

Issues for Council Discussion

March 27, 2008

1. Cluster Development

- More detail and clarity is needed for Cluster Development GPOs.
- Concerns were raised regarding the potential for clusters on septic systems in agricultural areas to increase pollutant loadings.
- The RMP should clearly state that the priorities are preservation first (Fee simple and easements and TDR), and then clustering.
- Clarity is needed regarding prohibitions on new sewerage in the Preservation Area for clusters – sewer extensions for this purpose must meet the Act's waiver requirements.
- When clustering, the RMP should be clear about what resources have priority for protection.
- The RMP should address the issue of impervious surfaces caused by clustering and the need for integrated management of any new agricultural impervious surface.
- Clarity as to the development capacity of clusters in the various zones and sub-zones.

2. Confidential Lists of Priority Parcels for Agricultural & Open Space Preservation

- The Act requires that the Council develop confidential lists of priority parcels for agriculture and open space preservation to be provided to SADC and Green Acres.
- Act requires that the decline in land value in Preservation Area be a priority consideration
- Utilizing the Conservation Priority Areas and Agricultural Priority Areas of the Final Draft RMP, the Council should develop criteria and a method to identify parcels for preservation.
- Factors to be used should include MOD IV parcel data, parcel size, percent of parcel within the Conservation or Agricultural Priority Areas, contiguity, aggregation of parcels, and presence of interconnecting nodes.

3a. Designation Procedures - Scenic Resources Inventory

- The Highlands Council developed a draft “Procedure for Nomination, Evaluation and Inventory of Highlands Regionally Significant Scenic Resources” and released it for public comment in September 2007.
- Comments called for a number of substantive changes to the procedures.
- Modifications should be gauged against the intent and goals of the Act.
- An updated draft of the document will be prepared for review by the Council after public comment.

3b. Designation Procedures

Redevelopment Sites Designation

- Redevelopment will help the Highlands Region by optimizing the efficient use of existing impervious surfaces (grayfields) and the remediation and redevelopment of Brownfields.
- Once the Highlands Council designates a site it is then eligible for waivers from NJDEP.
- The Council needs comprehensive redevelopment site designation procedures to ensure consistency and sufficient detail in review approach when staff is evaluating proposals for potential redevelopment areas.
- A revised draft “Procedures for Highlands Redevelopment Area Identification Approvals,” which includes the approach for identifying impervious surfaces, will be prepared for Council review after public comment.

4. Housing Program

- The RMP's Housing Program needs additional clarity and depth in its housing discussion, metrics and objectives to reach a regional balance of housing opportunities located in economically mixed communities that are accessible to employment and services.

5. Land Preservation Program

- The Highlands Council will collaborate with other State agencies to identify non-traditional methods for preservation, which may include conservation tax credits and other tax-based techniques used by other states.

6. Plan Conformance/Project Review Standards

- The RMP can be improved with additional clarity regarding the hierarchy among resource protection and smart growth conformance standards based on the minimal practical use policy.
- The policy should protect resources for which mitigation is very difficult or impossible over resources where mitigation is easier.
- New RMP language should be drafted clarifying the hierarchy by which GPOs take precedence over others for resource protection and smart growth.

6a. Web-based Guidance System

- Prepare a framework for a web-based guidance information system to guide local government, support permit application reviews and respond to stakeholder needs for consistent and clear information regarding the RMP and the policies and procedures to be enforced in the Highlands Region.

6b. Carbonate Rock Area

- Develop guidelines for reviewing development projects within the Carbonate Rock Area to protect public health and safety and avoid or mitigate hazards through site design.

6c. Lake Management Area

- Develop guidelines for reviewing development projects within a Lake Management Area.

6d. Low Impact Development Best Management Practices

- Develop guidance for implementation of LID BMP.

6e. Smart Growth, Community Design

- Develop Standards for municipal conformance and guidance for design and implementation.

6f. Model Ordinances

- The Highlands Act requires the Council to provide “model ordinances” to guide municipalities in their efforts at Plan Conformance.
- Develop key provisions of a good ordinance and identify existing model/sample ordinances.
- The Council should develop “Standards for Municipal Plan Conformance” for each component of Plan Conformance that involves local project review including but not limited to:
 - Forests
 - Highlands Open Waters
 - Steep slopes
 - Critical Habitat
 - Karst topography
 - Lake management areas
 - Wellhead protection
 - Water availability
 - Water utilities
 - Septic system densities and management
 - Historic and cultural preservation
 - Cluster Development
 - TDR

6g. WQMP Reviews

- Prepare an updated draft “Procedures for Highlands Review of Water Quality Management Plans” for Council review after public comment to ensure there is consistency and sufficient detail in the approach to the many different types of projects being reviewed by Council staff.

6h. Transportation & Capital Project Reviews; Growth Inducing Projects

- The Council should revise GPOs clarifying the transportation planning process within the Highlands Region and the role of the New Jersey Transportation Planning Authority and the County planning agencies.
- Develop procedures and criteria for Capital Project Review.
- Guidance should include the Council's review process in support of RMP policies, review of pending versus proposed capital projects, clarification regarding immediate versus longer-term goals, and approach for interagency coordination.
- A proposal to work with the Voorhees Transportation Center will be discussed with the Council.

7. Plan Conformance Technical/Procedural Guidelines

- Staff are completing Technical/Procedural Guidelines which include a matrix for each area of Plan Conformance, outlining the immediate mandatory, long-term mandatory and discretionary elements required for Plan Conformance.

8. Plan Conformance Grant Guidelines

- Guidelines and standards for grants will be created to meet the needs of municipal and county conformance.

9 Property Search Tool

Leverage free applications such as Google Maps in order to be on the cutting edge for dissemination and collection of data.

a. HI-MAP and Consistency Reporting Tool

- Develop a functional, web-based application to assist the public to determine consistency with policies and resource protection prior to submitting an application to the Highlands Council.
- Web-based tool for free use by the public will help plan for avoidance or mitigation of inconsistencies prior to submitting applications to the Council.

b. Highlands Development Credits (HDC) Allocation

- Develop an easy to use web-based tool to report out HDC for both internal and public use. This will allow for easy access to information and allow for a HDC determination prior to submitting a formal application.

10. Public Comment and Response Tracking and Document

- The Council has posted the RMP final draft comments on the Highlands Web site with a search tool.
- A comment response document will be prepared as the Council responds to issues raised by the comments.

11. RMP Update Procedures

- To improve the accuracy of the RMP, the Council will develop procedures and a web-based tool for updates for all substantive components of the RMP based on new, corrected or updated data received upon verification of the Council.

12a. SDRP Plan Endorsement - Highlands Build-out Model

- To meet the Smart Growth Assessment provisions of the Highlands Act a build out analysis is needed.
- The Highlands Council will prepare a technical report on the Highlands Build Out Analysis in support of Plan Conformance and the Plan Endorsement Petition that is required to be submitted to the State Planning Commission.

12b. SDRP Plan Endorsement - Plan Endorsement Petition

- The Highlands Act requires the Council to submit to the State Planning Commission (SPC) a Plan Endorsement Petition for the Planning Area within 60 days of adopting the RMP.
- The Council will coordinate with the SPC and Office of Smart Growth for the Plan Endorsement Petition materials and submit the required supporting documents.

13. Septic System Density Model (Zone Nitrate Medians)

- One parameter used in formulating septic system yield is the target nitrate standard for various LUCM zones.
- NJDEP target nitrate standards have been adopted within Existing Community Zone and Preservation Areas.
- In the Protection and Conservation Zones of the Planning Area, the Council established zone targets using the estimated background nitrate concentrations for each subwatershed in those zones.
- As part of the ongoing science agenda we will work with USGS to better estimate representative target standards for the Protection and Conservation Zones. This may include the use of more data if made available.

14. Technical Reports – Amend and Finalize

- All draft reports have been subject to Council and public review.
- All Technical Reports will be finalized subsequent to the end of the public comment period and released to the public upon the Council's adoption of the RMP.

Technical Reports – Amend and Finalize

- Discussion and recommendations for the reports are as follows:
 - **Air Quality** – Update information on the environmental impacts from sulfur dioxide in Warren County due to Pennsylvania power plants.
 - **Historic, Cultural, Scenic, Recreational, Tourism** – The role of recreation and tourism as part of the economic development program should be included; add details to the scenic resource protection; advocate a region-wide approach to protect ridgelines; address the use of ATVs on public lands.
 - **Ecosystem** – Comments support and object to the policy and mapping methodology of 1,000-foot buffers around NJDEP-confirmed vernal pools. The Critical Habitat section was amended to include the analysis presented in the Addenda. Comments on forest management practices will be addressed.
 - **Financial Analysis** – Information to be updated includes the Cash Flow timetable to reflect fiscal year 2008 and Highlands Act appropriations, data from the Sustainable Economic Development program, the “cost to implement” the Highlands Act, Highlands Build Out analysis, and the Fiscal Impact Analysis.

Technical Reports – Amend and Finalize

- **Land Preservation** – The Conservation Priority Areas indicators and maps outlined in the November 2007 technical report Addenda need to be incorporated, as do new GIS data and metadata. Some preservation numbers need updates. The Highlands Open Space map needs to be included with the supporting statistical tables.
- **Local Participation** – Needs updating to incorporate more recent activities and to reflect the Final Draft RMP
- **Regional Land Use Conditions and Smart Design** – Needs updates to ensure content is up-to-date and all additional work is included, including the Technical Report Addenda regarding the Redevelopment and Infill Tool, and additional housing information.
- **Sustainable Agriculture** – Revisions needed to address public comments and support new discussions included in the final draft. The November 2007 Technical Report Addenda outlining Agricultural Priority Areas will be incorporated. Section 6.0 Agricultural Sustainability will be strengthened based on feedback from the Council and public.
- **Transfer of Development Rights** – Include a discussion of areas within the Highlands Region that have the potential to serve as voluntary HDC receiving zones. This report will be amended to include this analysis. Other revisions are being made to the HDC program section of the RMP based on public comments.

Technical Reports – Amend and Finalize

- **Transportation** – Information to be updated includes the Transit System Network to include the new Mount Arlington train station and private bus carrier information. The approach and development of the Baseline Transportation and Transit layer incorporated into the LUCM series needs to be incorporated into the Technical Addenda. Growth-induced effects on transportation must be incorporated. Additional work completed in response to public and Council comments needs to be reflected in the Technical Report.

- **Utility Capacity** – Detail and clarity is needed to ensure the document technically supports the related parts of the RMP. Updates include amending the Highlands Domestic Sewerage Facilities Table and Map to reflect the addition of Long Valley Village Wastewater Treatment Facility, formatting updates to the Highlands Domestic Sewerage Facilities Map and quality assurance and revisions to the Public Community Water Systems and Demand and Source Data Table.
- **Water Resources** – Should be updated to reflect policy changes outlined in the Technical Report Addenda regarding water availability and septic system capacity. It should be modified as needed to address public comments.

15. Transportation

- Update the Transportation Safety and Mobility Program to include guidelines and procedures in support of Transportation Project reviews.

16. Water Utility Program

- A new Program in Chapter V will link the policies and objectives regarding the creation and extension of utilities applicable to the Preservation and Planning Areas and the zones. The program will also explain how utility capacity and service areas will be managed through the RMP.

17. Land Preservation & Stewardship

- Public comments suggested combining several land and resource management and preservation plans at the municipal and county levels into a single Land Preservation and Stewardship Plan.
- Comments also suggested creating incentives for better management of invasive species and addressing ecological damage due to excessive deer populations.
- Also suggested was to create incentives in the RMP for Forest Stewardship Plans – which address ecological issues not covered under most Forest or Woodland Management Plans.
- GPOs and programs related to these issues should be reviewed, and the most cost-effective and useful ways to apply these suggestions should be examined.

18. Buffers for Highlands Open Waters

- NJDEP's new Flood Hazard Area Control Act rules (adopted after RMP provisions for HOW) and their buffer modification concepts should be reviewed to ensure that the RMP is never less restrictive than NJDEP requirements.
- Any provisions for buffer reductions or averaging should be reviewed to make sure they meet the protective provisions of the Act.

19. Critical Habitat GPOs and Program

- Policies for first, avoidance of critical habitat, then minimization of impacts where avoidance is not entirely possible, and finally mitigation need to be made more clear and concise, as well as consistent throughout the document.
- The “no net loss” threshold for mitigation needs to be more specific.
- Which Landscape Project ranks are used to define Critical Wildlife Habitat needs to be clarified, as do exceptions or waivers applicable to various types of Critical Habitat, and how rare plants located outside of Significant Natural Areas should be addressed.
- The feasibility of mitigation and restoration for upland habitats needs further research and discussion.

20. Water Availability & Deficits

- Clarification is needed regarding the burden of proof and guarantees for successful mitigation.
- Develop a modified approach to deficit mitigation that links mitigation requirements to deficit size and considers whether development is appropriate in areas of severe deficit.
- Clarify how mitigation can be guaranteed and the role of the Water Management Plan.
- Coordinate with NJDEP policies regarding how that agency will achieve deficit reductions in parts of the Highlands Region where their method also shows deficits.

21. Public Health & Safety Waiver for Failing Septic Systems

- A “documented pattern of failing septic systems” needs a more clear definition.
- The method for showing that not alternative is feasible needs to be defined.
- How to address an issue where septic systems are not “failing” but still present a significant threat to public health through excessive discharges.
- To address these issues, more detail is needed in the Wastewater System Maintenance and Water Quality Restoration Programs in Chapter VI.
- Develop draft RMP GPO and program improvements that clarify these issues.

22. Sustainable Agriculture

- Comments requested further clarification on what types of agricultural development are and are not covered by different GPOs.
- Different ideas were provided regarding how to improve sustainability and clarify the role of the Right To Farm Act and other State and Federal programs.
- Develop draft GPO clarifications and additional language for the Agricultural Management & Sustainability Program.

23. Land Use Capability Map Zones

- Develop a table that shows how key policies apply to the various zones and sub-zones. Draft GPO clarifications regarding the Environmentally Constrained Sub-Zones.
- Develop draft clarifications to the Land Use Capability Analysis Program regarding the Existing Community Zone. It must be clarified that some ECZs have no further capacity for growth while others may have capacity to accept growth if it is desired by the municipality.

24. Plan Conformance Summary and Checklist

- Develop a Plan Conformance summary, checklist, for municipalities and counties.

25. RMP Adjustment Procedures

- Clarify GPOs and Program for Plan Adjustments as needed to ensure that the intent of the RMP is achieved.
- Prepare Plan Adjustment Procedures to provide detailed methods and guidance

Transfer of Development Rights

- The limitations of the GIS analysis in the RMP must be clarified as well as the necessary steps to establish a voluntary TDR receiving zone.
- The mapping provided is a GIS based analysis before resource assessments and capacity analyses have been undertaken to look at the feasibility of designating a TDR/HDC receiving zone.