

# Issues for Council Discussion

May 22, 2008

# Highlands Open Waters and Riparian Areas

# Highlands Open Waters and Riparian Areas GPOs – Issue/Need

- Continue 300 foot buffer requirement for all Highlands Open Waters (Preservation and Planning Areas)
- Need to address disturbed buffer use and restoration in Planning Area:
  - Final Draft RMP did not address instances when there are existing disturbances within the 300-foot buffers in the Planning Area
  - Public access to some urban streams may be appropriate in disturbed areas
  - Require a measurable and scientific approach to ensure no net loss of stream buffer functional value
  - RMP should include scientifically defensible policies on where and how disturbed buffers can be used/restored

# Highlands Open Waters and Riparian Areas GPO Changes

- Used Highlands Open Water definition from the Act for clarification and consistency.
- Policies revised for the Planning Area - proposed disturbances shall only occur in previously disturbed areas and the following sequence of low impact best management practices be employed, if any disturbance is allowed:
  1. Avoid the disturbance of Highlands Open Waters buffers;
  2. Minimize impacts to Highlands Open Waters buffers; and
  3. Mitigate all adverse modification to Highlands Open Waters buffers so that there is no net loss of functional value of the buffer.
- Clarify that key functional values of buffers include, but are not limited to: habitat, water quality, temperature moderation, and channel integrity. The mitigation requirement of no net loss of functional value ensures improvements to one or more function and no net loss of any function in the mitigation design.

# Highlands Open Waters and Riparian Areas GPOs Changes (cont')

- New objective added that encourages opportunities to restore and enhance Highlands Open Waters buffers in all zones in both Preservation and Planning Areas. Example restoration techniques provided.
- Policies clarified that through Plan Conformance, municipalities will develop and implement a municipal-wide or subwatershed-wide Stream Corridor Protection/Restoration Plan that will:
  - Make use of watershed and riparian area integrity scores from technical report (January 2007)
  - Protect functional values broadly, not just site-specific
  - Identify remedial or mitigation opportunities
  - Provide for a systematic procedure for evaluating specific stream reaches in the subwatershed
  - Prioritize locations for rehabilitation

# Water Resource Availability

# Water Availability GPOs

- Policies and Objectives consolidated where possible, to improve ease of understanding
- Order of GPOs changed for better transition:
  - Derivation of water availability analysis
  - Priorities for use of water availability
  - Project review standards
  - Mitigation requirements
  - Water Use and Conservation Management Plans
- Mitigation Requirements – incorporated concepts from white paper discussed on May 1, 2008; details will be in Plan Conformance Standards and Highlands Project Review requirements

# Land Preservation and Stewardship

# Land Preservation and Stewardship

## GPO Changes

- Most of the changes relate to clarifying language, removing duplicate language, combining and reorganizing GPOs.
- New Policy 1H2 addresses all the coordinating efforts and technical assistance needs for land preservation and stewardship. Objective 1H2c states the Council's support for innovative, alternative methods and programs for land preservation and stewardship.

# Land Preservation and Stewardship

New Policy 1H7 was 1H11 and provides for the designation of:

Special Environmental Zones to comply with the Act's mandate, Section 12 a:

“a preservation zone element that identifies zones within the preservation area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights”

# Recommended Method for Special Environmental Zone

- Use parcel clusters within designated Conservation Priority Areas in Preservation Area
- Five indicators were chosen as the most important for protection of water resource and environmentally sensitive lands:
  - Forest within the Forest Resource Area
  - Riparian Corridor Condition High
  - Highlands Open Water Protection Area
  - Critical Habitat
  - Water Quality Management Tier (excluding the developed Lake Community Sub-zone)

# Special Environmental Zone

- Non-preserved lands were evaluated for the percentage of each of the five indicators, and then the percentages were added
- With a total possible score of 500%, cluster scores ranged from 0 to 300%. The range was then reviewed for natural breaks which resulted in including parcels scoring 192% or greater with connectivity to already preserved lands.
- This resulted in 360 parcels totaling 19,000 acres.

# Agricultural Resources

# Agricultural Resources

## GPO Changes - General

- Agricultural Resource GPOs revised for clarification and to address comments from public, NJDA and NJFB
- GPOs revised to be consistent with changes to Cluster Program policies and objectives and the white paper on Conservation Plans and Best Management Practices
- Policy 3D2 and Policy 3D3 – amended policy from “encourage” conservation plans in the Planning Area for 3%/9% triggers to “require” in the Planning Area.

# Agricultural Resources

## GPO Changes

### New Policy 3E4 and Objectives 3E4a and 3E4b

- Address agricultural and horticultural use and development through Plan Conformance in coordination with NJDA, SADC, and CADBs and consistent with the Right to Farm Act. This is so that in one place we can address the applicability of the resource protection requirements of the RMP.

### New Objectives to address

- confidential list of preservation priority parcels
- Agriculture Retention/Farmland Preservation Plans & development regulations that prioritize the preservation of agricultural lands in the Agricultural Priority Areas and limit non-agricultural uses
- regional coordination with all groups, involved in preserving agricultural resources and the agricultural industry, to maximize agriculture preservation efforts
- coordination with SHPO – on historic agricultural structures

# Map Adjustments and Future Land Use

# Map Adjustments

- Policy and objectives:
  - Clear distinction between the application of RMP Updates and Map Adjustments
  - Map Adjustments can only be used only after waivers, exemptions, RMP Updates and other approaches have been examined
  - Priority given to conforming municipalities and encouragement for municipal coordination when appropriate
  - Refined criteria for different zones
  - Establishes standards
  - Establishes requirements for digital submissions

# Map Adjustments

## Adjustments to Protection Zone, Conservation Zone, or Environmentally Constrained Sub-Zones

- No net loss of Highlands resources and resource values within a municipality and as appropriate any HUC 14 subwatershed
- No net increase in land use intensity
- Complies with the intent of the Highlands Act and the RMP
- Added criteria for adjustments resulting in extension of Existing Community Zone

## Adjustments proposed to change an Existing Community Zone to another LUCM Zone or Sub-Zone

- Not currently developed at a density and scale inconsistent with requested zone change
- Not currently served by public wastewater infrastructure
- Includes ecological or agricultural attributes that are associated with requested Zones
- Does not include a designated Redevelopment Site or TDR Receiving Zone

# Future Land Use GPOs

- Policies and Objectives consolidated
- Local Build Out Analyses
  - Required through Plan Conformance
  - Highlands Build Out Model will be provided, and can be applied using local information
  - Will be sufficient to address build out needs for all levels of government (local, county, regional, State)
- LUCM Zone Policies
  - Incorporates Lake Community Sub-zone concept
  - Amplifies on Environmentally-Constrained Sub-Zones and need for priority preservation focus

# Landowner Equity

# Landowner Equity

- ❑ For consistency and to avoid repetition this section will include the Act's exemptions and waivers as applicable throughout the RMP
- ❑ Three new goals were added
  - Goal 7 F Ensure that Highlands Act exemptions are properly issued and monitored.
  - Goal 7G Ensure that Highlands Act permits and waivers are properly issued, tracked and monitored.
  - Goal 7H Mitigation to the maximum extent possible of the impacts of exempt development on the ecosystem integrity of the Highlands Region through use of innovative land use programs.

# Plan Conformance

# Guidance for Steep Slopes Conformance Standards

- Example of project review and planning guidance for municipal Plan Conformance
- Based on GPOs discussed on May 1, 2008
- Provides detailed guidance interpreting the GPOs with regard to:
  - Environmental Resource Inventory
  - Master Plan and Conservation Element
  - Development Review Checklist
  - Development Review Ordinance
  - Enforcement
- Provides references where available

# Conformance Standards

1. Develop similar guidance for each issue. Can be used by conforming towns and by other towns within and outside of Region.
2. Compile relevant guidance for each conformance component (ERI, Master Plan, Checklist, Ordinance) from all issues.
3. Create easy-to-use models for Plan Conformance. Adopt “as is” or modify to fit into existing municipal documents.