

# Issues for Council Discussion

July 10, 2008

# Regional Master Plan Plan Endorsement Petition

- In accordance with Section 8 of the Highlands Act, within 60 days of adoption of the RMP the Council shall submit the RMP to the SPC for Plan Endorsement of the Planning Area.
- In accordance with Section 69 of the Highlands Act, any portion of a municipality or county located in the Preservation Area shall be exempt from the SPC PE process.
- Staff recommendation is to submit the RMP PE petition for the Planning Area as soon as possible after adoption of the RMP so as to expedite the PE process and support Planning Area Conformance activities.
- Upon endorsement of the RMP by the SPC, municipalities and counties in the Planning Area will be eligible for benefits from PE and Plan Conformance.

# Regional Master Plan Plan Endorsement Petition

- On December 19, 2007 the Council, SPC and OSG signed a MOU in support of developing a cooperative planning process.
- The current PE Rules and Guidelines address similar requirements for county and regional PE petitions. On June 16, 2008 the SPC published proposed PE Rules with a 60 day comment period that include criteria for Special Resource Area plans.
- The RMP PE petition in accordance with the MOU has been waived from select PE petition requirements.
- OSG has shared the State Plan policy map results of the most recent Cross-Acceptance process (deliberative document) though this mapping has not yet been approved, the information will facilitate the PE process for the RMP.

**Draft Plan Conformance  
Standards  
(Guidance for conformance)**

# Draft Plan Conformance Standards

- Designed to provide guidance for municipalities and counties for Plan Conformance. These are the detailed standards for Plan Conformance based upon the RMP.
- Will be refined during conformance to reflect the learning process as we partner with the municipalities and counties.
- These documents will not be included in the RMP but are consistent with the GPOs.
- Consistency is determined by the RMP and the Plan Conformance Standards are guidelines to assist municipalities to achieve that conformance.

# Draft Plan Conformance Standards

- Steep Slopes Protection
- Critical Habitat
- Land Preservation and Stewardship
- Carbonate Rock Area
- Lake Management Area
- Well Head Protection
- Agricultural Resource Area
- Right to Farm
- Redevelopment
- Housing
- Community Facilities
- Sustainable Economic Development

# Summary of County Plan Conformance

# County Plan Conformance

- **Planning Analyses:**

- a) Capacity constraints;
- b) Natural resource protection;
- c) Open space and farmland preservation;
- d) Historic preservation
- e) Optimizing use of public infrastructure;
- f) Transportation constraints and opportunities;
- g) Fiscal impact and economic sustainability;
- h) County needs and obligations; and
- i) Principles of sustainability and smart growth.

- **Develop Land Use Plan (update or overlay)**



# County Plan Conformance

## ■ Environmental and infrastructure capacity analyses:

- RMP Update Analysis
- Environmental Resource Inventory
- Conservation
- Water and Wastewater Analyses
- “Limiting Factor” Analysis
- Build-Out Analysis

# County Plan Conformance

## ■ County Master Plan Components:

- *Policies, Goals, Objectives*
- *Land Use Plan*
- *Relationship of Master Plan to other Plans (SDRP and RMP)*
- *Environmental Resource Inventory*
- *Conservation Plan*
- *Wastewater Utilities Plan*
- *Water Use and Conservation Plan*
- *Transportation/Circulation Plan*
- *Open Space and Recreation Plan*
- *Agriculture Retention/Farmland Preservation Plan (if applicable)*
- *County Facilities Plan*
- *Historic Preservation Plan*

# County Plan Conformance

Supporting regulations updated for consistency:

- *Steep Slopes*
- *Forest Areas*
- *Open Water and Riparian Areas*
- *Ground Water Recharge Management*
- *Wellhead Protection*
- *Stormwater Management*
- *Right to Farm*
- *Critical Habitat*
- *Carbonate Rock Areas*
- *Agricultural Resources*
- *Lake Management*
- *Low Impact Development*
- *Scenic Resources*
- *Historic/Cultural*

# County Self-Assessment

- As a result of the environmental/infrastructure analyses and the planning analyses county to complete a self-assessment
- Identify areas requiring coordination with Highlands Council and/or affected municipalities and other agencies
- County Self-assessment Report to list and provide schedule for all items necessary to achieve Plan Conformance

# Basic Plan Conformance

## ■ **Basic Plan Conformance:**

- Plan Conformance with conditions
- Subset of Plan Conformance
- First steps to plan conformance to be achieved within 15 months of RMP adoption for Preservation Area lands

- ## ■ **Initial Assessment Grant Program - \$15,000**
- grants - similar to that of municipalities for initial assessment

# RMP Discussion

# Revisions

## Historic, Cultural and Archaeological

As directed by the Council on June 12<sup>th</sup>, the GPOs are being modified to encourage the creation of advisory historic preservation body rather than requiring the creation of a historic commission. Language in the GPOs is being changed where necessary to be consistent with that directive.

## Water Conservation

As suggested by Council members, the RMP should include a GPO for agency coordination with NJDEP to promote water conservation, reuse, recycling, and other related measures and mitigate for water distribution system losses both in Highlands municipalities and in municipalities supplied with Highlands-derived water.

# Revisions

## Highlands Open Waters

In the Highlands Open Waters policy for Highlands Redevelopment Areas (Objective 1D4i Step 5), language allowing for Council approval of buffer modifications for Highlands Redevelopment Areas was limited to Category Two waters and should have also included Category One waters. The modification would permit nothing less than the extent allowed under State regulation which presently does limit the amount of buffer modification for all Category One waters. This change is consistent with the waiver provision in the Highlands Act.

## Agricultural Cluster

Council member suggested that a minor revision be included in agricultural cluster GPOs in Objective 3A5d to “encourage that the original or new farmstead remain attached to the preserved land wherever feasible.”



# Council Proposed Revisions

## Amendment 1    Chapter 4 Part 2: WATER RESOURCES AND WATER UTILITIES

### Water Deficit Program

DELETE the following: Policy 2B3, Objectives 2Ba, b, and c and Objective 2B8b. “To conditionally provide water availability within a Current Deficit Area with appropriate standards regarding its use.”

### Alternate to Amendment 1

#### Part 1:

#### Objective 2B8b(1)

“Each project shall achieve mitigation ranging from 125% to 200% based on the severity of the Current Deficit and the amount of consumptive or depletive water use proposed, and for large consumptive and depletive water uses or high Current Deficits will require achievement of the mitigation prior to initiating the water use.” ADD: Water Use and Conservation Plans as described in Objective 2B8c shall resolve the current deficit in a subwatershed prior to approval for new water uses in the subwatersheds with high deficits (according to Highlands Council analysis)

# Council Proposed Revisions

## Amendment 1    Chapter 4 Part 2: WATER RESOURCES AND WATER UTILITIES

### Alternate to Amendment 1

#### Part 2:

#### **Policy 2B3, Objectives 2B3a, 2B3b and 2B9b**

“To conditionally provide water availability (Conditional Water Availability) within a Current Deficit Area and Existing Constrained Area with appropriate standards regarding its use.

## Amendment 2    Chapter 4 Part 1 Natural Resources

### **Highlands Forest Resources**

**Policy 1B8, Goal 1C, Objective 1C2d.** Support incentives and funding opportunities and provide criteria for demonstrating and maintaining intrinsic forest values and societal benefits through various means including but not limited to the use of stewardship benefit credits in lieu of cash receipts under the Woodland Management Program of the Farmland Assessment program.

# Council Proposed Revisions

## Amendment 3

## Chapter 4 - Part 1 Natural Resources

Highlands Open Waters and Riparian Areas

Policy 1D4 Objective 1D4i. DELETE (4) and (5).

## Amendment 4

## Chapter 4 Part 1 Natural Resources

Highlands Open Waters and Riparian Areas

Policy 1D4 Objective 1Db, d, e, f, and i. ADD: For purposes of this section, historical or current non-structural agricultural land uses shall not be considered “development”, “improvements”, “land disturbances”, or “land uses”.

# Council Proposed Revisions

## Amendment 5      Chapter 4 Part 2 Water Resources and Water Utilities

### On Site Wastewater Systems (Nitrates)

Policy 2L2 Objective 2L2d “Use a nitrate target of (~~DELETE 2mg/L~~) 1.17 mg/L for the Existing Community Zone within Planning Area, on a project-by-project basis, where new development will rely on septic systems.”

## Amendment 6      Chapter 4 Part 2 Water Resources and Water Utilities

### On Site Wastewater Systems (Nitrates)

Policy 2L2 Objective 2L2e. “New residential development using septic systems where clustering or conservation 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, without treatment, or any more stringent requirement as required by NJAC 7:15.”

# Council Proposed Revisions

## Amendment 7    Chapter 4 Part 2 Water Resources and Water Utilities

### On Site Wastewater Systems (Nitrates)

**Policy 2L2 Objective 2L2f.** “Carrying capacity shall be documented through the Land Use Capability Septic System Yield Map as the number of allowable septic systems per Conservation, Protection, and Existing Community Zone and all environmental constrained subzones for each HUC 14 subwatershed, taking into account the nitrate target, the HUC 14 subwatershed drought ground water recharge, and the acreage that is privately owned, undeveloped or under developed, whether or not it is preserved.”

**DELETE 2L2g** (counting preserved lands in calculating septic system yields).

# Council Proposed Revisions

## Amendment 8    Chapter 4 Part 2 Water Resources and Water Utilities

### **Refinement and Improvement of Groundwater Resource Management**

**Policy 2M1:** To monitor and assess nitrate-related impacts to water resources within the Highlands Region,

**Add Objective 2M1a. To monitor well water and surface water for nitrate concentrations to evaluate background nitrate changes on a HUC 14 basis and to track new sources of nitrates from Highlands development projects on a site specific basis.**

*Add Objective 2M1b. To track other new pollutant inputs from on site septic systems and other sources to Highlands waters that result from development projects through a defined water quality sampling program on a site specific and watershed basis.*

# Council Proposed Revisions

## Amendment 9      SUBPART D Federal, State and Regional Agency Coordination

1. Delete 2nd and 3rd paragraphs (those beginning “For a regional planning...” and “This extraordinary degree...”)

### **Add:**

The Act, in Sections 38 through 82 (See Act provisions in Supporting Information), also amends numerous statutes of sister State agencies to specifically require coordinated action to implement the RMP. In these sections, the Act requires consultation between the Council and State agencies to ensure that the RMP is considered prior to State agency action. For plans and other decisions proposed in the Highlands Region, the Council will deliver consistency determinations based on the RMP to appropriate State agencies which will use the Council’s information and recommendations to reach resolution in a manner consistent with their respective enabling legislation or regulatory mandate.

The Highlands Act stipulates that Highlands municipalities and counties are under no obligation to revise local master plans and development ordinances applicable to any parts of the Planning Area to bring them into conformance with the RMP. The Act is also clear that the Council is required to consult with State agencies and, in certain cases, to issue RMP consistency determinations for actions and plans proposed in any part of the Highlands Region.

# Council Proposed Revisions

## Amendment 9 continued

These requirements for interaction and coordination between the Highlands Council and other State agencies for actions proposed in the Planning as well as the Preservation Area do not negate Sections 14 and 15 of the Act which specify that conformance with the RMP is voluntary for the Planning Area portions of Highlands municipalities and counties.

The following Objective would have to be changed to be consistent with the above suggested language, changed from:

Objective 2K3a. Areawide Water Quality Management Plans, including Wastewater Management Plans and project-specific amendments, shall be consistent with requirements of this Plan. The Highlands Council shall prepare consistency determinations for proposed amendments prior to NJDEP approval in accordance with N.J.A.C. 7:38-1.1 and N.J.A.C. 7:15.

To:

Objective 2K3a. Areawide Water Quality Management Plans, including Wastewater Management Plans and project-specific amendments, shall be examined for consistency with requirements of this Plan. The Highlands Council shall prepare and transmit to NJDEP consistency determinations for proposed amendments prior to NJDEP decision in accordance with N.J.A.C. 7:38-11 and N.J.A.C. 7:38-11 and N.J.A.C. 7:15.



# Council Proposed Revisions

Amendment 10    Chapter 4 Part 6: FUTURE LAND USE

## Subpart B - MAP ADJUSTMENTS

### ADD to Objective 6G2b:

(Map Adjustments) are prohibited in the Preservation Area, Core Forest Areas, Agricultural Resource Areas, Prime Groundwater Recharge Areas, High Integrity Riparian Areas, Critical Habitat Areas and Significant Natural Areas.

(Map Adjustments) are allowed only during the plan conformance process and Highlands Council initiated plan updates.

(Map Adjustments) are limited to 1% of the total acreage within the municipality.

ADD . ...and demonstrates that it will utilize Highlands Development Credits to a degree which ensures a level of protection equivalent to (2, no net loss protection) and reduces the net impact on Highlands natural and agricultural resources (as determined by whether the proposed change effects the Protection or Conservation Zone respectively) by demonstrating that it will extinguish currently valid exemptions within similarly situated parts of the municipality.