

DRAFT FOR CONSIDERATION BY THE HIGHLANDS COUNCIL
AT THE JUNE 12, 2008 COUNCIL MEETING

Land Use Capability Analysis

Issue Overview

Section 11.a(1)(a) and (6) of the Highlands Act requires that the Highlands Regional Master Plan include:

“(1) A resource assessment which:

(a) determines the amount and type of human development and activity which the ecosystem of the Highlands Region can sustain while still maintaining the overall ecological values thereof...”

“(6) A smart growth component that includes an assessment, based upon the resource assessment prepared pursuant to paragraph (1) of subsection a. of this section, 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. In preparing this component, the council shall:

(a) prepare a **land use capability map;**”

In addition, Section 12 of the Act requires that the Regional Master Plan include:

“12. In addition to the contents of the regional master plan described in section 11 of this act, the plan shall also include, with respect to the preservation area, a **land use capability map** and a comprehensive statement of policies for planning and managing the development and use of land in the preservation area, which shall be based upon, comply with, and implement the environmental standards adopted by the Department of Environmental Protection pursuant to sections 33 and 34 of this act, and the resource assessment prepared pursuant to paragraph (1) of subsection a. of section 11 of this act.”

The land use capability map (LUCM) is not explicitly defined by the Highlands Act, but the Regional Master Plan (RMP) requirements give clear guidance that the LUCM is to provide information sufficient to determine, at a regional scale, the potential for land use based on a variety of factors including existing development, agricultural uses, high quality and contiguous natural areas, utility capacity and environmental constraints. As discussed in Chapter 2 of the RMP, the result is a series of maps (the LUCM Series) that in combination provide this information at a regional scale. These maps are:

1. Land Use Capability Zone Map
2. Land Use Capability Water Availability Map
3. Land Use Capability Public Community Water Systems Map
4. Land Use Capability Domestic Sewerage Facilities Map
5. Land Use Capability Septic System Yield Map

Municipalities engaged in Plan Conformance will need to use the information in the Land Use Capability Map Series to determine at a local scale the land use capabilities for their municipalities. Similarly, counties will need this information in Plan Conformance to update county master plans and development regulations. State agencies, which are required by the Highlands Act to

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coordinate their activities using the RMP, will be able to use the LUCM Series to perform a consistency analysis. Lastly, the Highlands Council will also use this information in their petition for State Development and Redevelopment Plan Endorsement, and in the process of Project Reviews and consideration of Petitions for Plan Conformance. The Highlands Council has developed a *Highlands Regional Build Out Model Technical Report* in support of its Plan Endorsement petition that is available for county and municipal use in their build out analyses.

Program Summary

Because the ultimate determination of land use capability requires a combination of technical and planning analyses, the Highlands Council determined that a series of maps regarding land use capability would provide more understandable information than a single LUCM that incorporates all factors of the LUCM Series. The LUCM Series and supporting data will be used by municipalities and counties during Plan Conformance to determine the local land use capability. For this process, the first analysis requires the examination of the Highlands Council's data and maps to determine whether any RMP Updates are appropriate based on more current data, factual corrections or new information. The next analysis requires a determination of available capacity based on three separate categories of constraints: developable lands, environmental resources, and utilities. Then, a "limiting factor analysis" will be completed for each area to determine the land use capability available based on the three categories of constraints. The result will be the municipality's local build out analysis. In the final analysis at the municipal scale, the municipality will determine if proposed development yields advanced in Plan Conformance will be equal to or less than the land use capability determined in the limiting factor analysis, or whether it will seek to modify the most limiting factors in ways that comport with RMP policies but allow for more development potential. The municipality may address these factors through various approaches, such as eliminating water deficits, or creating additional net water availability through water conservation. Where the municipality proposes changes that would result in changes to the LUCM Series, a Petition for Map Adjustment would be required either as part of Plan Conformance or as a separate petition.

The determination of land use capability is only the first step, though critical, in the process of municipal planning. The second step will be allocation of land use capability among the developable parcels in each LUCM Zone, to minimize the potential for large-scale conflict between zoned densities and environmental constraints. The third step will be subdivision and site plan review to ensure that individual project designs meet RMP project review standards for such issues as Highlands Open Water buffers, steep slopes, etc.

**RMP Policies and
Objectives Addressed**

Policy 2A1. To identify and periodically update net water availability and water deficits as a factor in the Land Use Capability Water Availability Map.

Policy 2A2. To ensure that increasing water demands do not exceed Net Water Availability or exacerbate existing deficits of subwatersheds. Net Water Availability is affected at a subwatershed level by location and extent of Land Use Capability Map Zone Map and its status as Current Deficit Area or Existing Constrained Area.

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Policy 2B6. To require through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, Highlands Project Review, and interagency coordination that proposed public water supply and wastewater service areas, new or increased water allocations and bulk water purchases will not directly or indirectly cause or contribute to a Net Water Availability deficit, and where feasible will help mitigate any existing deficit.

Policy 2I1. To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination or a Highlands Preservation Area Approval with waiver pursuant to N.J.A.C. 7:38.

Policy 2I2. To identify through Plan Conformance and Highlands Redevelopment Area designation procedures those lands of the Preservation Area that may be appropriate for the extension or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities for redevelopment that would meet the waiver requirements of N.J.A.C. 7:38.

Objective 2J1b. The development and maintenance of an inventory of the service areas and capacity of Highlands Public Community Water Supply Systems, including a comprehensive data base of water utilities that are dependent on Current Deficit Areas or Existing Constrained Areas as a source of water, with estimates of the extent to which service area demands and water allocation permits may exceed available water.

Policy 2J2. To ensure, through Plan Conformance and Highlands Project Review, that Highlands Public Community Water Systems conform with Policy 2B6.

Objective 2J4a. Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2 and 4, the project must maximize the protection of sensitive environmental resources such as Open Water buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat Areas. For approvals regarding part 3, the project must avoid disturbance of Open Water buffer areas, Riparian Areas, Steep Slopes and Critical Habitat Areas, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are:

1. to address a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety. Such needs

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- shall have highest priority for allocation of existing system capacity;
- 2. to serve a designated Highlands Redevelopment Area;
- 3. to serve a cluster development that meets all requirements of Objective 2J4b;
or
- 4. to avoid the taking of property without just compensation.

Objective 2J4b. Clustered development served by public water supply within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met:

1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A6;
2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity;
3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity;
4. The clustered development preserves in perpetuity for environmental protection or agriculture purposes the following portion of the project area:
 - a. If served by septic systems, at least 80 percent;
 - b. If served by a public or community on-site wastewater system, at least 80percent, and to the maximum extent feasible the developed portion of the project area (i.e. not including wetlands, open water buffers, recreational lands) is no more than 10 percent with the remaining undeveloped lands protected by permanent easement.
5. Where the preserved land in the cluster project area is preserved for agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan requires continued agricultural viability of the agricultural land and the implementation of best management practices, including development and implementation of a USDA Natural Resource Conservation Service Farm Conservation Plan focused on protection of water resources.

Objective 2J4c. Allow the expansion or creation of public water systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to Objective 2J4a within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. TDR Receiving Zones, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than expansion of public water service areas within this Zone.

Objective 2J4d. All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be served by on-site wells, and the undeveloped land is

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preserved for agricultural purposes in perpetuity, the cluster design in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total project area including the preserved agricultural lands.

Policy 2K2. To base projected demand for current needs, appropriate economic revitalization and opportunities for designated TDR Receiving Zones within Existing Areas Served on existing maximum three month demands plus an estimate of redevelopment needs based on either Highlands Council regional analyses or more detailed local analyses, to assess whether there is adequate treatment capacity to encourage redevelopment.

Objective 2K3c. Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2 and 4, the project must maximize the protection of sensitive environmental resources such as Open Water buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat Areas. For approvals regarding part 3, the project must avoid disturbance of Open Water buffer areas, Riparian Areas, Steep Slopes and Critical Habitat Areas, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are:

1. to address a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity;
2. to serve a designated Highlands Redevelopment Area;
3. to serve a cluster development that meets all requirements of Objective 2K3d; or
4. to avoid the taking of property without just compensation.

Objective 2K3d. Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met:

1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural

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Resource Areas;

2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity;
3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted and constructed at a capacity limited to the needs of the clustered development, and 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;
4. The cluster development preserves at least 80 percent of the project area in perpetuity for environmental protection or agriculture purposes, and to the maximum extent feasible the developed portion of the project area (i.e. not including wetlands, open water buffers, recreational lands) is no more than 10 percent, with the remaining undeveloped lands protected by permanent easement.
5. Where the preserved land in the cluster project area is preserved for agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan requires continued agricultural viability of the agricultural land and the implementation of best management practices, including development and implementation of a USDA Natural Resource Conservation Service Farm Conservation Plan focused on protection of water resources.

Objective 2K3e. Allow the expansion or creation of wastewater collection systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to Objective 2K3c within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.

Objective 2K3f. All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster design and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from

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the total project area including the preserved agricultural lands.

Policy 2L1. To use nitrate concentrations in ground water as an indicator of water quality, and to use nitrate dilution modeling as the primary method for assessing the carrying capacity of lands for development that relies on septic systems for wastewater treatment.

Policy 6A1. To use the Land Use Capability Map Series (LUCM Series) as a geographic framework for land use planning and management within the Highlands Region.

Objective 6A1a. A Highlands Land Use Capability Map Series based on the most current, relevant and available data.

Objective 6B2a. Provide a Highlands Build Out Model that evaluates Regional Master Plan policies, supports State, regional and local requirements, and provides a consistent framework for water supply, wastewater, transportation and affordable housing planning and the SDRP Plan Endorsement process.

Objective 6B2b. Counties shall, through Plan Conformance, use the Highlands Build Out Model or its equivalent to prepare a utilities plan element of the County Master Plan that evaluates available development capacity based on lands, resources and utilities.

Objective 6B2c. Municipalities shall, through Plan Conformance, use the Highlands Build Out Model to develop a local build out analysis that incorporates RMP policies and objectives to evaluate land use capability and capacity planning.

Technical and Planning Assistance

The Highlands Council will provide to each Highlands municipality and county the information developed for the Regional Master Plan and the LUCM Series specifically, as relevant to their jurisdiction, and provide technical and planning assistance that will assist local use of the information. The Highlands Council will also provide all information used in development of the *Highlands Regional Build Out Model Technical Report* for use in local build out model development and analysis. Further technical and planning assistance will be made available in the form of training programs for local officials, employees and consultants. See the *Plan Conformance Program* and the *Local Participation Program* for additional information on this component.

RMP Updates

Subsequent to receipt of the RMP information and assistance regarding its use, municipalities and counties will assist the Council by examining the information used in the LUCM Series and other elements of the RMP and recommending RMP Updates as needed. Of specific interest will be updates on the following information:

- Development or other land use changes that have occurred and development proposals that have been fully approved subsequent to the Land Use Land Cover aerial photography used in the LUCM Series (currently 2002);
- Additional lands preserved for natural resource preservation, parks and recreational open space, historic preservation, farmland preservation, etc.;
- Modifications to stream and flood hazard delineation maps, including both

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additions and corrections to stream corridor locations;

- Jurisdictional wetlands and transition areas for which NJDEP has provided an updated Letter of Interpretation (LOI);
- Topographic mapping that will enable a more precise delineation of steep slopes;
- Additional NJDEP certified vernal pools, and proposed modifications to vernal pool buffers based on the criteria in the Goals, Policies and Objectives and discussed in the *Critical Habitat Conservation and Management Program*;
- Modifications to critical habitat boundaries for rare, threatened and endangered wildlife species based on site-specific analyses using methods in Highlands Council guidance;
- Updates and corrections to the Existing Areas Served for both public community water supply systems and public wastewater treatment systems;
- Updates regarding transportation facilities that significantly alter the opportunity for multi-modal transportation connections and use;
- Updates to water withdrawal, water use, and wastewater discharge volumes and locations that would result in a modification of the Water Availability values for HUC14 subwatersheds affecting the municipality, including information that results in recalculation of consumptive and depletive water uses for any subwatershed. In addition, information may be provided regarding specific contracts or rights to utility capacity by municipality, service area or contracted uses (i.e., committed but unconnected users) that will allow for more specific utility capacity determinations by municipality.

Proposed RMP updates will be verified for accuracy by the Highlands Council and used to determine whether changes in any of the LUCM Series are appropriate. See the *RMP Updates Program* and the *Map Adjustments Program* for additional information.

Calculation of Land Use Capability

The Highlands Council will provide updated LUCM Series and technical information, including the *Highlands Regional Build Out Model Technical Report*, to each Highlands municipality and county as necessary during the Plan Conformance process. Each municipality in the Plan Conformance process shall use the LUCM Series and any supporting tabular and mapped information to determine the land use capabilities within their municipalities at a local scale, as part of the local build out analysis required for Plan Conformance. Each County in the Plan Conformance process shall also use the LUCM Series and any supporting tabular and mapped information to determine the extent to which county conformance is affected by the information, such as impacts on county utility authorities, conservation elements of county master plans, etc. Land use capability has three components:

- Land based capacity
- Resource based capacity
- Utility based capacity

Land based capacity is determined through an examination of vacant lots, partially developed oversized lots that could be subdivided under existing zoning, and lots that could be viable for redevelopment or intensification of development

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(which can include those lots identified as potential sites through use of the Highlands Council's *Redevelopment and Infill Analysis Tool*). This step provides a sense of what lands could be developed assuming no resource or utility constraints. However, it does not address the actual density of that development, which will be affected in the near term by municipal intentions as expressed in local zoning policies, RMP policies, and current resource and utility constraints, and in the longer term by decisions regarding TDR Receiving Zones, infrastructure investments, the impact of water deficit reduction programs, etc.

Resource based capacity is determined through an examination of:

- **Septic Systems:** The number of septic systems that can be accommodated in each municipality for each Land Use Capability Zone, as defined by the RMP, which will be determined based on developable acreage within each HUC14 subwatershed. Where municipalities coordinate their planning, septic system yield within the same HUC14 subwatershed and Zone may be reallocated based on a mutually agreed upon formula, as long as the results are in conformance with all other RMP policies and objectives;
- **Water Availability:** The net or conditional water availability defined by the RMP for each municipality by HUC14 subwatershed. (Agricultural net water availability for the Conservation Zone may not be combined with the non-agricultural net water availability for that Zone.) Where municipalities coordinate their planning under a joint Water Use and Conservation Management Plan, net or conditional water availability within the same HUC14 subwatershed may be reallocated based on a mutually agreed upon formula, as long as the results are in conformance with all other RMP policies and objectives. (Municipalities will plan for future water uses through municipal Water Use and Conservation Management Plans as a condition of Plan Conformance. Where a Current Deficit Area exists, the plan must achieve reduction or elimination of the deficits);
- **Local issues** regarding the ability of local aquifers to sustain water demands, regardless of HUC14 subwatershed estimates. Subwatershed-based net water availability may not reflect variations in aquifer capacity within the subwatershed, nor contamination issues that may limit site-specific water availability. These local issues should be used as additional constraints on the location and density of development.

Utility based capacity is determined through an examination of public water supply and wastewater utility capacity by municipality, and where appropriate by service zones (i.e., portions of the overall service area that is served by a single transmission or collection main or is within a single pressure zone) within each municipality. Service zone analysis may be necessary where constraints in the ability of individual supply mains or collection systems to convey flows will limit development potential even where the utility treatment plant has available capacity. Because many utilities serve more than one town and service agreements differ, the capacity analysis also must address questions of capacity allocation – does a municipality have a guaranteed allocation or is capacity assigned on a “first come, first served” basis regardless of municipality? Finally, the implications of regulatory constraints such as NJPDES permits, TMDLs, water allocation permits, etc. must be addressed.

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The next step, determination of **land use capability**, is a “limiting factor analysis” using these three categories of capacity constraints. No one part of municipality will need to address all types of constraints, because a sewer area will not address septic system yields, and vice versa. In general, however, a municipality should determine for each part of the municipality the type of capacity that is most constraining. The municipality can then directly zone or regulate for that capacity, or it may examine alternatives that create capacity as long as the alternatives are otherwise in conformance with the RMP:

- Where land based capacity is the most limiting factor, the municipality may consider modifying zoning to more fully utilize available resource or utility capacities, up to the second most limiting factor. The use of available capacity for TDR Receiving Zones in appropriate locations is one potential approach;
- Where water availability is the most limiting factor, the municipality will determine through its Water Use and Conservation Management Plan whether the most appropriate approach is to limit land use capability to that level, or to increase net water availability by conservation, new supplies, or eliminating existing deficit to create capacity, through the methods identified in the *Water Deficits Program* and the *Efficient Use of Water Program*;
- Where septic system yield is the most limiting factor, the municipality may explore extending or creating sewer service areas that provide an alternative to use of septic systems. (Note: the use of alternative design septic systems cannot be used to modify septic system yields.) New or expanded sewer service areas may only occur in the Preservation Area through a Highlands Act waiver through NJDEP. In the Planning Area, they must comply with all RMP policies and objectives protecting the Environmentally Constrained Sub-zones and Highlands resources. New or expanded sewer service areas proposed in the Conservation or Protection Zones of the Planning Area must be shown to be necessary for and are approved by the Highlands Council to address a Highlands Act waiver or cluster development, and will maximize the protection of sensitive environmental resources.
- Where utility capacity is the most limiting factor, the municipality may investigate increasing net utility capacity through water conservation (again, using methods in the *Efficient Use of Water Program* or *Water Deficit Reduction Program*) or through public water or wastewater infrastructure improvements.

The results of this technical analysis and planning process will be reflected in the documentation provided by a municipality with its Petition for Plan Conformance (see *Plan Conformance Program* for more information).

**Natural Resource
Limitations on Land
Use Capability**

The process defined above provides the total land use capability for large areas of a municipality or county. Municipalities will then determine how the land use capability will be allocated among developable lands through zoning. Factors that shall be considered include the location, density, quality and relative intensity of sensitive environmental features in the developable lands, to minimize and, where required, avoid possible conflict between the allocation of land use capability and the protection of environmental resources (including but not limited to Highlands Open Waters, Critical Habitat, Riparian Areas, steep slopes, Prime Ground Water Recharge Areas) during the local development review

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process. The Goals, Policies and Objectives of the RMP and the relevant maps, data layers and tabular data shall be included as part of this process, toward Plan Conformance.

For example, the Environmentally Constrained Sub-zones in both the Existing Community Zone and the Conservation Zone trigger special provisions restricting the extension or provision of public water supply and wastewater management facilities, beyond the general provisions of the Zones themselves. For natural resource protection requirements in all Zones, the Goals, Policies and Objectives require protection of the resources and may require responses ranging from modified layout of development at the zoned densities (where the natural resource constraints are limited relative to lot size and development density), to loss of development yield (where a high level of constrained areas exists on a specific property).

The figure *Site Specific Constraints Analysis* shows a Planning Area example from an Existing Community Zone that has significant developed areas but also some undeveloped or underdeveloped parcels. Site specific constraints on land use primarily include the 300 foot Highlands Open Water buffer, steep slopes and Tiers 1, 2 and 3 of a Wellhead Protection Area. In some cases, the developable lands are not affected by any of these constraints. In other cases, parcels are entirely or partially within one or more constraints. Tier 3 of a Wellhead Protection Area does not limit development capacity, but rather ensures that any potential discharges of hazardous materials are prevented. New development must be designed to protect the entire Highlands Open Water buffer, but redevelopment of already disturbed lands may be allowed within the buffer to a certain extent. New development must also generally avoid steep slopes. (See *Project Review Standards Program* for more details on specific standards.) Using the example area, one potential development solution for properties affected by the Highlands Open Water buffer and steep slopes would be clustering of zoned development yield onto the unconstrained portions of the affected properties. The result need not reduce the total development yield, but must include a significant movement of that yield away from the constrained area.

RMP Map Adjustments

Where municipal or county conformance planning results in a proposal for changes to the LUCM Series other than RMP Updates, the municipality must submit a Petition for Map Adjustment either as part of the Petition for Plan Conformance or separately. The *Map Adjustments Program* provides additional information on the limitations and policies for map adjustments.