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FINAL DRAFT CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

PETITION FOR PLAN CONFORMANCE: CALIFON BOROUGH, HUNTERDON COUNTY

Prepared by the State of New Jersey Highlands Water Protection and Planning Council in Support of the Highlands Regional Master Plan

NOVEMBER 12, 2010

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INTRODUCTION

This Final Draft Consistency Review and Recommendations Report (“Report”) has been prepared by the Staff of the New Jersey Highlands Water Protection and Planning Council (“Highlands Council”). It provides review and recommendations for consideration by the Highlands Council as to the consistency of the Petition for Plan Conformance of the Borough of Califon, with the Highlands Regional Master Plan (RMP). The Report provides review and discussion of each component of the Petition for Plan Conformance, in the order in which they are set forth under submission guidelines provided to municipalities by the Highlands Council. It begins with a brief summary of Staff findings, displayed in a table format, to provide an at-a-glance overview of the results of Staff review.

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REPORT SUMMARY

Municipality: Califon Borough

Date of Petition Submission: December 7, 2009

Date Deemed Complete: January 22, 2010

Conformance Area: Preservation Area

Staff Recommendation: Approve Petition with Conditions

Administrative Submittals	Meets Requirements	Conditions of Approval
1. Resolution or Ordinance	X	None
2. Record of Public Involvement	X	None
3. List of Current Planning and Regulatory Documents	X	None

Petition Components	Consistent	Conditions of Approval
1. Modules 1-2 Build-Out Report*	X	None
2. Module 3 Housing Element/Plan	X	See Section D.1
3. Module 4 ERI	X	See Section D.1
4. Module 5 Highlands Element	X	See Section D.1
5. Module 6 Land Use Ordinance	X	Follow-Up Required per Section B.5; D.1
6. Module 7 Petition	X	
a. Self-Assessment Report	X	None
b. Implementation Plan/Schedule	X	Follow-Up Required per Section B.6; D.1

*Completed by the Highlands Council in collaboration with the municipality prior to substantive review of the Petition.

Optional Submission Items	Submission Date	Status/Recommendation
1. RMP Updates	October , 2010	Processed- Complete
2. Map Adjustments	NA	
3. Center Designation Requests	NA	
4. Highlands Redevelopment Area Designation Requests	NA	

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A. REVIEW OF ADMINISTRATIVE SUBMITTALS

- 1. Resolution or Ordinance.** The Resolution 2009-87 petitioning the Highlands Council for Plan Conformance was adopted by the municipal Governing Body at its noticed public meeting of December 7, 2009. The document submitted is appropriately signed and certified by the Municipal Clerk to verify authenticity. The language of the Resolution relies upon the model provided by the Highlands Council. The Resolution clearly petitions the Highlands Council for Plan Conformance; conformance being proposed with respect to municipal lands located in the Preservation Area, the entirety of the municipality.
- 2. Record of Public Involvement.** The Petition includes appropriate documentation of the public process engaged in by the municipality with regard to the development of Petition materials and adoption of the Resolution petitioning the Highlands Council for Plan Conformance. The submission includes the following:

 - a.** A copy of the agenda and minutes for the regularly scheduled December 7, 2009 public meeting of the Governing Body to discuss Plan Conformance and/or Petition components, and to adopt the Resolution petitioning the Highlands Council for Plan Conformance.
- 3. List of Current Planning Documents.** The list of current municipal planning and regulatory documents is comprehensive and includes required dates of adoption, as applicable. Pursuant to Highlands Council Module 7 Municipal Plan Conformance Petition instructions, all of these documents should be available in the offices of the Highlands Council in Adobe pdf format. Staff review indicates that all of the required documents have been received in Adobe pdf format as required. All items have been received in Adobe pdf format.

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B. REVIEW OF PLAN CONFORMANCE PETITION COMPONENTS

1. **Highlands Municipal Build-Out Report (Modules 1-2).** Consistent. The Highlands Municipal Build-Out Report was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The date of the Highlands Municipal Build-Out Report is June 30, 2009.
2. **Housing Element & Fair Share Plan (Module 3).** Both the RMP and Highlands Council instructions concerning submission of Master Plan Housing Elements and Fair Share Plans, sought municipal participation in a three-step process, intended to culminate in the submission of fully developed affordable housing plans to both the Highlands Council and the Council on Affordable Housing (COAH) (or alternatively the Highlands Council and the Superior Court). This process was designed to assist municipalities in developing plans to address fair share housing obligations that are consistent with the RMP. For most Highlands municipalities, the deadline for submission to COAH was extended to June 8, 2010. The extended time allowance was intended to provide for completion of Highlands Municipal Build-Out Reports (see Modules 1-2, above) and incorporation of resulting information into fully developed affordable housing plans in accordance with Executive Order #114 (2008) and COAH's *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*. This process also allows for Highlands Council review of as yet unconstructed projects in municipal housing plans, for consistency with the RMP.

The Borough of Califon provided all components required by the Highlands Council. The first submission was included as requested within the municipality's Petition for Plan Conformance, while the remaining items were provided in sufficient time for inclusion within this review. The completed Highlands Council forms used to conduct the preliminary submission reviews appear in Appendix A. A review follows of the final Housing Element and Fair Share Plan submission, dated June 7, 2010, which was adopted on that date by the Planning Board. These findings constitute a preliminary analysis of the Draft Housing Element and Fair Share Plan by the Highlands Council. Formal review will be conducted by COAH. These documents were filed with COAH on June 8, 2010. The final Housing Element and Fair Share Plan appear to address the municipality's Fair Share Obligation. As to consistency with the requirements of the RMP, the Plan is satisfactory.

- a. **Summary of Municipal Obligation.** The Municipal Obligation appears to be correctly calculated and includes the components listed below.
 - **Rehabilitation Share:** 3 units
 - **Prior Round Obligation:** 0 with 21 units of Unmet Need based on Reasonable Development Potential (RDP).
 - **Growth Share Obligation: (see B.2.b, below):** 2 units

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b. Municipal Growth Projections. Municipal Growth Projections, used to determine the Growth Share Obligation (above) were correctly indicated in the COAH Workbook D form or other submittals provided by the municipality. The final figures are listed below. Note: Highlands Full Build-Out Projections apply in the case of conformance for the full municipality (i.e., for split municipalities, including both the Planning and Preservation Area) in accordance with COAH’s instructional document, *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*; COAH Growth Projections apply in all cases where the municipality is not petitioning for conformance for the whole of the municipality, until or unless modified by COAH consistent with the Guidance or as applicable, the Superior Court. The municipality’s Housing Element relies upon Highlands Full Build-Out Projections.

i. Highlands Full Build-Out Projections

- Residential Growth (housing units):4
- Non-Residential Growth (jobs):24
- Total Growth Share, after exclusions (units): 2

ii. COAH Growth Projections

- Residential Growth (housing units):24
- Non-Residential Growth (jobs):40
- Total Growth Share, after exclusions (units):7

c. Summary of Proposed Fair Share Plan. The Fair Share Plan proposes to address the municipal obligation by use of the mechanisms and/or development projects listed below. Where Affordable Housing Sites were included that have not yet been constructed, each was reviewed for consistency with the RMP using the on-line Highlands Council RMP Consistency Review Report tool. In this case, two Affordable Housing Sites were proposed. A brief summary is included below of the results for each.

- i. Rehabilitation Program:** The Borough has an obligation to fund and arrange for the administration of a housing rehabilitation program for 3 units. The Borough has included the terms of the Rehabilitation Program in the Fair Share Plan.
- ii. Prior Round Sites:** Vacant land adjustment applied to Prior Round Obligation.

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- iii. **Total Growth Share Credits:** 3. Through a combination of single family and Supportive/Special Needs Housing the Borough proposes the following two properties be developed to provide for a minimum of 3 affordable housing credits.
- **New Project/Site 1:** Block 8 Lot 13 aka Tiger property was identified as a potential Highlands Act Exemption to be built as 100% Affordable by Habitat for Humanity in support of Third Round. Discussions with NJDEP indicated site is limited to one conventional septic system and Habitat for Humanity has not pursued.
 - **New Project/Site 2:** The undeveloped portion of the Wade property (Block 2, Lot 3.1) located behind the new pharmacy has been identified as a potential third round site with the potential for a Highlands-exempt development. The site could be eligible for development of one single-family home offering supportive shared living for persons with special needs under a Highlands Exemption, assuming a provider with sufficient funding could be found and exemption is approved.
- iv. **Other Mechanisms:** The Borough of Califon will continue to implement its prior round five-unit accessory apartment program and has established an escrow account for such purpose.
- Should a Major Highlands Development be approved in the Borough, it shall include the provision of addressing affordable housing.
 - If a redevelopment opportunity arises, the Borough will consider affordable housing needs.
 - The Borough is interested in the Regional Affordable Housing Program at such time it is established by the Highlands Council, provided funding would be available.
- d. **Findings/Recommendations.** The Plan appears to address the municipality's Fair Share Obligation (final determination in that regard under jurisdiction of COAH), assuming COAH approval of the vacant land adjustment for the Prior Round obligation, while providing for consistency with the Regional Master Plan. Goals and objectives consistent with the goals and objectives found in the Model Housing Element appended to the Module 3 instructions have been inserted into the municipal Third round Housing Element and Fair share Plan.
- i. **Issues/Concerns & Recommendations**

The proposed plan included sites that require further NJDEP and Highlands Council review and may have limited development potential due

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to existing resource and wastewater/septic system yield constraints. The accessory apartment program may also have limited development potential due to wastewater/septic system yield constraints in the Borough.

3. Environmental Resource Inventory (Module 4). The proposed Borough of Califon Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI provided to municipalities by the Highlands Council. The Borough of Califon Highlands ERI contains all required Highlands ERI language and all applicable maps/exhibits, as necessary, to fully describe the Highlands Resources, Resource Areas, and Special Protection Areas located within the municipality. As such, the Highlands ERI is consistent with the RMP and the immediate mandatory requirements of Plan Conformance.

a. Deleted Sections. The following sections of the model Highlands ERI are not relevant to the municipality and have thus been deleted.:

- i.** Highlands Domestic Sewerage Facilities
- ii.** Significant Natural Areas
- iii.** Vernal Pools
- iv.** Special Environmental Zone
- v.** Lake Management Area

b. Deleted Figures. All Figures coinciding with the sections listed above that were included in the ERI submittal have been deleted.

4. Master Plan Highlands Element (Module 5). The proposed Borough of Califon Master Plan Highlands Element is based on the model Highlands Element provided to municipalities by the Highlands Council. The document as now proposed, (including modifications by the Highlands Council), contains all required Highlands Element language and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance.

The specific components of the model Highlands Element are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Basic Plan Conformance, the heading or sub-heading indicates “Consistent.” Where any section of the model Highlands Element has been appropriately deleted due to non-applicability, the heading or sub-heading indicates “Not Applicable – Deleted.” Where minor modifications are required to complete the document for purposes of adoption by the Planning Board, the heading or sub-heading indicates, “Minor Modifications Required for Completion.” If needed, explanatory discussion is provided.

a. Policies, Goals & Objectives. Consistent

- i.** Preservation Area Goals. Consistent

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- ii. General Purposes of Zoning. Consistent
- iii. Relationship Between Highlands Act & MLUL. Consistent
- b. Land Use Plan Element.** Consistent
 - i. Highlands Zones and Sub-Zones. Consistent. Wildlife Management Sub-Zone and Lake Community Sub-Zone are Not Applicable – Deleted.
 - ii. Land Uses. Consistent
 - iii. Density and Intensity of Development. Consistent
 - iv. Cluster Development. Consistent. The Borough of Califon indicates that it will require further evaluation of the potential for cluster development including non-contiguous cluster development in support of a Cluster Development Ordinance.
 - v. Land Use Inventory. Consistent
 - vi. Redevelopment Planning. Consistent
- c. Housing Plan Element.** Consistent. Review and recommendations concerning the adopted Housing Element and Fair Share Plan appear at item #2 above, Housing Element & Fair Share Plan. Goals and objectives required for Plan Conformance have been included therein, and thus not retained in the Highlands Element. The Element provides reference to the adopted Housing Element and Fair Share Plan.
- d. Conservation Plan Element.** Consistent
 - i. Forest Resources. Consistent
 - ii. Highlands Open Waters and Riparian Areas. Consistent
 - iii. Steep Slopes. Consistent
 - iv. Critical Habitat. Consistent. (Note: There are no Significant Natural Areas or Vernal pools and associated buffers in the Borough of Califon therefore, deleted.)
 - v. Carbonate Rock. Consistent
 - vi. Lake Management. There are no Lake Management Areas in the Borough of Califon. Not Applicable – Deleted
 - vii. Water Resources Availability. Consistent
 - viii. Prime Ground Water Recharge Areas. Consistent

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- ix. Water Quality. Consistent
 - x. Wellhead Protection. Consistent
 - xi. Low Impact Development. Consistent
- e. **Utility Services Plan Element.** Consistent. There are no Highlands Domestic Sewerage facilities in the Borough of Califon.
- i. Preservation Area. Consistent
- f. **Circulation Plan Element.** Consistent
- g. **Land Preservation/Stewardship Plan Element.** Consistent
- h. **Agriculture Retention/Farmland Preservation Plan Element.** Consistent
- i. **Community Facilities Plan Element.** Consistent
- j. **Sustainable Economic Development Plan Element.** Consistent
- k. **Historic Preservation Plan Element.** Consistent
- i. Historic, Cultural, and Archaeological Resources. Consistent. The municipality has selected the policies for Alternative #1 and anticipates the adoption of a Historic Preservation Ordinance.
 - ii. Scenic Resources. Consistent
- l. **Development Transfer Plan Element.** Inclusion of this Section is optional and the municipality has elected not to incorporate it.
- m. **Relationship of Master Plan to Other Plans.** Consistent
- n. **Exhibits.** Consistent. The list of Exhibits includes all that apply to the municipality. The applicable Exhibits are attached to the Highlands Element. The text of the Highlands Element has been modified to adopt all applicable Exhibits by reference to the Highlands ERI and/or the existing municipal Master Plan.
5. **Highlands Area Land Use Ordinance (Module 6).** The proposed Borough of Califon Highlands Area Land Use Ordinance is based on the model Highlands Area Land Use Ordinance provided to municipalities by the Highlands Council. Since the time of issuance of the Model, the Highlands Council, with input from municipal professionals, has made certain revisions to the document to refine and simplify it for purposes of municipal implementation. The Borough of Califon Highlands Area Land Use Ordinance as proposed, (including modifications by the Highlands Council), contains all required Highlands Area

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Land Use Ordinance language and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance.

The specific components of the model Highlands Land Use Ordinance are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Basic Plan Conformance, the heading or sub-heading indicates “Consistent.” Where any section of the model Highlands Land Use Ordinance has been appropriately deleted due to non-applicability, the heading or sub-heading indicates “Not Applicable – Deleted.” Where minor modifications are required to complete the document for purposes of adoption, the heading or sub-heading indicates, “Minor Modifications Required for Completion.” If needed, explanatory discussion is provided.

- a. **Article 1. Title, Purpose, Scope.** Consistent.
- b. **Article 2. Applicability.** Consistent.
- c. **Article 3. Definitions.** Consistent.
- d. **Article 4. Establishment of Highlands Area Districts.** Consistent. Wildlife Management Sub-Zone and Lake Community Sub-Zone are Not Applicable – Deleted.
- e. **Article 5. Highlands Area Zone District Regulations.** Consistent. The municipality will follow-up as required for selection of the methodology preferred for Section 5.3.5, Development Served by Septic Systems, and will finalize prior to ordinance adoption.
- f. **Article 6. Highlands Area Resource Regulations.** Consistent
 - i. Forest Resources. Consistent
 - ii. Highlands Open Waters & Riparian Resources. Consistent
 - iii. Steep Slopes. Consistent
 - iv. Critical Habitat. Consistent
 - v. Carbonate Rock. Consistent
 - vi. Lake Management Area. Not Applicable – Deleted
 - vii. Water Conservation & Deficit Mitigation. Consistent
 - viii. Prime Ground Water Recharge Areas. Consistent
 - ix. Wellhead Protection. Consistent
 - x. Agricultural Resources. Consistent
 - xi. Historic, Cultural & Archaeological Resources. Consistent. The municipality will address the modifications made by the Highlands

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Ordinance. After adoption, they should accompany the Ordinance at all times, however, as an integral component of it – whether made available to the public in paper or electronic format. As provided currently, the maps are at a scale suited to printing on large plotters, for purposes of municipal reproduction and display (ensuring high-resolution detail).

6. Petition Submission Documents (Module 7).

- a. Municipal Self-Assessment Report.** The Municipal Self-Assessment Report consists of two components as listed herein. The Report accurately describes the status of municipal Plan Conformance to date, indicating both municipal accomplishments and the items that remain to be completed to achieve Full Plan Conformance.
 - i. Narrative Portion.** The Narrative Portion has been completed accurately.
 - ii. Spreadsheet Portion.** The Spreadsheet Portion has been completed accurately.
- b. Highlands Implementation Plan & Schedule.** The Highlands Implementation Plan and Schedule provides a template for future Plan Conformance activities. It is intended to indicate all outstanding items, both required and discretionary, along with estimated costs and timeframes for completion, for the municipality to achieve or exceed Full Plan Conformance with the Regional Master Plan.

As proposed by the municipality, the Highlands Implementation Plan and Schedule:
a) included all mandatory components required to achieve full Plan Conformance;
and b) incorporated realistic cost and timeframe estimates associated with each mandatory element. The Highlands Implementation Plan and Schedule has been modified since first issued by the Highlands Council. The revised document includes cost estimates for each activity and prioritizes implementation tasks with a particular focus on the first few months after Highlands Council approval of Petitions, into and including the 2011 State fiscal year.

In addition, the proposed Highlands Implementation Plan and Schedule includes non-mandatory Full Plan Conformance activities, the estimated costs and timeframes for completion of which, the municipality has considered. These activities have been incorporated into the revised Highlands Implementation Plan and Schedule. The non-mandatory activities proposed by the municipality: a) constitute appropriate projects and/or activities in furtherance of the goals, policies, and objectives of the Regional Master Plan and are thus eligible for funding or partial funding under the Highlands Plan Conformance protocols and grant program requirements. However, further evaluation is required in order to develop realistic cost estimates and timeframes to provide for completion. The

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Implementation Plan and Schedule was modified with respect to these non-mandatory components as listed below.

- i. A Stream Corridor Study has been included for the Borough in the Implementation Plan and Schedule. This funding builds upon the March 2009 Highlands Initial Assessment Grant Stream Corridor Study prepared by Keller and Kirkpatrick in response to flooding and drainage issues in the Borough. Funding to be released upon approval of a scope of work by the Executive Director.
- ii. Funding has been included to address Borough costs for the Wastewater Management Plan, which will be based on information provided by the Highlands Council. Additional funding is included to assist in assessing alternatives and economic feasibility for centralized wastewater management. Funding to be released upon approval of a scope of work by the Executive Director.

Recommended Highlands Council edits tailoring the revised document to the municipality (based on the Petition submittals) have been considered and included in the final version.

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C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS

- a. **RMP Updates.** The Petition for Plan Conformance was accompanied by requests for RMP Updates for preserved lands and public water service areas. The Borough of Califon provided documentation for the Module 1 information for preserved lands and therefore, this RMP Update is complete. The RMP Update for public water utility service areas is based on the Module 1 information and has been incorporated into the Highlands Land Use Ordinance exhibits.
 - a. **RMP Update Request(s).** Public water service areas and preserved lands - Processed
- b. **Map Adjustments.** N/A
- c. **Highlands Center Designation Requests.** N/A
- d. **Highlands Redevelopment Area Designation Requests.** N/A
- e. **Other.** N/A

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D. PRELIMINARY RECOMMENDATIONS

On the basis of the comprehensive review completed and discussed in detail as described in the preceding Sections, which examined both sufficiency of administrative submittals and consistency of all substantive materials with the Highlands Regional Master Plan, Highlands Council Staff recommends that the Petition for Plan Conformance of the Borough of Califon, as currently proposed by the municipality, be approved with conditions as outlined below.

1. Approval with Conditions. Highlands Council Staff recommend that this Petition for Plan Conformance be approved by the Highlands Council. The approval should be conditioned upon satisfactory completion of all items noted within Sections A through C of this Report (including all items addressed in the herein-referenced Highlands Council Staff-provided MSWord “Track-Changes” versions of the various Petition documents), and in addition, satisfaction of the below-listed requirements.

a. Adoption of Approved Highlands ERI. The Highlands Environmental Resource Inventory (ERI) shall be completed in accordance with the requirements of Section B3 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the ERI shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Environmental Commission (or Planning Board in the absence of an Environmental Commission) shall provide for and complete the required process of formal adoption of the ERI by the local Commission or Board. At the conclusion of the process, a certified copy of the adopted ERI shall be provided to the Highlands Council. The process of ERI adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the ERI, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Commission or Board.

b. Adoption of Approved Master Plan Highlands Element. The Master Plan Highlands Element shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Element by the municipal Planning Board. At the conclusion of the process, a certified copy of the adopted Highlands Element shall be provided to the Highlands Council. The process of Highlands Element adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Element, the proposed changes shall be submitted to the

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Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Planning Board.

- c. Adoption of Approved Highlands Area Land Use Ordinance.** The Highlands Area Land Use Ordinance shall be completed in accordance with the requirements of Section B5 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Area Land Use Ordinance shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. After the municipal Planning Board has adopted the Master Plan Highlands Element, the municipal Governing Body shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Area Land Use Ordinance by the municipal Governing Body. At the conclusion of the process, a certified copy of the adopted Highlands Area Land Use Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Highlands Area Land Use Ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Area Land Use Ordinance, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the Governing Body.

 - i. Highlands Council Information and Training Sessions.** Prior to the effective date of the Highlands Area Land Use Ordinance, municipal representatives (e.g., Land Use Administrators, Zoning Officials, Planners) shall attend information and training session(s) to be provided by the Highlands Council on the implementation and administrative procedures set forth within the Ordinance. Such sessions will provide detailed instruction on application processes and procedures, notice requirements, Highlands Council referrals and call-up provisions, decision-making and formal action, variances, waivers, exceptions, and enforcement activities. Municipal representatives (in particular, potential Exemption Designee(s)) shall attend an information and training session on the exercise of Municipal Exemption Determination authority.
- d. Adoption of Updated Zoning Map.** The Borough shall prepare an updated Municipal Zoning Ordinance which shall be adopted immediately following or at the time of adoption of the Highlands Area Land Use Ordinance, to reflect the new

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overlay Highlands Zones and Sub-Zones. The adoption process shall mirror that outlined above for the Highlands Area Land Use Ordinance.

- e. **COAH Approval of Housing Element & Fair Share Plan.** The Highlands Council shall be copied on all related correspondence and kept apprised of the process as it unfolds. Any subsequent revision to the Housing Element and Fair Share Plan shall be provided to the Highlands Council for review and approval prior to implementation by the municipality. Until and unless the municipality secures final approval of a Highlands Council-approved Housing Element and Fair Share Plan, this Plan Conformance component shall remain a conditionally approved item. (In recognition of potential changes in the applicable laws pertaining to the provision of affordable housing in the state of New Jersey, these requirements shall be considered subject to modification, with the intent being only to ensure that the municipality remains in compliance with all applicable statutes, rules, regulations and requirements, at any given time, so to protect the municipality from legal challenge.)
- f. **Adoption of Ordinances Implementing Fair Share Plan.** Governing Body adoption of Ordinances required to implement the Fair Share Plan shall follow approval of the Housing Element and Fair Share Plan, in accordance with all requirements of COAH, as applicable, and all legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final COAH-approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.
- g. **Wastewater Management Plan (WMP).** The municipality shall prepare a Wastewater Management Plan working with the Highlands Council under Plan Conformance, for approval by the NJDEP. This plan will be recognized as a chapter of the Hunterdon County WMP in accordance with NJDEP Administrative Order 2010-03 and all applicable NJDEP rules and requirements. The current NJDEP due date for such Plans is April 11, 2011. Additional funding has been included to assist in assessing alternatives and economic feasibility for centralized wastewater management. Funding to be released upon approval of a scope of work by the Executive Director.
- h. **Adherence to Approved Highlands Implementation Plan & Schedule.** The municipality shall undertake to complete all remaining mandatory Plan Conformance activities listed in the Highlands Council-approved Implementation Plan & Schedule, in accordance with: a) the timeframes set forth therein, to the maximum extent feasible and practicable, or with such adjusted timeframes as may be authorized by the Highlands Council or otherwise mutually agreed by the municipality and the Highlands Council; and b) the availability of funding from the Highlands Council or, on a voluntary basis, by the municipality or other party, to ensure the satisfactory completion of each project or activity, or each phase of such project or activity, as appropriate. Non-mandatory Plan Conformance activities shall

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neither take precedence over nor shall impede the completion of mandatory items and shall be undertaken only as time and resources are available to support them.

i. Development/Approval of Implementation Plan Components.

Within the constraints above, all planning, regulatory, and resource management documents shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.

ii. Adoption of Regulations Implementing Plan Components.

All ordinances, rules, and regulations shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.

iii. Mandatory Components.

Specific mandatory components include development and implementation of the plans/programs/ordinances herein listed (once models have been provided by the Highlands Council and funding provided), all intended as municipal-wide, long-term initiatives unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans/programs be developed in a manner to ensure that implementation is both feasible and practicable, potentially involving assistance of outside agencies/organizations, working cooperatively for and with the municipality.

- Water Use & Conservation Management Plan.
- Habitat Conservation & Management Plan
- Stormwater Management Plan (Updates Only)
- Land Preservation and Stewardship Program
- Septic System Management/Maintenance Plan

iv. Non-Mandatory Components:

- Stream Corridor Protection/ Restoration Plan. Funding for this project has been included in the Highlands Implementation Plan & Schedule for tributaries of the South Branch Raritan River, in support of ongoing efforts to protect stream integrity while reducing flooding impacts in the Borough business district.

v. Implementing ordinances associated with each of the above (long-term, as applicable), as well as a Right to Farm ordinance (adoption of which is anticipated earlier in the full Plan Conformance phase without need for a prior planning/program document).

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- i. Revisions/Amendments Subject to Highlands Council Approval.** Any proposed revision or amendment to any of the aforementioned documents, or to any other document, plan, or other item approved by the Highlands Council as a component of Plan Conformance, shall be provided to the Highlands Council for review. In the event the Highlands Council staff determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the applicable municipal board, commission, or governing body. Any revision or amendment adopted without the approval of the Highlands Council may subject the municipality to revocation of Plan Conformance approval.
- j. Optional Petition Requests.** Not Applicable.
- k. RMP Update(s).** The RMP Update(s) submitted by the Borough of Califon in 2010 for preserved lands and public water service areas have been processed.

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E. MUNICIPAL RESPONSE PERIOD

The Highlands Council provided a Draft Consistency Review and Recommendations Report dated July 22, 2010, (sent to the municipality on July 29, 2010). The Municipal Response Period expired on October 25, 2010. The municipality provided confidential and deliberative new, revised, supplemental, and amended materials in support of the Petition for Plan Conformance, prior to expiration of that Period, for Highlands Council consideration.

The Municipal Response submittals included the items listed below, each described and discussed in relation to the matter of consistency with the Regional Master Plan and sufficiency to meet the requirements for Basic Plan Conformance.

1. **Planning/Regulatory Documents.** The Current Planning Documents listed below were provided in Adobe pdf format. These documents fully addressed the requirement for submission of current planning/regulatory documents, as listed in the prior version of this Report.
 - i. Master Plan Re-examination Report dated 2/28/07
 - ii. Land Development Ordinance – Codified in 10/08
 - iii. A copy of the meeting minutes for the December 7, 2009 meeting of the Governing Body to discuss Plan Conformance and/or Petition components, and to adopt the Resolution petitioning the Highlands Council for Plan Conformance.
2. **Master Plan Highlands Element.** Minor edits were returned by the municipality. The edits address all Plan Conformance requirements. Section B4 of this Report has been updated accordingly.
3. **Highlands Area Land Use Ordinance.** Minor edits were returned by the municipality. Section B5 of this Report has been updated accordingly, and reflects consistency with Basic Plan Conformance requirements, with only minor items remaining for completion of the document.
4. **Highlands ERI.** Minor edits were returned by the municipality. Section B3 of this Report has been updated accordingly, and reflects consistency with Basic Plan Conformance requirements.
5. **Highlands Implementation Plan & Schedule.** Minor edits were returned by the municipality, however significant additional revisions were made by Highlands Council Staff to incorporate updates to the model Highlands Implementation Plan and Schedule since the time of the municipality's first submission. The document also now includes anticipated

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funding for development of a Stream Corridor Protection/Restoration Plan and a Wastewater Management Plan. Section B6 of this Report has been updated accordingly.

F. COMMENTS FROM THE PUBLIC

Following the Municipal Response Period and the incorporation by Highlands Council Staff of any revisions resulting from the Municipal Response, as noted above, the Draft Consistency Review and Recommendations Report will be posted to the Highlands Council website and made available (in paper format) at the Highlands Council offices in Chester, NJ, for review and comment by the general public. Comments may be submitted to the Highlands Council by e-mail (chris.danis@highlands.state.nj.us), facsimile transmission (908-879-4205), surface mail, or hand delivery (Highlands Council, 100 North Road, Chester, NJ 07930). All comments will be made available for public inspection in the offices of the Highlands Council in Chester, NJ. At the conclusion of the public comment period, a summary comment/response document will be prepared by Highlands Council Staff which will be posted to the Highlands Council website along with any final revisions resulting from Council review and consideration of public comments.

Upon its completion, the comment/response document will be attached to this document, at Appendix B.

G. FINAL RECOMMENDATIONS

This Section is completed after review and consideration of all comments regarding a Petition for Plan Conformance.

Based upon the comments received, the recommendations of Highlands Council Staff concerning the Petition for Plan Conformance of the Borough of Califon, [remain unchanged/require substantial revision/require only minor modifications from the Preliminary and/or Revised Recommendations, as discussed herein below.

1. **Item #1.**
2. **Item #2.**
3. **Item #3.]**

In conclusion, the Highlands Council Staff recommends that the Petition for Plan Conformance of the Borough of Califon, be approved/denied/approved with conditions; with all applicable conditions being those listed and discussed in Section D, above, and if applicable, as supplemented and/or modified by the revisions discussed herein, above.

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APPENDIX A

**HIGHLANDS COUNCIL REVIEW
MODULE 3 HOUSING ELEMENT AND FAIR SHARE PLAN**

Preliminary Consistency Reviews

Borough of Califon, Hunterdon County

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MODULE 3 REVIEW FORM December 8, 2009 Submission

MUNICIPAL INFORMATION	
Municipal Code: 1004	Date: 2-18-2010
Municipality: Califon Borough	

REVIEW CHECKLIST			
	Yes	No	N/A
1. Review Affordable Housing Obligation			
a. Prior Round Obligation Correct (see here);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Rehab Obligation Correct (Optional – See here)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Growth Share Obligation and Calculations Correct (see Workbook D);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Review of Highlands Consistency Review Report(s) required (use Site Review form);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Housing Transfer (RAHDP) Letter of Interest (Optional).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Sending	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Receiving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

HIGHLANDS COUNCIL STAFF REVIEW	
Follow up Required?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Comments: Califon is not able to address outstanding second round obligation and needs to submit to COAH a vacant land adjustment request to "0" for prior round. They also have no consistent third round options and are limited to exempt land development with no funds. They are in need of sending potentially 3 third round obligations via a Highlands Affordable Housing Program. Califon is complete for the March 1 st submittal.	
Reviewer Name: Christine Danis	
Initial: CD	Date: 2-18-2010

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APPENDIX B

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Borough of Califon, Hunterdon County