions, where a finding is made that the municipality or county has conformed with all immediate mandatory Conformance requirements, and will conform with all other mandatory Conformance requirements within an agreed upon implementation schedule. The Highlands Council will then track progress of the municipality or county in meeting that schedule, and will monitor development reviews and capital projects for compliance with the conformance approval.
Plan Conformance	Program Description The Highlands Council will prepare and distribute to all Highlands municipalities and

<p>Guidelines</p>	<p>counties <i>Plan Conformance Guidelines</i> outlining the procedures for Plan Conformance. The <i>Plan Conformance Guidelines</i> will include a matrix outlining all of the immediate mandatory elements, the long term mandatory elements, and the discretionary elements. The Guidelines will outline the details of each Conformance element in detail. The Guidelines will also provide descriptions and criteria for all of the associated grant programs that will be available to municipalities and/or counties in support of Plan Conformance.</p>
<p>Planning and Technical Assistance</p>	<p>Program Description</p> <p>The Highlands Council has assembled a significant amount of data and analyses relative to the Region and will make this information available to municipal and county representatives prior to commencement of Plan Conformance.</p> <p>The application of the Land Use Capability Map Series to individual municipalities will involve translating the boundaries in the LUCM Series to a more refined scale and to reflect local conditions. In order to ensure that municipal mapping of the Land Use Capability Zone Map is consistent with the goals, policies and objectives of the RMP, RMP Updates and Map Adjustments may be made during Plan Conformance.</p> <p>The Highlands Council website will continue to serve as a means for sharing current technical data and Plan Conformance information. The Council will provide information in support of Plan Conformance to each municipality and county. The information will include but not be limited to: the Highlands Build out analysis, Highlands Resource data layers, the LUCM Series and supporting data layers, and various discretionary Plan Conformance tools such as the Enhanced Growth analysis and TDR. This information will support local knowledge and planning during Plan Conformance.</p> <p>The Highlands Council will make grant funds and other financial and technical assistance available to Highlands municipalities and counties to support any revision of their master plans, development regulations or other regulations which are designed to bring those plans or regulations into conformance with the RMP or the implementation of a transfer of development rights program (see Grant Programs, below).</p> <p>The Highlands Council staff will be available to offer planning and technical assistance throughout Plan Conformance and during municipal and county implementation of the elements of the RMP. Additionally, funding will be available in the form of grants to municipalities and counties to further assist them in implementing the elements of the RMP.</p>
<p>Procedures for Municipal and County Plan Conformance</p>	<p>Program Description</p> <p><u>Overview Meeting</u> – After the adoption and release of the RMP, the Highlands Council will host a series of meetings throughout the Highlands Region to explain the elements of the Plan and the ensuing Plan Conformance process. Attendance at an Overview Meeting will be mandatory for Preservation Area communities and Planning Area communities that desire to participate in the Initial Municipal Assessment Grant Program. Subsequent to the Overview Meeting, municipalities and counties that intend to pursue Plan Conformance shall submit a letter to the Highlands Council indicating their decision. This “notice of interest” shall be accompanied by a duly adopted resolution authorizing the action.</p> <p><u>Municipal Process</u> – The municipal Plan Conformance process will commence with a thorough analysis of all municipal planning, zoning and development documents and</p>

	<p>regulations. The municipality may choose to work jointly with neighboring municipalities, such as those assembled during the Overview Meeting on issues of common interest or where economies of scale may be achieved through joint analysis.</p> <p>During the time that the assessment is being conducted, the municipality is encouraged to conduct a community visioning session(s) to involve the local public and to develop or confirm a representative vision of their community for the future. The results of the community visioning shall be included as part of the Petition for Plan Conformance. Minimally, the municipality will be required to hold a public hearing on the municipal assessment findings and conclusions. The Highlands Council will provide templates and guidelines to be utilized to record the findings and conclusions. These shall be incorporated into a Municipal Assessment Report which will be submitted to the Highlands Council as part of the municipality's Petition for Plan Conformance.</p> <p>The Municipal Assessment Report will detail the findings and conclusions of how well municipal plans, regulations and programs support the goals, requirements and provisions of the RMP. Reimbursement in the form a grant may be made available upon submission of the Municipal Assessment Report.</p> <p>The Petition for Plan Conformance shall be the formal submittal to the Highlands Council from a municipality for consideration of Plan Conformance. The Petition shall include the Municipal Assessment Report, the community vision (if available), and all supporting documentation, i.e., municipal master plan, zoning ordinances, resource protection ordinances.</p> <p>In order to meet the requirements of Plan Conformance for immediate mandatory items, the municipality must adopt by reference the elements of the Highlands Regional Master Plan related to critical natural resources, the Housing Element, Highlands Build out analysis, water availability and water quality, water conservation measures, and septic system density standards. The <i>Plan Conformance Guidelines</i> will include a table specifying the policies and objectives which are immediate mandatory items and must be adopted by reference by the municipality in order to be eligible to receive Plan Conformance approval.</p> <p>A series of long-term mandatory items will be made a condition of approval and must be accomplished according to an established schedule. The municipality may also pursue Plan Conformance with discretionary items and these will be included in the approved schedule.</p> <p><u>County Process</u> – The county Plan Conformance process will commence with an analysis of all county planning and development documents and regulations. Specifically the counties will be responsible for plans and regulations which affect wastewater management, farmland preservation, recreation and open space, circulation and stormwater management. Counties may choose to work in coordination with their constituent municipalities. The county is encouraged to participate in the community visioning events of their constituent municipalities and/or may choose to hold a county-wide visioning session.</p> <p>In order to meet the requirements of Plan Conformance for immediate mandatory items, the county must adopt by reference the elements of the RMP related to water availability and conservation measures. The long-term mandatory items which will be accomplished according to an established schedule include Wastewater Management Plans, Comprehensive Farmland Preservation Plans, Recreation and</p>
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	<p>Open Space Plans, County Circulation Plans and Stormwater Management Plans.</p> <p>The county shall hold a public hearing on the county assessment findings and conclusions. The Highlands Council will provide templates and guidelines to be utilized to record the findings and conclusions. These shall be incorporated into a County Assessment Report which will be submitted to the Highlands Council as part of the county’s Petition for Plan Conformance.</p>
<p><i>Highlands Council Review, Evaluation and Decision Process</i></p>	<p>Program Description</p> <p>The Highlands Council will convene a committee to review municipal and county Petitions for Plan Conformance. The membership of the Committee may change based on the municipality or county being reviewed in order to avoid a conflict of interest for any Council member with review of a county or municipality where the Council member holds a political office. The Committee shall review the Municipal and County Assessment Reports, community visioning results, and all supporting documentation and make recommendations to the Highlands Council for each Petition to be approved, rejected or approved with conditions. It is anticipated that all Plan Conformance approvals will have conditions attached, at a minimum outlining all of the long-term mandatory items of Conformance.</p> <p>If a Petition is rejected or approved with conditions relative to the immediate mandatory elements of Plan Conformance, the notification will be accompanied by a specific listing of the actions the municipality or county must take in order to receive a Conformance approval.</p> <p>Approval of Plan Conformance shall last for a period of six years or, for municipalities, until the next municipal reexamination of the municipal master plan. Upon notification of approval, the municipality or county shall be eligible for all of the benefits of Conformance:</p> <ul style="list-style-type: none"> • Strong Presumption of Validity, Extraordinary Deference, and Burden of Proof – A strong presumption of validity applies to master plans, land use ordinances and local decisions of municipalities and counties that are in conformance with the RMP. If a conforming municipality or county is challenged in court, the actions they have taken to conform to the RMP shall be given extraordinary deference and the burden of proof shall be on the plaintiff to prove that the municipality or county acted in an arbitrary, capricious or unreasonable manner. • Legal Representation –The Highlands Council will provide legal representation, when requested, to any conforming municipality or county that requests when their actions or decisions taken on the basis of Conformance are legally challenged. • Planning Grants – The Highlands Council is authorized to provide grants for the reasonable expenses associated with modifying master plans and land use ordinances to make them conform to the Regional Master Plan. <p>Approval of Plan Conformance is equivalent to Plan Endorsement by State Planning Commission and brings with it the benefits of Plan Endorsement, such as State aid, planning assistance, technical assistance, and other benefits awarded by the State.</p>
<p><i>Grants Programs</i></p>	<p>Program Description</p> <p><u>I. Highlands Regional Master Plan Compliance Aid Grants</u></p> <p>The Highlands Regional Master Plan Compliance Aid Grants are intended to fund planning and science projects which are necessitated by the mandatory requirements of the RMP and the associated Plan Conformance and implementation process.</p>

Initial Municipal Assessment Grant Program

The purpose of the Initial Municipal Assessment Grant is to enable municipalities to conduct an initial review of the policies and requirements of the RMP to determine the level of effort anticipated for the municipality to conform to the RMP, in both the Preservation and Planning Areas. The Initial Municipal Assessment Grants will support an early and preliminary assessment on the part of the municipality and will not obligate them in any way to commit to Conformance for the Planning Area in the future.

The funding assistance is to be used to review existing municipal land use planning, development and regulatory documents and mechanisms against the policies, strategies and implementation techniques contained in the RMP.

The Initial Municipal Assessment Grant program will accept applications from municipalities located within the Highlands Region. Favorable review of the grant application will be based upon the municipality's outline in meeting the prescribed tasks.

*** Plan Analysis and Conformance Grant Program***

Municipalities and counties within the Preservation Area are required to participate in the Conformance process to bring their local planning and zoning into conformance with the RMP. Those municipalities within the Planning Area may, after completing the Initial Municipal Assessment, choose to participate in Plan Conformance. Any municipality or county that submits a "notice of interest" to take part in Plan Conformance will be eligible for grant funding to help offset the costs associated with the process.

The Plan Analysis and Conformance grants will fund municipal and county work that builds on the Initial Municipal Assessment. Funds may be used to analyze local plans, regulations and programs and evaluate how well they support the goals, policies and objectives of the RMP. Funds may also be utilized to conduct community vision sessions, develop action plans that will align local decisions with the RMP, conduct public outreach to involve and inform the people of the community, and to prepare the Municipal or County Assessment Report.

Immediate Mandatory Elements of Conformance Approval

As part of a municipality's or county's Petition for Plan Conformance, certain elements of the RMP must be adopted and enacted to receive Highlands Council conformance approval. The Plan Analysis and Conformance Grants are intended to also assist local governments in implementing these requirements. The immediate mandatory requirements will be enumerated in the *Plan Conformance Guidelines*, during the Overview Meetings and during conformance discussions. These elements may include resource protection measures, housing and build out analysis, water availability limitations and septic density standards.

Highlands Implementation Grant Program

Long-term Mandatory Elements of Conformance Approval

As a condition of Conformance Approval, additional elements will be required of each conforming municipality and county unless they already conform to these elements as part of their initial Petition for Plan Conformance. A schedule will be

	<p>established to outline each element and the timeframe in which they must be achieved. The Highlands Implementation Grants will be made available to assist municipalities and counties in actions to implement these requirements. They may include additional resource protection standards, fiscal sustainability measures, certain development standards, and historic and scenic resource protection methods.</p> <p><u>II. Highlands Incentive Planning Aid Grants</u></p> <p>The Highlands Incentive Planning Aid Grants are intended to fund planning and science projects which advance the goals, policies and objectives of the RMP, but are not mandatory requirements of Plan Conformance.</p> <p><u>Discretionary Elements of Conformance Approval</u></p> <p>The RMP contains a range of policies and objectives and associated elements that the Highlands Council is committed to as part of the future vision of the Highlands, but have been deemed discretionary. Highlands Incentive Planning Aid Grant monies will be available to initiate important elements of the RMP through planning studies on targeted issues. Sample projects that may be eligible include planning for brownfield and greyfield redevelopment, town center/transit village development, and local and regional economic development strategies.</p> <p><u>Transfer of Development Rights (TDR) Grants</u></p> <p>The Highlands Council has established a \$1 million Voluntary Receiving Zone Feasibility Grant Program. This grant program is designed to assist municipalities in assessing the potential for locating a receiving zone within their communities. Eligible municipalities will receive both financial support and technical assistance from the Council. Participation in the grant program requires a commitment by a municipality to fully evaluate the feasibility and desirability of designating a receiving zone. Additional grant funding will be made available to offset the costs of implementation of a TDR program.</p>
<p><i>Compliance Component</i></p>	<p>Program Description</p> <p>Once a municipality or county has received Plan Conformance approval, they have an obligation to maintain the plans, ordinances and regulations that brought them into conformance. They may not adopt additional plans, ordinances or regulations which are contrary to the mandatory elements of the RMP. According to the Highlands Act, “The council may revoke a conformance approval granted . . ., after conducting a hearing, if the council finds that the local government unit has taken action inconsistent with the regional master plan.” Section 14 (c)</p> <p>Municipal and county Plan Conformance will be periodically verified through the Grants Program with the submission of a quarterly status report.</p> <p>If the council revokes a Plan Conformance approval for a municipality or county that has received grants or funding based on their conformance status, they may be required to return those funds to the Council.</p>