

HIGHLANDS REGIONAL



MASTER PLAN
2008

Highlands Council Meeting

August 19, 2010



Executive Director's Report

- TDR Program Update
- Plan Conformance Update
- RMP Updates
- Highlands Project Reviews
- Work Session

TDR Program Update

TDR Program Update

HDC Bank Offers: On June 9, 2010, the HDC Bank extended offer letters to five landowners who qualified for hardship consideration during the Bank's first hardship round.

- Four of the landowners qualified on the basis that they have extenuating financial circumstances; the fifth landowner qualified on the basis that they just missed qualifying for Exemption #3 under the Highlands Act.
- Three landowners accepted the offers, representing **89.75 HDCs** valued at **\$1,436,000**. Two of the sales have closed with the third closing pending. When all three are complete, a total of **160.14 acres** will be under a deed of easement limiting future development of those properties at an average cost of **\$8,967.15 per acre**.
- Of the two remaining offers, the Morris County Park Commission acquired one parcel for annexation to an existing county park and the development rights did not have to be purchased by the Bank. In the other case, the landowner declined the offer. This property owner may reapply in any future hardship round.

TDR Program Update

Second Round of Hardship Applications: Also on June 9, 2010, the HDC Bank authorized a second hardship round; deadlines for the second round have been extended.

- HDC Allocation Applications will have to be submitted to the Highlands Council by **October 7, 2010**, for consideration, while HDC Certificate Applications will have to be filed with the HDC Bank by **November 4, 2010**.
- The HDC Bank will consider those applications that qualify for hardship under the second round at its next meeting on **December 2, 2010**.
- The HDC Bank will then consider priorities for a possible third round of applications.

TDR Program Update

Update on HDC Allocations: The Highlands Council has received **23 HDC Allocations Applications** since November 2009:

- To date, the Highlands Council has allocated **446.25 HDCs** to 12 of the 23 applicants with a total value of **\$7,140,000**.
- These 12 properties represent **538.19 acres** with an average cost per acre of **\$13,281**.
- The allocations represent a total of 231 pre-Highlands Act residential development opportunities and 63,117 square feet of pre-Act non-residential development which would be reduced if the allocations were exercised.
- Eight of the 23 applications remain under consideration pending additional information, while 3 applicants were ineligible for allocation consideration.
- The status of HDC applications can be seen on the HDC tracking sheet at:

http://www.highlands.state.nj.us/njhighlands/hdcbank/HDC_tracking_sheet.pdf

TDR Program Update

HDC Certificate Applications:

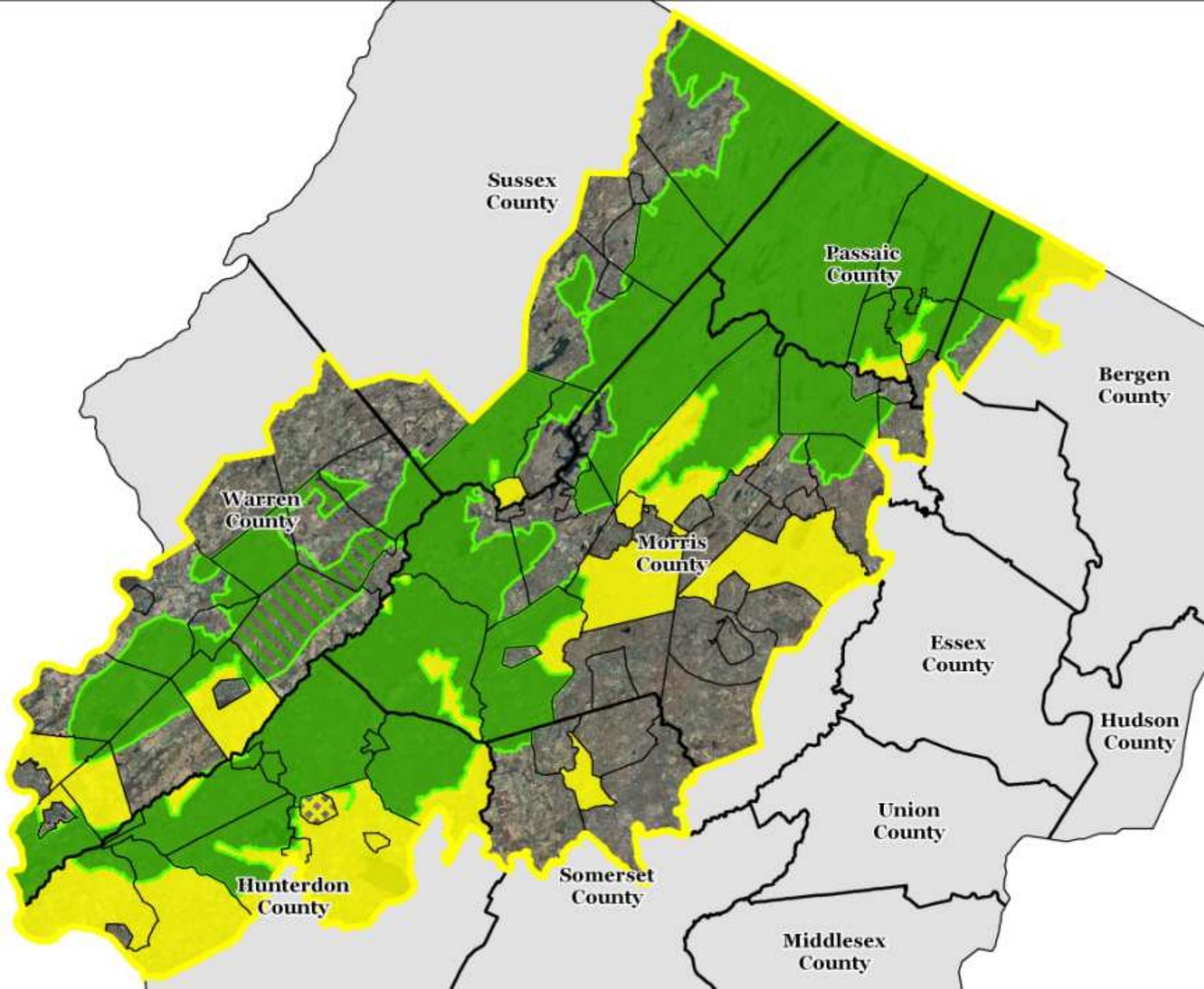
- To date, the HDC Bank has received 7 HDC Certificate Applications including the 5 applicants that qualified for hardship.
- The remaining 2 applications are for properties that are being considered for HDC allocation and hardship under the second round, but further documentation has yet to be provided by the applicants.

Plan Conformance Update

Plan Conformance Update

Plan Conformance Petitions: To date, 45 Petitions for Plan Conformance (of 61 submitted with Resolution/Ordinance – 56 municipalities and 5 counties) have been deemed Administratively Complete and posted to the Highlands Council website.

- Council staff has completed review of 26 full Petitions, thus far, and prepared Draft Consistency Review and Recommendations Reports (“Draft Consistency Reports”) for each. Fifteen of these are now under internal review, while 11 have been completed and sent to the petitioning municipality or county.
- New Draft Consistency Reports were recently sent to Bethlehem Township, Califon Borough, Clinton Town, Glen Gardner Borough, Mount Olive Township, Rockaway Township and Passaic County, in addition to the prior four municipalities (Byram, Mahwah, Chester Twp and Lebanon Borough).
- The public can follow the Plan Conformance process through: http://www.highlands.state.nj.us/njhighlands/planconformance/pc_tracking_sheet.pdf



Plan Conformance Update

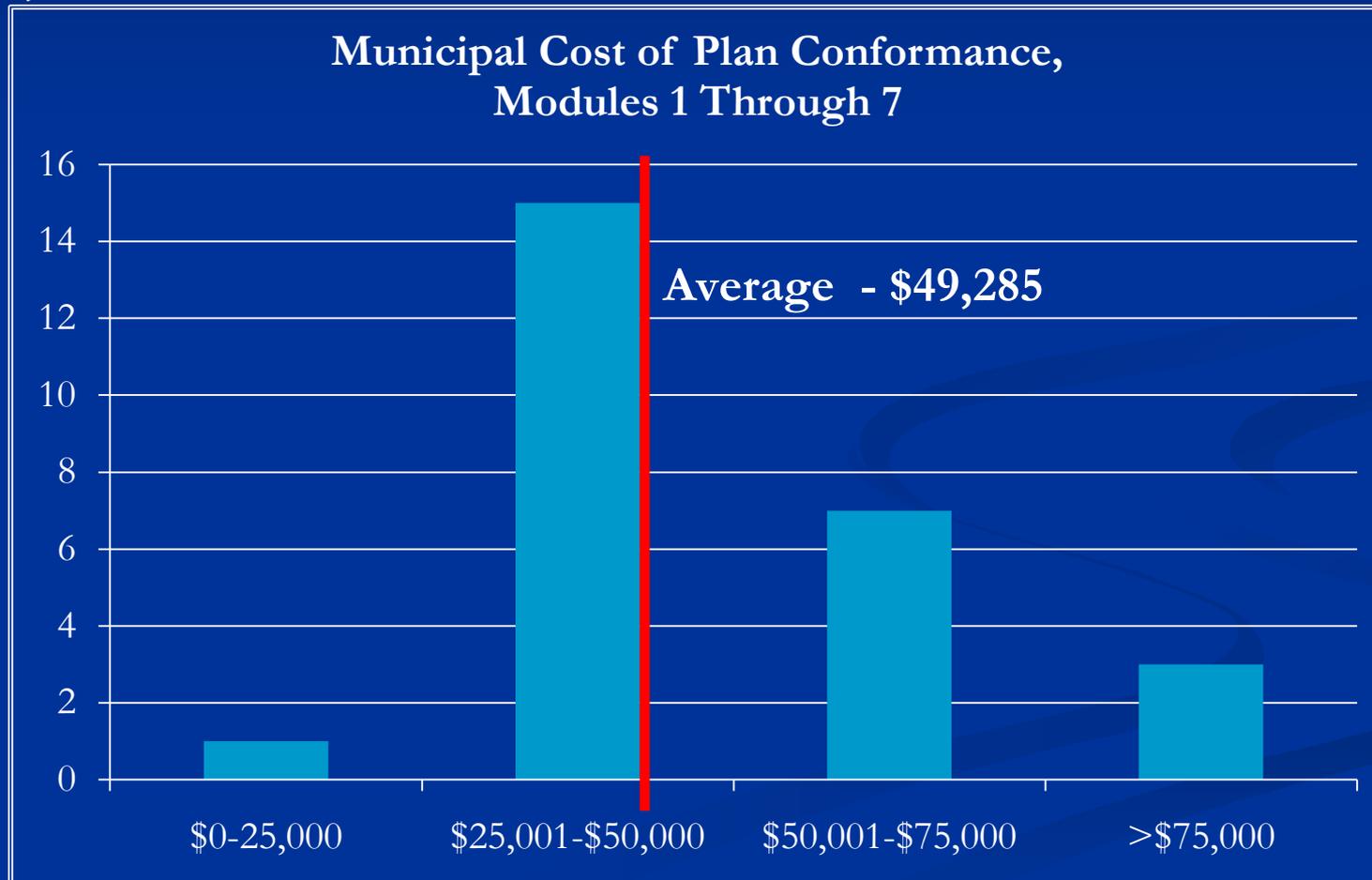
Plan Conformance Grant Program: The following are the average payments made to towns with the base amount shown. On average, the payments to date are within the estimated base amount:

	<u>Base Amount</u>	<u>Average</u>	<u>Number of Towns</u>
Module 1	\$15,000	\$13,355	61
Module 2	\$10,000	\$ 6,212	55
Module 3	\$7,500	\$10,563	36
Module 4	\$2,000	\$ 3,678	43
Module 5	\$2,500	\$ 6,659	37
Module 6	\$5,000	\$ 3,992	34
Module 7	<u>\$8,000</u>	<u>\$ 6,314</u>	32
Total	\$50,000	\$50,572	

It is estimated that an average of \$30,000 per municipality remains for additional tasks during implementation

Plan Conformance Update

For 26 municipalities with complete petitions that have provided invoices for all seven Modules, the average cost is \$49,285. The total costs are distributed as shown below:



RMP Updates

RMP Updates

For the Highlands Master Plan Element, mapping of Highlands include the recently issued State parcel boundaries. The Highlands Council has initiated the following Regional RMP Updates to examine the new State parcel data and other new data sets and update where necessary:

- **Lake Community Zones and Lakes Greater Than 10 Acres** – using new LiDAR data to map drainage areas
- **Existing Area Served for Public Community Water and for Domestic Sewerage Facilities** – using the results of the Modules 1 and 2 to update water and sewer maps.
- **Special Environmental Zones**
- **Preservation Area Line**
- **Highlands Scenic Resources**
- **Critical Habitat Area** – using the NJDEP Landscape Project Data Version 3.0.
- **Preserved Lands** – using the results of Modules 1 and 2 and updated data requested by the Council from NJDEP Green Acres, SADC and numerous land trusts and nonprofit agencies

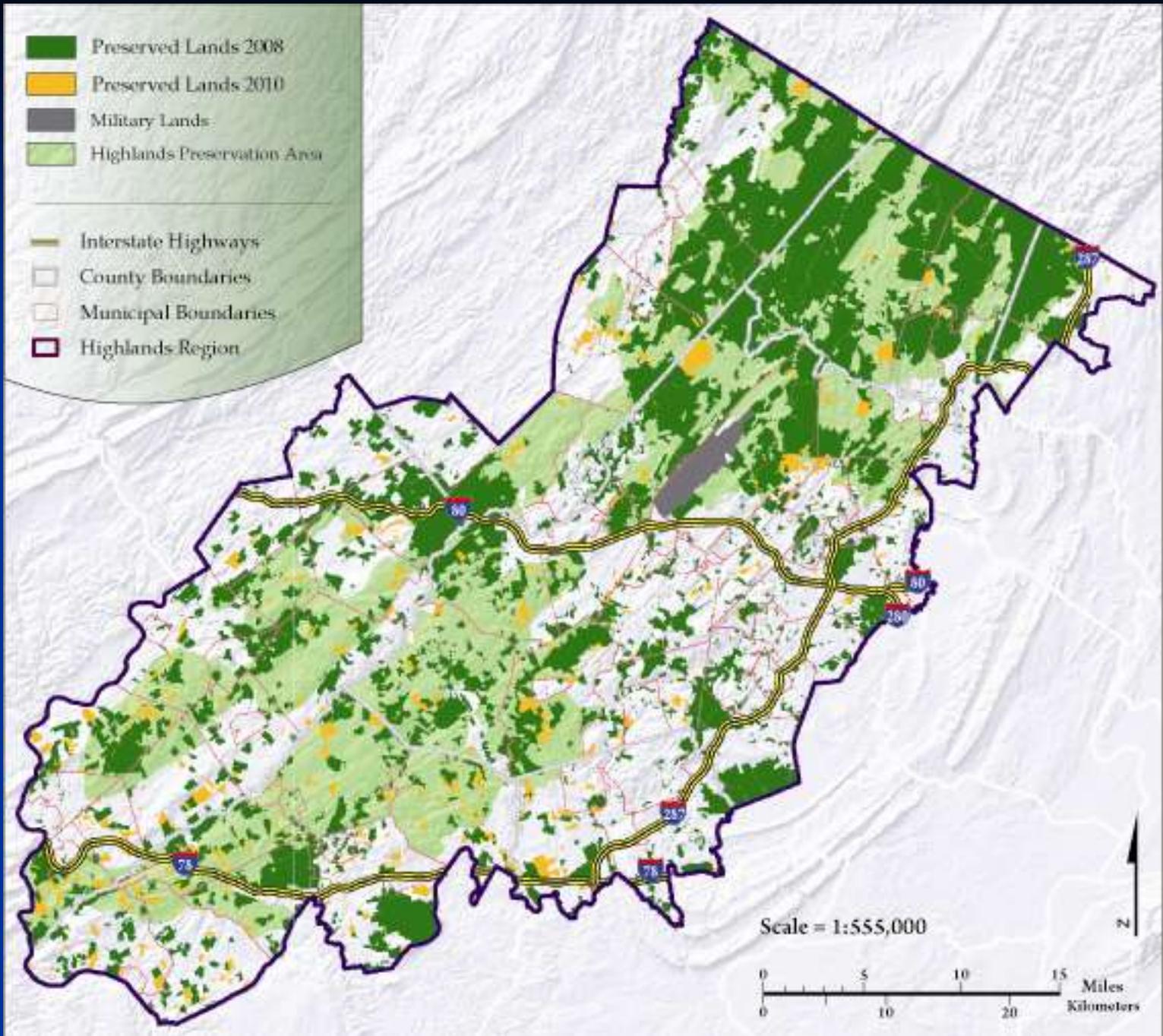
Updates to Land Preservation in the Highlands Region

To date, **290,214 acres** have been **permanently preserved** in the **Highlands Region** by the State and its federal, county, municipal and non-profit partners. This updates the RMP total of 273,457 acres.

- The preserved lands are comprised of **255,537 acres of open space** and **34,677 acres of farmland**. Together, these lands account for 33.8% of the entire Highlands Region.
- A total of **7,690 acres** have been preserved since adoption of the RMP in July of 2008, 5,694 acres of which were identified for priority acquisition in the RMP.
- **194,344 acres** in the Preservation Area are preserved in perpetuity, representing **nearly 47% of that area**.
- Estimating the cost to preserve these lands today, based upon the average per acre costs of open space and farmland calculated in the RMP, results in a total preservation cost of **\$2.2 billion**. Using the more recent average per acre costs based upon land acquisitions since adoption of the RMP, the value of the rights acquired in these preserved lands today would amount to **\$3.38 billion**.

Updates to Land Preservation in the Highlands Region

Comparison of Preservation Programs	Per Acre Avg.
SADC - Farmland Preservation (Highlands Parcels Only)	\$ 9,815.88
Green Acres (Highlands Parcels Only)	\$ 10,264.68
Highlands TDR - Allocated HDCs (12 parcels)	\$ 13,281.00
- Highlands TDR - HDCs Offers Accepted (entirety of 3 parcels)	\$ 8,967.00
- Highlands TDR - Estimated HDCs from HDC Estimator (3,321 residential parcels in Preservation Area comprising 82,264 acres)	\$5,696.20



Highlands Project Reviews

Highlands Project Reviews

- The public can continue to review those projects that are subject to public comment on the Project Review page of the website at:
<http://www.highlands.state.nj.us/njhighlands/projectreview/>
- In addition, one can track the progress of these reviews using the Project Review Tracking Sheet:
http://www.highlands.state.nj.us/njhighlands/projectreview/pr_tracking_sheet.pdf
- Update on PSE&G – For the proposed Susquehanna – Roseland transmission line, PSE&G does not expect the Eastern portion of the line to be in service before June 2014, and does not expect the Western portion to be in service before June 2015, however they continue to work on all elements of their Comprehensive Mitigation Plan.

Highlands Redevelopment Area

- Goldmine Partners, LLC proposes to construct a 12,240 sq ft two-story building with parking areas for use as an office and equipment repair facility at Block 4500 Lot 3 in the Township of Mount Olive.
- The applicant is petitioning the Highlands Council for a Highlands Redevelopment Area Designation in the Preservation Area using the 70% impervious surface criteria established in the Highlands Act.
- The 20-acre property formerly functioned as a stone quarry for many years, and much of the site features pavement, former quarry facility sites, a man-made pond, bare rock and gravel, with weeds and grass growing through the cracks and gravel.

Goldmine L.L.C. BI 4500 L3



180 90 0 180 Feet

Highlands Redevelopment Area Proposal

Site Photos – Key Map



Site Photo #19 – Facing Proposed Highlands Redevelopment Area



Site Photo #7 – Portion of Proposed Highlands Redevelopment Area



Site Photo #5 – Portion of Proposed Redevelopment Area



Highlands Redevelopment Area

- Approximate 12,240-sq ft office in area that is currently impervious surface
- Impervious surface requirement (70%) is met:
 - Existing Impervious Surface = 117,956 sq ft
 - Allowable Redevelopment Area = 168,509 sq ft
 - Proposed Redevelopment Area = 143,185 sq ft

Highlands Open Waters Buffer

- Proposed project entails encroachment into a mapped wetland and Highlands Open Waters buffer for the man-made pond.
- While mapping indicates encroachment into wetlands, NJDEP indicates no wetlands in that location
- Buffer area completely disturbed.
- As encroachment into the buffer is required, a waiver of this requirement by NJDEP would be required and would be appropriate, as the buffer is in an existing disturbed condition.

Goldmine L.L.C. BI 4500 L3- Highlands Open Water and Buffers



180 90 0 180 Feet

Legend

- Streams
- Lakes & Ponds
- Wetlands
- HighlandsClassWetlands_300Buffer
- HighlandsClassOpenWaters_300Buffer
- HighlandsClassHydrology_300Buffer

Highlands Redevelopment Area Proposal

Goldmine Partners, LLC Timeline

- Voluntary Informal Inquiry Meeting on June 10, 2009
- On-site Pre-Application Meeting on Sept 10, 2009, with NJDEP staff attending
- Applicant Submits Petition for Redevelopment Area Designation on April 20, 2010
- Highlands Council posts Draft Consistency Determination and Draft Staff Recommendation Report on Council website on July 2, 2010
- Comment Period July 2 to July 26, 2010

Proposed Staff Recommendations

Staff recommendation is to approve the proposed Highlands Redevelopment Area designation subject to the following conditions:

1. Encroachment into a Highlands Open Waters buffer shall be entirely within a previously disturbed area, which would not result in a net impact to the functional value of the buffer and therefore qualifies for a waiver;
2. Applicant commits to provide mitigation equal to 125% of the proposed consumptive water uses through on-site recharge or water conservation practices within the same site or HUC14 subwatershed to the maximum extent feasible;
3. Remainder of the property outside of the proposed Highlands Redevelopment Area be protected through a conservation restriction, specifically authorizing ecological restoration and maintenance; and
4. Stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. The Highlands Council expects that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques as dictated by current NJDEP Stormwater Rules.

Work Session

Highlands Plan Conformance Process

Work session to focus on the Highlands Council review, approval, grant approval and monitoring of Plan Conformance for municipalities and counties.

The Highlands Act requires that municipalities/counties submit to the council such revisions of the municipal master plan/county master plan and development regulations/associated regulations ... as may be necessary in order to conform them with the goals, requirements, and provisions of the regional master plan. After receiving and reviewing the revisions, the council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate.”

Petition Decision Process

- The municipality provides any comments to the Draft Consistency Review and Recommendations Report and supporting documents, then:
 - ❖ Final Draft Consistency Review and Recommendations Report and final Petition documents posted on Highlands Council website
 - ❖ Public Notice and Comment Period
 - ❖ Final Report developed by Council staff, with public comment response
 - ❖ Highlands Council consideration and decision, by resolution

- Public comment through the Plan Conformance Petition Tracking Sheet :
 - ❖ Public notice and public comment periods
 - ❖ Highlands Council meeting schedule to review Petitions

Highlands Council Evaluation

The Highlands Council will determine:

1. Whether the Petition for Plan Conformance meets the requirements for Basic Plan Conformance
2. Whether the Highlands Implementation Plan & Schedule is reasonable to ensure that the municipality continues to work on Plan Conformance issues (schedule subject to availability of Plan Conformance Grant funds)
3. Whether any provisions of the Regional Master Plan should be modified or waived as inappropriate to a specific Petition
4. Delegation of Planning Area exemption reviews
5. Allocation of remaining funds under the 2009 Grant
6. Allocation of additional funds from the FY 2011 Grant Fund
7. Delegation of implementation tracking to Council staff

Approval With Conditions

Conditions

All recommendations for approval will include standard conditions, such as the following:

1. Adoption of ordinance petitioning for conformance in the Planning Area (only High Bridge has adopted such an ordinance, which is mandatory for the Planning Area);
2. Adoption of draft documents including ERI and Highlands Element, and either Land Use Ordinance (for municipalities) or Facilities Regulations (for counties);
3. Submittal of an amended scope of work for the Plan Conformance Grant, based on the priority tasks of the Highlands Implementation Plan & Schedule.

Additional Conditions

Recommendations could include conditions specific to the municipality or county, such as Center-based ordinances.

Highlands Implementation Plan & Schedule

The Highlands Implementation Plan and Schedule specifies required tasks to maintain Plan Conformance approval, with estimated costs for each priority task and timeline estimates for each component. It may include optional tasks as requested by the municipality. Most will include the following first-year priorities:

1. All steps for implementing Basic Plan Conformance, (e.g., ERI, Element, Ordinance);
2. Zoning Map updates;
3. Identification of high priority modifications to specific sections of municipal Master Plans, to supplement the Highlands Element adopted under Basic Plan Conformance;
4. Initiation of Water Use and Conservation Management Plans.

Highlands Plan Conformance Grant Funds

Final Adoption of Basic Plan Conformance Documents

It is estimated that final municipal adoption of the ERI, Highlands Element and Land Use Ordinance will require up to \$20,000.

Given the average cost of work to date (approx. \$50,000), most municipalities will have sufficient funds within their current grants.

Long Term Plan Conformance Planning and Implementation

The estimated costs of high priority tasks will be stated in the Highlands Implementation Plan & Schedule. Funding for these tasks will be addressed first by reallocation of funds from the current Plan Conformance Grants (where available), and then by modification of those agreements to increase the allocated funds, as authorized by individual resolution of the Highlands Council.

A general authorization is not feasible – needs will vary too greatly.

Highlands Plan Conformance Monitoring

Monitoring

It is recommended that the Highlands Council staff be responsible for tracking and routinely reporting the status of municipalities and counties in meeting the Highlands Implementation Plan & Schedule. Staff may be delegated authority for minor changes in the schedule or grant amounts, per the Council resolution for each Plan Conformance approval.

Highlands Council Role

The Council would approve any major changes to the Highlands Implementation Plan & Schedule, or determine non-compliance.

- Addition or deletion of a Full Plan Conformance task
- Major change in priority for such tasks
- Changes in grant funding beyond current authorizations

Highlands Full Plan Conformance Approvals

Highlands Council Approvals

Plan Conformance is an ongoing responsibility of the municipality or county, based on the Highlands Implementation Plan & Schedule. Council staff will work with the municipality or county to ensure proper completion. However, each component of Full Plan Conformance will require approval of the Highlands Council upon completion, including public review and comment. Depending on priorities, these may include (but are not limited to):

- Additional Master Plan and Land Use Ordinance amendments
- Water Use and Conservation Management Plans
- Habitat Conservation and Management Plans
- Lake Restoration Management Plans (as applicable)
- Stream Corridor Protection/Restoration Plans (optional)
- Implementation ordinances for any of the above plans

Highlands Plan Conformance Process

Municipal Response Period and Next Steps

Municipalities have been requested to provide responses to the Draft Report and work products within 45 calendar days or more, depending on complexity. Additional time may be requested. Municipal comments are encouraged on the Draft Report and all Module 3 through 7 work products. Documents are draft and deliberative to allow for interaction between municipal and Highlands staff before documents are finalized.

Upon completion of this process, the Highlands Council will release for public comment (via the Council's website) a Final Draft Consistency Review and Recommendations Report, along with clean copies of all Module 1 through 7 work products.

Upon conclusion of the public comment period, a Final Consistency Review and Recommendations Report will be prepared for formal consideration by the Highlands Council.

Highlands Plan Conformance Process

Highlands Council Action

Formal consideration by the Highlands Council on Plan Conformance Petitions is expected to begin in September/October. Ability to consider more than one municipality at a meeting will depend on complexities of the issues. The major issues anticipated include:

- Schedule/Priority/Funding for required tasks
- Delegation of Planning Area exemption reviews
- Highlands Center designations
- Map Adjustments
- Highlands Redevelopment Areas
- TDR Receiving Zones
- Substantive deviations from model documents, such as alternative methods for meeting RMP policies and objectives
- Delegation of authority for conformance monitoring

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