

**Comparison of Highlands Plan Conformance versus Non-Conformance
for Oakland's Highlands Planning Area**

<u>Item #</u>	<u>Plan Conformance</u>	<u>Non-Conformance</u>	<u>Opt In (Y/N)</u>
A. General Issues			
1	Strong presumption of validity applies to local master plan, ordinances & local decisions in conformance with RMP.	Less deference to local decisions. Scrutiny in accordance with MLUL. <i>(No change from current system.)</i>	
2	Highlands Council provides Oakland with legal representation, if requested.	Oakland must provide for its own legal representation.	
3	Highlands Council provides Oakland with planning grants.	Oakland provides funding for planning program updates.	
4	Highlands Property Tax Stabilization Bd may authorize funds to stabilize Oakland budget due to impacts from RMP implementation, including decline in property values directly related to Highlands Act.	Oakland does not have access to Highlands tax stabilization funds.	
5	Plan Conformance equivalent to Plan Endorsement by State Planning Commission; brings assistance from State.	Oakland may seek State Plan Endorsement on its own.	
6	Cooperation in regional planning effort to protect Oakland and Highlands environmental resources.	Local approach to protecting Oakland and Highlands environmental resources using current (or future) ordinances and review procedures.	
7	Oakland may opt in/opt out at any time (Oakland can opt out later).	Oakland may opt in/opt out at any time (Oakland can opt in later).	

B. Affordable Housing Obligation			
1	Housing Plan deadline extended to June 8, 2010.	Housing Plan deadline extended to June 8, 2010.	
2	<p>Highlands Council has projected Oakland's future growth is limited to 16 residential septic systems. 20% of 16 units equals an affordable housing obligation of 3.2 units. To the 3.2 has to be added the affordable housing obligation required to address development that has occurred between 2004 and 2008.</p> <p>Conformance in Planning Area might assist Oakland in reducing the remaining Prior Round affordable housing obligation of 220 Mt. Laurel units.</p>	<p>Oakland has been assigned by COAH a projected affordable housing growth share obligation of 138 Mt. Laurel units (86 res. and 52 non-residential). To this has to be added the affordable housing obligation required to address development that has occurred in town between 2004 and 2008.</p> <p>Will need to document to COAH through Vacant Land Analysis inability to fully satisfy obligation.</p>	
3	<p>Oakland has option to participate in Regional Affordable Housing Dev. Planning Program, either as sending or receiving municipality. <i>[similar to an RCA]</i></p> <p>Under Program, sending municipality can transfer up to 50% of its housing obligation to other participating municipalities in Highlands.</p>	Oakland must address its affordable housing obligation in Oakland. No option of sending up to half of obligation to other municipalities.	
C. Municipal Build-Out			
1	<p>Highlands Build-Out Analysis (in Modules 1 & 2 Rpts) estimates Oakland's full development potential under RMP regs. Analysis indicates Oakland's capacity for growth, as follows:</p> <ul style="list-style-type: none"> Residential units = 16 	<ul style="list-style-type: none"> Borough has not prepared its own build-out estimate. 	

<p>3</p>	<p>The following assumptions were made:</p> <ul style="list-style-type: none"> • Results do not account for approved but not yet built projects, developments exempt from Highlands Act, potential redevelopment and/or rezoning, and any density increases due to participation in voluntary TDR program. • In conformance with RMP, all developable lots in the Protection Zone, Conservation Zone, or ECZ-Environmentally Constrained Sub-Zone were removed from sewer service area & calculated as septic. • In conformance with RMP, potential development in sewer areas based on municipal zoning (and required min. 1,400 sq ft developable land), whereas potential development in septic areas calculated based on ground water nitrate dilution standards set forth in RMP. • Build-out results of sewer areas indicated no capacity for growth. • Environmental constraints analyzed incl.: <ol style="list-style-type: none"> 1. Open waters + 300 ft protection buffers; 2. Steep slopes (15+% & btwn 10-15% in riparian areas); 3. Flood prone areas. 	<ul style="list-style-type: none"> • Borough has not prepared its own build-out estimate. 	
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D. Impacts on Planning Program			
1	<p>As detailed in Initial Assessment Report (May 2009), a number of amendments are required to Oakland's master plan & ordinances to conform to RMP. These same amendments are necessary regardless if Oakland conforms its Planning Area or not and include:</p> <ul style="list-style-type: none"> • An updated (NRI) (<i>see draft Module 4 Rpt</i>). • An updated Master Plan, incl. new/revised goals, Land Use Plan, Housing Plan, Conservation Plan, Utilities Plan, Circulation Plan, Open Space Plan, Community Facilities Plan, Economic Plan, Historic Preservation Plan, and Development Transfer Plan (optional) (<i>see draft Module 5 Rpt</i>). • Incorporated in these plans are new/revised Community Forestry Plan, Stream Corridor Protection/ Restoration Plan, Critical Habitat Conservation & Management Plan, Lake Management Plan(s), Water Use & Conservation Management Plan, Stormwater Management Plan & Wastewater Management Plan. • Updated land use regs, incl. new/revised definitions, dists & regs, regs on water & wastewater resources, low impact dev best management practices, application procedures & submission checklists, & notice requirements (<i>see model distributed for Module 6</i>). • Updated stormwater management regulations. 	<ul style="list-style-type: none"> • Oakland only required to update its planning program in accordance with MLUL (master plan reexamination required every 6 years). Most recent MP Report recommended preparation of new Land Use Element. Boro is also required to prepare and adopt new Housing Element by June 2010. 	

2	<p>Examples of major regulatory changes incl.:</p> <ul style="list-style-type: none"> • 300 ft protection buffer required around open waters (streams, wetlands). • 1,000 ft protection buffer required around vernal pools→ all development required to employ Low Development BMPs to avoid disturbance, minimize impacts, and mitigate all adverse modification so no net loss of habitat value. • Disturbance prohibited on slopes 20% or >, slopes 15-20% that are forested, & slopes 10% or > in riparian areas. • Prohibition of new or extended utilities in the Protection Zone, Conservation Zone, or ECZ-Environmentally Constrained Sub-Zone, unless necessary to address public health threats, cluster development, or Highlands Redevelopment Areas. 	<p>No regulatory changes required. Existing regs incl.:</p> <ul style="list-style-type: none"> • 0, 150 or 300 ft buffers required around streams (based on classification as C1, trout producing, or other); 0, 50 or 150 ft buffers required around wetlands (based on classification as ordinary, intermediate, or exceptional resource value). • 0, 50 or 150 ft buffers required around vernal pools (based on classification as ordinary, intermediate, or exceptional resource value). • Disturbance limited to 50% on slopes 15-24.9%. Only transitional grading allowed on slopes between 25%-24.9% No disturbance permitted on slopes greater than 35%. • New or extended utilities in accordance with Wastewater Management Plan. 	
3	<p>Oakland required to submit RMP Updates and/or Map Adjustments, including factual revisions or corrections.</p>	<p>Oakland not required to submit RMP Updates and/or Map Adjustments.</p>	

<i>E. Regulatory Control</i>			
1	<p>Once Oakland receives Plan Conformance, it has obligation to maintain plans & ordinances in conformance with RMP (periodically verified through submission of status reports).</p> <p>Plan Conformance may be revoked if Council finds Oakland has taken action inconsistent with RMP.</p>	Oakland not subject to Highlands review & approval.	
2	Oakland must gain approval from Council prior to adoption of any ordinances or regulations relating to RMP.	Oakland not subject to Highlands review & approval.	
3	<p>Oakland must get authorization from Council before local approval of certain types of applications, including those involving properties within:</p> <ul style="list-style-type: none"> • Special Environmental Zones • Critical Habitat Areas • Historic &/or Scenic Resource Areas • Applications for new/extended utility infrastructure, use of Net Water Availability, or use of Conditional Water Availability. 	Oakland not subject to Highlands review & approval.	
4	<p>Oakland decisions pertaining to development applications are subject to call-up & subsequent review by Highlands Council.</p> <p>They may require a hearing on application, in which case, Highlands Council may approve application for development, deny it, or issue an approval with conditions.</p>	Oakland not subject to Highlands review & approval.	

F. Transfer of Development Rights (TDR) Program			
1	<p>Oakland has option to participate in Highlands Transfer of Development Rights (TDR) Program.</p> <p>Intended to preserve lands containing sensitive resources by permitting transfer of development potential from areas identified for preservation (Sending Zones), to areas more appropriate to accommodate increased growth (Receiving Zones).</p> <p>Participation is <u>strictly voluntary</u>.</p>	<p>Oakland may participate in Highlands TDR Program only as a Receiving Zone, & is conditioned on:</p> <ul style="list-style-type: none"> • approval by Highlands Council & • Oakland seeking Plan Endorsement by the State Planning Commission. 	
2	<p>If Oakland decides to participate in TDR Program, all lands in a Protection or Conservation Zone, whether in the Preservation Area or Planning Area, shall be eligible to serve as Sending Zones.</p>	<p>Oakland may not seek designation of Sending Zones.</p>	
3	<p>If Oakland decides to participate in TDR Program, lands in Existing Community Zone or Highlands Redevelopment Areas shall be eligible to serve as Receiving Zones, upon approval by Highlands Council.</p>	<p>Oakland may seek designation of Receiving Zones upon approval by Highlands Council, provided that Oakland seeks Plan Endorsement by State Planning Commission.</p>	