

NEW JERSEY HIGHLANDS AND HOLLAND TOWNSHIP INITIAL ASSESSMENT GRANT REPORT



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1. INTRODUCTION

The purpose of this report is to provide Holland Township with an understanding of the Highlands Regional Master Plan (RMP), the level of consistency of local plans with the Highlands Regional Master Plan, the extent of work needed to bring local plans into conformance with the Highlands Regional Master Plan, and the relative merits of Plan Conformance. The New Jersey Highlands Council provided an Initial Assessment Grant of \$17,139 to help fund the report.

It is important to note that the report was prepared during a period in which new information and updates were being continually released by the Highlands Council. Thus, it reflects a snapshot of the information available at the time of publication. Furthermore, it is important to note that the analysis and recommendations contained herein reflect the knowledge, interpretations and conclusions of Holland Township's Highlands Planning Consultant. Recommendations do not necessarily reflect the opinions of the Township officials.

2. REPORT CONTENT & ORGANIZATION

2.1 Overview

This report begins with a brief overview of the New Jersey Highlands, including the Highlands Act, Master Plan, Rules and related initiatives. Following this is a discussion of the benefits and implications of Plan Conformance.

Next, the report presents an overview of the current municipal plans and ordinances which are the subject of the consistency review. These include the Master Plan (2001) and Periodic Reexamination (2007), Environmental Resource Inventory (March 2007), Wastewater Management Plan (August 2007), Open Space Plan (April 2004), Farmland Preservation Plan (December 2007), and Land Use Regulations.

The seven local documents identified above are assessed against key Highlands RMP goals, policies and objectives. **Since the local planning documents being reviewed were adopted prior to adoption of the Highlands RMP, one cannot expect a high level of consistency.** Thus, the purpose of this comparison is really to understand the extent of change needed to bring local plans and regulations into conformance. This discussion is organized into key topics that are covered in the Highlands RMP. For a given topic, the discussion begins with a description of the key policies and objectives in the Highlands Regional Master Plan and specific technical assistance that the Highlands Council will provide to support local implementation. Then, municipal plans and regulations are described that relate to the Highlands issue. Each topic concludes with a list of key items that Holland Township must prepare or adopt in order to become consistent with the policies and objectives. It is important to note that this assessment is not an exhaustive review of every goal, policy and objective contained in the RMP. Clearly, at the time that the Township's planning documents are amended to conform to the Highlands Plan, they will have to address all relevant items. For purposes of this report, only those policies and goals deemed of critical and immediate relevance to Holland Township were reviewed.

Following the consistency review, the report identifies specific mechanisms in the Highlands Act, Rules and Regional Master Plan that are intended to address landowner equity impacts of Plan Conformance. Chapter 9 identifies documentation needed to achieve Basic Plan Conformance with the Highlands Regional Master Plan. Basic Plan Conformance is the first step in a two-phased Plan Conformance. Included in this discussion is an explanation of the steps that Holland Township must take to obtain Basic Plan Conformance as well as the type of assistance needed from the Highlands Council to support local efforts.

Appendix A provides a table of specific RMP policies and objectives that are referenced in the comparison of local plans and the Highlands RMP. Appendices B and D contain maps taken from municipal planning documents that are also referenced in various sections of this report. Appendix C is a list and abbreviated description of activities qualifying for exemptions under the Highlands Act.

2.2 Information Sources

In the coming weeks and months, the Highlands Council will continue to release technical guidance materials, including model master plan elements and zoning standards to assist in the conformance process. In the meantime, absent such documentation, this report relied primarily on the Highlands Regional Master Plan and Highlands Water Protection and Planning Act Rules. Additionally, it utilized Basic Plan Conformance For Municipalities Key Requirements, a guidance document produced by the Highlands Council; Highlands Council memo on Plan Conformance dated October 9, 2008; Highlands Council memo entitled The Highlands Regional Master Plan and the Benefits and Incentives to municipal and County Conformance; Highlands Council Consistency Determination review of the Holland Township Wastewater Management Plan, dated September 11, 2008; digital spatial data available for download from the Highlands Council website, and updated data transmitted to the Township; Highlands Council Water Resources Technical Report Volume 1: Watersheds and Water Quality, (2008); Highlands Council Technical Report Regional Land Use Conditions and Smart Design (2008); and Highlands Council Technical Report Land Use Capability Zone Map (2008).

3. EXECUTIVE SUMMARY

The New Jersey Legislature enacted the Highlands Water Protection and Planning Act in 2004 to protect water and other critical natural resources in this 1,343 square mile region of northern New Jersey. The Highlands region is divided into the Highlands Preservation Area and the Highlands Planning Area, each of which comprises about half of the entire region. Holland Township is one of 88 municipalities in the Highlands region, most of it in the Planning Area.

There were several critical outcomes of the Highlands Act, since its enactment. This includes the adoption of the Highlands Water Protection and Planning Act Rules, governing permits and plans reviewed by the New Jersey Department of Environmental Protection throughout the Highlands region and governing major Highlands development activity in the Preservation Area. Another outcome was the adoption of the Highlands Regional Master Plan by the Highlands Council and approved by the Governor. At the same time that the Governor approved the Plan, he issued an Executive Order lending further guidance as to how the Highlands Act would be implemented, focusing specifically on environmental considerations and affordable housing. Finally, in response to the Executive Order, the Highlands Council entered into a Memorandum of Understanding with the Council on Affordable Housing to implement provisions under Executive Order 114. All of these initiatives have a direct impact on local planning and land use decisions.

The end result of these above-described initiatives is that municipalities wholly or partially in the Preservation Area must revise municipal plans and regulations to conform to the Highlands Regional Master Plan. Those wholly or partially in the Planning Area may choose whether or not to “opt in” or conform for that portion of the community. There are a number of advantages to seeking Plan Conformance in the Planning Area. Perhaps the strongest incentive is that provided by the Council on Affordable Housing (COAH). COAH will do two things. First it will grant an extension for submitting housing elements and fair share plans from December 31, 2008 to December 8, 2009. Secondly, conformance in the Planning Area will entitle municipalities to an adjusted growth projection, which will most likely reduce their affordable housing obligation.

Municipalities like Holland Township that are partially in the Preservation Area and partially in the Planning Area must ultimately opt into the Highlands Regional Master Plan for both Preservation and Planning Areas in order to receive the benefits being offered by the Council on Affordable Housing. **Holland Township has taken the necessary initial steps to remain eligible for these benefits. It has indicated its intent to petition the Highlands Council for Plan Conformance by submitting a non-binding Notice of Intent. Over the course of this coming year, the Township will undertake the necessary steps to achieving Plan Conformance. While doing so, the full implications of Plan Conformance will become more apparent, allowing the Township to make a final decision prior to the deadline imposed under the Highlands Act.**

The Highlands Regional Master Plan is a highly technical and complex document. In the simplest terms possible, it establishes a set of goals, policies and objectives governing environmental protection, water and wastewater utilities, land use, transportation,

agriculture, and historic, cultural and scenic resources. Some of these are universally applied throughout the Highlands region. Others are applied differently in the Planning and Preservation Areas and further distinguished according to "Land Use Capability Zones."

The net effect of the Highlands Regional Master Plan is to place the most severe limitations on growth in the Preservation Area, particularly when combined with the stringent environmental standards associated with the Highlands Water Protection and Planning Act Rules. Voluntary conformance in the Planning Area also creates a set of restrictive development policies and requirements, though generally not as restrictive as in the Preservation Area.

The most limiting factor to future development will be the ability to extend public water and sewer service and the strict standards governing septic system density outside of sewer service areas. This will have a significant effect on zoning densities that will be permitted in the Highlands region. In general, the prohibition of new or expanded water and sewer systems is greatest in the Preservation Area. Within the Planning Area, policies are more restrictive in the Protection and Conservation Zones and Environmentally-constrained Sub-zones and more liberal in the Existing Community Zone.

The Highlands Act does provide for some innovative approaches to mitigating landowner equity impacts of restricting development. It includes a series of exempt activities that are not subject to the Highlands RMP or Rules or any aspect of the Act. Additionally, waivers from specific standards may be granted on a case-by-case basis by NJDEP and/or the Highlands Council. Also, the RMP establishes a voluntary Transfer of Development Rights program for interested municipalities.

While Holland Township's planning documents are up-to-date and comprehensive, they must be amended and new master plan elements must be created in order to be in conformance with the Highlands Regional Master Plan. The same holds true for its land use regulations. This will require a great deal of work that must take place over the course of 2009.

Holland Township's existing zoning regulations outside of areas presently served by sewers allow for more development than will be permitted with Plan Conformance, both in the Preservation and Planning Areas. The RMP standards are minimum standards. According to the Highlands Act, municipalities may adopt plans and regulations that are more stringent than those in the RMP. The Township's proposed Conservation Agriculture District calls for minimum lot sizes in conventional subdivisions that are larger than what is likely required in the RMP Conservation Zone. However, it does not meet RMP standards for the Protection Zone. Furthermore, the cluster provisions in the proposed CA ordinance do not meet RMP standards.

Holland Township's Wastewater Management Plan proposes a future sewer service area accommodating two affordable housing sites. Until the New Jersey Department of Environmental Protection accepts the Plan, Holland Township will be unable to facilitate infill development or affordable housing projects within its proposed future sewer service area. The Highlands Council has rendered the

Plan inconsistent with the Highlands Regional Master Plan. NJDEP must give due consideration to the Highlands Council opinion before making a determination. It is possible that the Township will have to make requisite changes to its Master Plan and regulations to be in Conformance with the RMP, and adopt a water use and conservation management plan before its Wastewater Management Plan will be acceptable.

The Highlands Council has created a two-step process for Plan Conformance. An initial set of master plan and ordinance changes must be completed and submitted to the Highlands Council by December 8, 2009. Once they are deemed consistent with the RMP, the Township will receive Basic Plan Conformance. With that comes a variety of added benefits. **Ultimately, the Township will have to fulfill an additional set of requirements to receive Full Plan Conformance. This is expected to entail a great deal of work. For instance, while the Highlands Council sets forth a very discrete set of required ordinance changes to achieve Basic Plan Conformance, it is anticipated that far more extensive changes will have to occur prior to Full Plan Conformance. These changes are likely to result in a complete rewrite of the Master Plan and entire Land Use Chapter, along with numerous additional Chapters of the Holland Township Ordinance Division 2.** There is no deadline set for Full Plan Conformance at this time. To assist municipalities with the extensive amount of planning work leading to Plan Conformance, the Highlands Council will provide grant funding over the course of the Plan Conformance process.

An important initial step in the Plan Conformance process will be to reconcile data inconsistencies between local information and Highlands Council information. Holland Township should carefully review and correct/update information on preserved lands, including open space and farmland, as well as parcels presently served by public water and sewer.

It is important to note that a great deal of up front analysis of Highlands data layers will be necessary in the process of reviewing mapped information. This will take a great deal of time and effort, as demonstrated by the extensive analysis already underway to assemble an accurate open space and preserved farmland inventory. In some cases, it may be necessary to actually redraw data layers in order to understand their significance and geographic scope, including data which refers to parcels but is not displayed over a parcel background layer. This must be recognized because of the assumed time and cost that will be associated with this very important task.

Among the key plans and regulations that Holland Township must prepare or update for Basic Plan Conformance are the following:

- ✓ A new Highlands Master Plan Element
- ✓ Third Round housing element and fair share plan
- ✓ Updates to the Environmental Resource Inventory
- ✓ Revised zoning districts and densities
- ✓ Adoption of Regional Master Plan Land Use Capability Zones
- ✓ Revised cluster development regulations
- ✓ Forest resource protection regulations
- ✓ Open waters and riparian area regulations
- ✓ Steep slope regulations
- ✓ Carbonate rock area regulations
- ✓ Critical habitat regulations
- ✓ Additional regulations governing groundwater recharge areas
- ✓ Updated stormwater management regulations
- ✓ Wellhead protection area regulations
- ✓ Low impact development regulations
- ✓ Historic, cultural and scenic resource regulations

4. OVERVIEW OF THE NEW JERSEY HIGHLANDS

4.1 The Highlands Act

The Highlands Water Protection and Planning Act, signed into law in 2004, created a planning and regulatory framework for protecting a 1,343 square mile area of New Jersey, known as the Highlands region. The intent is to protect and enhance the region's vast and critical resources. The Highlands region is divided into the Preservation and Planning Areas. Goals for each of the Areas, as stated in the Act, are as follows:

Preservation Area Goals:

- Protect, restore, and enhance the quality and quantity of surface and ground waters therein;
- Preserve extensive and, to the maximum extent possible, contiguous areas of land in its natural state, thereby ensuring the continuation of a Highlands environment which contains the unique and significant natural, scenic, and other resources representative of the Highlands Region;
- Protect the natural, scenic, and other resources of the Highlands Region, including but not limited to contiguous forests, wetlands, vegetated stream corridors, steep slopes, and critical habitat for fauna and flora;
- Preserve farmland and historic sites and other historic resources;
- Preserve outdoor recreation opportunities, including hunting and fishing, on publicly owned land;
- Promote conservation of water resources;
- Promote brownfield remediation and redevelopment;
- Promote compatible agricultural, horticultural, recreational and cultural uses and opportunities within the framework of protecting the Highlands environment;
- Prohibit or limit to the maximum extent possible construction or development which is incompatible with preservation of this unique area.

Planning Area Goals:

- Protect, restore and enhance the quality and quantity of surface and ground waters therein;
- Preserve to the maximum extent possible any environmentally sensitive lands and other lands needed for recreation and conservation purposes;
- Protect and maintain the essential character of the Highlands environment;
- Preserve farmland and historic sites and other historic resources;
- Promote the continuation and expansion of agricultural, horticultural, recreational and cultural uses and opportunities;
- Preserve outdoor recreation opportunities, including hunting and fishing, on publicly owned land;
- Promote conservation of water resources;
- Promote brownfield remediation and redevelopment;
- Encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from the individual and cumulative adverse impacts thereof; and
- Promote a sound, balanced transportation system that is consistent with smart growth strategies and principles and which preserves mobility in the Highlands Region.

The Act requires the New Jersey Department of Environmental Protection (NJDEP) to establish regulations in the Preservation Area. via the Highlands Water Protection and Planning Rules (N.J.A.C. 7:38.

The Act also created a Highlands Water Protection and Planning Council charged with adopting a Regional Master Plan which establishes goals, policies and objectives for the entire Highlands region. Once the Highlands RMP is adopted, the Highlands Council has the authority to review final municipal action on non-exempt development applications in the Preservation Area and issue approval or rejection of local action. After the municipality is deemed in conformance with the RMP, Highlands Council review of

local actions is limited to applications for development providing for disturbance of two or more acres of land or a cumulative increase in impervious surface by one or more acres. Within the Planning Area, in municipalities that voluntarily conform to the Highlands RMP, the Council may review local actions on the same types of development applications as those reviewed in the Preservation Area.

4.2 Highlands Water Protection and Planning Act Rules

The Highlands Protection and Planning Act Rules, governing certain actions by the New Jersey Department of Environmental Protection (NJDEP), were adopted in response to the Highlands Act. The Act calls for the creation of environmental standards and procedures to be used by NJDEP in reviewing applications for major Highlands development in the Preservation area, for waivers from any requirement for a Highlands Preservation Area Approval, for exemptions from the Act and for permits and plans reviewed by NJDEP within the entire Highlands region.

The Rules define major Highlands development as all non-residential development; residential development requiring an environmental land use or water permit or disturbs at least one-acre of land or cumulatively increases impervious surface by one-quarter acre or more; activities resulting in disturbance of at least one-quarter acre of forested areas or a cumulative increase in impervious surface of at least one-quarter acre on a lot; or certain State or local projects. Agricultural and horticultural activities are not regulated as major Highlands development under the Rules.

The Rules require that any major Highlands development in the Preservation Area receive an approval from NJDEP or a determination that the application is exempt from the Rules before proceeding with an activity regulated under the Highlands Act or Rules. Even if an activity is deemed exempt or does not qualify as a major Highlands development, it cannot receive any Department permits if it is inconsistent with the applicable areawide water quality management plan.

Major Highlands development must comply with a series of very stringent environmental standards governing septic system densities, impervious surfaces, open waters buffers, flood hazard areas, steep slopes, upland forests, historic and archaeological areas, rare, threatened or endangered plant and animal species, and unique or irreplaceable land types including vernal habitats and ecological communities identified in the Department's Natural Heritage Database.

In addition to regulating major Highlands developments, the Rules direct NJDEP to deny permits or approvals for proposed activities that are deemed inconsistent with the applicable areawide water quality management plan. This applies to any activities regulated by NJDEP, including but not limited to major Highlands development and exempt activities.

The Rules provide a few avenues for relief. As mentioned above, projects that qualify for exemptions are not subject to the Rules. There are 17 exemptions in total (see Appendix C for a complete list). NJDEP may issue a waiver from any provision in the Rules on a case-by-case basis. There are three such waivers, including a waiver to protect public health and safety, to address redevelopment of certain previously developed sites, and to avoid taking of property without just compensation.

NJDEP must give “great consideration and weight” to the Highlands Regional Master Plan in making any decisions in or affecting either the Preservation or Planning Areas. The Rules prohibit NJDEP from issuing any approvals, authorizations or permits in the Planning Area if, upon consultation with the Highlands Council, the Department deems such issuance incompatible with the resource protection goals in the RMP. In the Preservation Area, if there are any inconsistencies in standards between the RMP and the Rules, NJDEP is required to apply the RMP standards.

4.3 The Highlands Regional Master Plan

The legislative goal of the Highlands Regional Master Plan is to protect and enhance the significant values of the resources thereof. The Highlands Regional Master Plan establishes both natural and infrastructure-based capacity limitations for future growth based on the region's carrying capacity. It presents a series of goals, policies, and objectives guiding development in the Preservation and Planning Areas, and a set of programs to implement them.

The Preservation Area is subject to very restrictive environmental standards both through the RMP and through the Highlands Water Protection and Planning Act Rules. The Regional Master Plan also sets forth standards for the Planning Area, for municipalities that choose to conform to the RMP within the Planning Area. Development densities and site design in the Planning Area are dictated by such issues as nitrate dilution standards, water supply, limitations on sewerage capacity and expansion, presence of natural resources and environmentally sensitive areas, agricultural resources, and provisions specific to various Land Use Capability Zones.

A series of Land Use Capability Zones creates the RMP framework for growth. Land Use Capability Zones are located throughout the Highlands Region, including the Preservation and Planning Areas. Those relevant to Holland Township include the Protection, Conservation and Existing Community Zones, Wildlife Management Sub-zone, and Environmentally Constrained Sub-Zones of the Conservation and Existing Community Zones. (For a description of these Zones, see Table entitled Land Use Capability Zones, p. 17)

In an effort to advance “smart growth” solutions, the Plan authorizes the use of Transfer of Development Rights (TDR) and redevelopment in strategic locations. TDR is a program that enables designated “sending zones” to be preserved while transferring development rights from those parcels to designated “receiving zones” elsewhere. Municipalities that elect to designate a receiving zone with a density of at least five residential units per acre are eligible for numerous financial incentives and the ability to impose

\$15,000 per unit impact fees for all new development. Those that choose to participate in TDR but prefer to create a receiving zone that is less dense can still do so as well. The Transfer of Development Rights can either occur within an individual municipality or between more than one municipality. TDR is entirely voluntary. No municipality is required to participate.

While redevelopment can occur in both the Preservation and Planning Areas, it is more difficult to accomplish in the Preservation Area, where additional NJDEP requirements are imposed. Only sites that are either designated by the Highlands Council as Highlands Redevelopment Areas or sites with 70% or greater impervious surfaces in accordance with NJDEP Rules are eligible. Planning Area provisions are more flexible, enabling redevelopment to occur on brownfield sites, grayfield sites¹, and other previously developed areas with adequate infrastructure.

It is important to note that although the RMP encourages redevelopment, mixed use, and other “smart growth” approaches, it states that “[g]rowth is not a mandatory aspect of the RMP. Rather, the RMP clearly specifies that growth is at the discretion of municipalities. However, when a municipality chooses growth that is supported by utilities, the RMP provides certain standards to ensure that the growth is well-planned, protective of environmental resources, and cost-efficient” (RMP, p. 273). Thus, to the extent that municipalities choose to accommodate concentrated growth patterns necessitating utilities, they must conform to RMP policies.

The Permit Extension Act of 2008, signed into law by Governor Corzine in September, 2008, extends the approval period for various development applications, permits and projects. Within the Highlands region, it is only applicable to growth areas designated by the Highlands Council. To date, no growth areas have been identified by the Council. Therefore, the Act has no bearing either in the Preservation or Planning Areas.

¹Grayfield sites usually host industrial or commercial facilities, exhibit signs of abandonment or underutilization in areas with existing infrastructure but do not have evidence or expectation of contamination. Brownfields include former or current commercial or industrial sites that are currently vacant or underused and on which there has been or there is suspected to have been a discharge of a contaminant.

LAND USE CAPABILITY ZONES

	GENERAL DESCRIPTION	GENERAL POLICIES
PROTECTION ZONE	Land characterized by having high natural resource values	Prioritize land acquisition; development activities extremely limited and subject to stringent limitations on water use, degradation of water quality and impacts to environmentally sensitive lands
WILDLIFE MANAGEMENT SUB-ZONE	Areas managed by the US Fish and Wildlife Service and NJDEP Division of Fish & Wildlife's Bureau of Land management	Conservation, management and restoration of fish, wildlife and plant resources and habitats; compatible wildlife-dependent recreation
CONSERVATION ZONE	Areas with significant agricultural lands and interspersed with associated woodlands and environmental features	Non-agricultural development limited in area and intensity due to infrastructure constraints and resource protection goals
CONSERVATION ZONE – ENVIRONMENTALLY CONSTRAINED SUB-ZONE	Significant environmental features within Conservation Zone	Preservation of environmental features and protection of them from non-agricultural uses; development activities limited and subject to stringent limitations on water use, degradation of water quality and impacts to environmentally sensitive lands
EXISTING COMMUNITY ZONE	Areas with regionally significant concentrated development signifying existing communities; limited environmental constraints due to previous development patterns; may have existing infrastructure to support growth	Development and redevelopment to be compatible with protection and character of Highlands environment and at levels appropriate to maintain character of established communities
EXISTING COMMUNITY ZONE – ENVIRONMENTALLY CONSTRAINED SUB-ZONE	Significant contiguous critical habitat, steep slopes, forested lands	Resources to be protected from further fragmentation; development subject to stringent limitations on water use, degradation of water quality and impacts to environmentally sensitive lands

The Highlands Act requires municipalities to bring their master plans and regulations into conformance with the Highlands Regional Master Plan (RMP) for those areas that fall within the Highlands Preservation Area.

For lands in the Planning Area, municipalities can choose whether or not to conform to the RMP. Municipalities have 15 months from the date of the Governor's approval of the Plan, to submit the necessary documents to the Council for Plan Conformance within the Preservation Area. The Governor took action on September 5, 2008, making the RMP effective as of September 8, 2008. Thus, **municipalities have until December 8, 2009 to submit their Petition for Plan Conformance to the Highlands Council.**

Recognizing the tight time frame for achieving Conformance, the Highlands Council established a two-tiered approach to Conformance. Basic Plan Conformance establishes a reduced set of requirements to be achieved within the 15 month time frame. It does not relieve a municipality from the requirement to achieve Full Conformance in the Preservation Area; instead, it makes the process more manageable within the time frame established. Basic Plan Conformance is discussed in greater detail in Chapter 9 of this report.

Plan Conformance is also available for the Planning Area. There are no statutory deadlines for Plan Conformance in the Planning Area, nor is it mandatory. However, there are strong incentives to do so, created as a result of Executive Order 114 and a Memorandum of Understanding between the Highlands Council and Council on Affordable Housing. These are explained in the next two sections of this chapter.

4.4 Executive Order 114

Executive Order 114, issued by Governor Corzine on September 5, 2008, establishes important directives affecting affordable housing and NJDEP permitting within the Highlands region.

The Order directs the Highlands Council to enter into a Memorandum of Understanding with COAH. One of the critically important issues to be addressed through the MOU is the revision of COAH's Third Round growth projections, which are used to generate projected affordable housing obligations at the local level. The reason for revising the projections is to ensure that they are consistent with the Highlands RMP. **The likely effect of revised projections is a reduction in affordable housing obligations at the local level.**

The Executive Order also directs the Highlands Council and COAH to coordinate deadlines for submission of Third Round housing elements and fair share plans. This is intended to coordinate the timing of affordable housing plan submissions to COAH with the submission of municipal plans and draft ordinances to the Highlands Council for Plan Conformance.

For municipalities wholly or partially in the Planning Area to receive the benefit of a potential reduction in affordable housing obligations, they must be in Conformance with the RMP.

The Executive Order institutes a couple of additional requirements that directly impact municipalities in the Highlands region. It requires NJDEP to withhold approvals of any amendments to areawide water quality management plans (including wastewater management plans) or water allocation permits within the Protection Zone, Conservation Zone or Environmentally –constrained Sub-zones located within a subwatershed (called HUC14 subwatersheds) that is in or expected to be in a deficit of net water availability. Approvals can only be granted once there is in place at the local level a fully implemented municipal water use and conservation management plan, approved by the Highlands Council.

4.5 Memorandum of Understanding Between the Highlands Council and Council on Affordable Housing

In response to the Governor's Executive Order, the Highlands Council entered into a Memorandum of Understanding with COAH. Signed on October 30, 2008, the MOU establishes numerous provisions for implementing the Executive Order.

Key to the MOU is the agreement to prepare adjusted growth projections for the Third Round period extending from 2004 to 2018. The adjusted growth projections are to be based on a build-out analysis at a municipal scale and applicable exclusively to municipalities that agree to conform to the RMP. **Municipalities that are wholly or partially in the Planning Area are only entitled to revised projections if they agree to conform to the Highlands RMP.**

Furthermore, the MOU establishes an extension for petitioning COAH for Substantive Certification from December 31, 2008 to December 8, 2009. **To be eligible for the extension for submitting housing elements and fair share plans to COAH for Third Round substantive certification², municipalities in the Highlands region must 1) submit to the Highlands Council a Notice of Intent to conform to the RMP and 2) submit to COAH an adopted resolution indicating the intent to petition COAH no later than December 8, 2009.**

² Substantive certification is a determination by COAH that local plans are in conformance with the Fair Housing Act and COAH Rules. Municipalities voluntarily petition for substantive certification according to procedures and time tables established by COAH. Substantive certification protects municipalities from "builders remedy" lawsuits.

5. THE CHALLENGE IN HOLLAND TOWNSHIP – BENEFITS & IMPLICATIONS OF PLAN CONFORMANCE

Holland Township is one of 88 municipalities located in the Highlands Region and one of 15 within the Hunterdon County portion of the Highlands Region. The majority of the Township (13,178 acres) falls within the Planning Area. Thirteen percent of the municipality (1,969 acres) is in the Preservation Area (see Regional Context Map).

Over the past few years, Holland Township had been pursuing Plan Endorsement through the Office of Smart Growth. Plan Endorsement is a voluntary process of obtaining official recognition by the State Planning Commission that local plans and ordinances are consistent with the New Jersey State Development and Redevelopment Plan.

The key benefits accorded communities that obtain Plan Endorsement include funding, technical assistance and streamlining of permits at the State level. In Holland Township, however, the principle impetus for seeking Plan Endorsement was to assure continued protection of its local land use regulations under the State's affordable housing rules. Recent correspondence from the Council on Affordable Housing suggests that Plan Endorsement is no longer a requirement of receiving COAH's protection because changes to the Third Round Substantive Rules eliminated any reference to mandating Plan Endorsement. Even so, the Township must address past and future affordable housing obligations.

Should the Township seek Plan Endorsement, it must understand the intent of the State Plan in terms of accommodating future growth. Certainly the State Plan respects the distinctly different characteristics of the built and natural environment in various locations. Thus, it acknowledges the need to manage growth in places like Holland Township and much of Hunterdon County, in ways that respect their rural, environmentally sensitive context. With that said, **the State Plan anticipates center-based growth as a principle vehicle for accommodating future development.** It notes the following:

“Centers are the State Plan's preferred vehicle for accommodating growth....As Centers are planned to be the location for much of the growth in New Jersey, it is critical that they be located and designed with the capacity to accommodate desired growth. While specific Centers may not be appropriate for additional growth, in a regional context, Centers should be planned to accommodate growth projections.” (2001 State Development and Redevelopment Plan, p. 230)

The emphasis on Centers as a principal means of accommodating growth is reinforced in the Plan Endorsement Guidelines published by the Office of Smart Growth, which express the following for development in suburban, rural and environmentally sensitive areas:

“The use of undeveloped land to accommodate growth must be carefully considered in connection with existing and planned infrastructure, natural resources and agriculture. ...Larger greenfield developments should occur either as a logical extension of the

existing urban fabric or as a completely self-contained new town, village or hamlet where there is a mix of housing, jobs and retail opportunities..." (NJOSG, Municipal Plan Endorsement Guidelines, October 17, 2007, p. 20)

With the adoption of the Highlands Regional Master Plan, Holland Township must now decide whether to continue pursuing Plan Endorsement through the Office of Smart Growth at the same time that it seeks Plan Conformance with the Highlands RMP.

Plan Endorsement brings with it a level of commitment on the Township's part to continue toward designating growth centers as a means of accommodating future development. By contrast, while accommodating this type of development pattern, the Highlands RMP tends to focus much more on resource protection and establishes a variety of means, including stringent expectations for conserving natural resources and reducing growth pressures, to achieve this.

The decision to simultaneously pursue both Plan Endorsement and Plan Conformance does not appear to be an efficient strategy; to the contrary, it is likely to be a costly prospect, with little to gain relative to pursuing Plan Conformance exclusively. This is because any municipality wholly or partially in the Planning Area that achieves Highlands Plan Conformance automatically qualifies for all of the benefits of Plan Endorsement. The reverse, however, is not true. That is, obtaining Plan Endorsement does not automatically entitle a municipality to the benefits of Highlands RMP Conformance.

While both Plan Endorsement and Plan Conformance entail significant costs, the Highlands Council appears to have more funding available to help offset the costs of achieving Plan Conformance. The Office of Smart Growth has distributed planning grants to support Plan Endorsement petitions in the past, but they have been highly competitive and limited. Between Fiscal Years 2000 and 2008, a total of \$17 million was awarded in Smart Growth planning grants from the Office of Smart Growth, available on a statewide basis. The Highlands Council Planning Grant funding has a current balance of more than \$21 million available to just 88 municipalities and seven counties comprising the Highlands region.

Conformance for the Preservation Area portion of the Township is effectively mandatory. Under the Highlands Act, a municipality that fails to implement local plans or regulations that are in in conformance with the RMP must relinquish all local enforcement authorities under the Municipal Land Use Law to the Highlands Council.

Voluntary conformance in the Planning Area will entitle the Township to all of the benefits associated with Plan Endorsement without having to go through the Plan Endorsement process, once the State Planning Commission endorses the Highlands RMP. (The Highlands Act exempts the Preservation Area from Plan Endorsement). Therefore, Holland Township could be eligible for all of the benefits of Plan Endorsement and Plan Conformance by pursuing the latter exclusively.

The following is a summary of the various advantages and other important implications of pursuing Plan Conformance within the Highlands Planning Area.

BENEFITS OF HIGHLANDS PLANNING AREA CONFORMANCE

- ✓ **The Highlands RMP gives strong emphasis to natural resource protection.** A resource-based approach to planning for future growth is an approach that is highly consistent with the Holland Township Master Plan.
- ✓ **Conforming municipalities are awarded legal protection through a strong presumption of validity of municipal master plans and ordinances when they are challenged.** This applies to the master plan and development regulations which are in conformance with the Highlands RMP. Furthermore, in any conforming municipality where local actions or decisions made pursuant to the Municipal Land Use Law, State Uniform Construction Code Act, or Highlands Act are being challenged, the court must give extraordinary deference to the municipality. According to the Highlands Council, "This enhanced presumption of validity is one of the strongest levels of legal protection available in the State." (The Highlands Regional Master Plan and the Benefits and Incentives to Municipal and County Conformance, p. 1).
- ✓ **Conforming municipalities are granted legal representation upon request.** This is available when local actions are challenged, providing that the act or decision of the municipality is consistent with the Highlands Regional Master Plan and is the result of action involving a development application providing for the ultimate disturbance of two or more acres of land or a cumulative increase in impervious surface of at least one acre.
- ✓ **The Highlands Council will provide planning assistance to municipalities during the Plan Conformance process.** It will release numerous model planning documents and land use regulations for use by municipalities to help simplify and expedite the conformance process.
- ✓ **Conforming municipalities receive the benefits of Plan Endorsement in the Highlands Planning Area.** Once the Highlands Regional Master Plan is endorsed by the New Jersey State Planning Commission, all of the financial and technical resources and benefits available through Plan Endorsement become available to conforming municipalities.

BENEFITS OF HIGHLANDS PLANNING AREA CONFORMANCE, cont'd

- ✓ **Conforming municipalities are eligible to receive funding from the Highlands Municipal Property Tax Stabilization Fund.** This Fund, established by the Highlands Act, provides for compensation due to a decline in the aggregate true value of vacant land directly attributable to implementation of the Highlands Act. It is available within the Preservation Area.
- ✓ **Conforming municipalities are eligible for an extended deadline petitioning the Council on Affordable Housing for Third Round Substantive Certification.** The deadline is extended from December 31, 2008 to December 8, 2009.
- ✓ **Conforming municipalities will be entitled to receive a revised affordable housing allocation based on adjusted growth projections that reflect consistency with the Highlands RMP.** This will likely mean a reduction in the fair share affordable housing obligation.
- ✓ **Revised growth projections that form the basis for the Township's affordable housing obligation will be derived through a transparent, bottom-up process.** The Highlands Council will release a build-out tool that relies on tax maps of each municipality. Each municipality will then analyze these parcels, based on local knowledge to determine actual growth potential under Highlands Regional Master Plan policies. Most likely, the projections will be reduced under Highlands Plan Conformance compared to projections exclusive of the Highlands process.
- ✓ **Municipalities that agree to petition for Plan Conformance are eligible for planning grants to help offset the cost of bringing plans and regulations into conformance with the RMP.** Currently, the Highlands Council has \$21 million to distribute to municipalities and counties. Thus far, the Council has received an annual appropriation of \$4.5 million toward this end.
- ✓ **The Highlands Act provides avenues, including the Transfer of Development Rights, exemptions and waivers to address landowner equity impacts of implementing the stringent provisions of the RMP.** Additionally, for landowners interested in preserving properties through the State's Green Acres program or through the Farmland Preservation Program, the Highlands Act provides for a dual appraisal methodology of valuing the land. This approach requires one appraisal reflecting current values and a second reflecting the zoning in place as of January 1, 2004. The higher of the two must be used.

OTHER IMPLICATIONS OF HIGHLANDS PLANNING AREA CONFORMANCE

- ✓ **Development potential on larger parcels will be more constrained outside of sewer service areas, which impacts landowner equity.** The impact will be felt more so by owners of large properties, particularly in the Preservation Area, where there are a handful of large, developable properties that will likely be subject to the stringent provisions under the Highlands Water Protection and Planning Act Rules.
- ✓ **Municipal planning requirements to achieve Plan Conformance are far more extensive, complex and costly than are the minimum requirements under the Municipal Land Use Law.** However, as mentioned under the Benefits of Highlands Planning Area Conformance, grants are available to help offset these costs. Also mentioned above is the expected model documents that the Highlands Council will make available to municipalities for use in the conformance process.
- ✓ **Highlands Conformance brings with it an additional layer of regulatory oversight at the regional level.** Municipal plans and regulations are subject to Highlands Council approval through the Conformance process. Furthermore, the Council has authority review and reverse municipal actions on certain development projects. There will also be a greater level of State review, primarily through NJDEP. But heightened state agency review will be a reality to some extent, regardless of Plan Conformance. The most prominent example presently is NJDEP actions on water allocation permits and amendments to areawide water quality management plans under Executive Order 114. Thus, it can be argued that it makes more sense for municipalities like Holland to play by the rules and work cooperatively with regional and state agencies.
- ✓ **During the initial stages of Plan Conformance, there will likely be a learning period for all entities involved.** This may result in delays in the planning and approval processes. But if this occurs, it is likely going to be a temporary condition. Once the process is fully fleshed out and understood by all parties, it should become more efficient. It is important to note here that the Highlands Council staff has been extremely helpful so far in issuing information, attending local meetings upon request, and assisting municipalities in addressing locally-specific questions and concerns.

6. SUMMARY OF HOLLAND TOWNSHIP PLANS & LAND USE REGULATIONS

This chapter begins with an overview of Holland Township's physical landscape in terms of Highlands RMP classifications. It then describes the local plans and regulations that were reviewed for consistency with the Highlands Regional Master Plan.

6.1 Holland Township and Highlands RMP Land Use Capability Zones

Holland Township's rural character is easily discernible by its land use patterns and population base. According to the U.S. Census, the Township had an estimated population of 5,244 in July 2007, which translates into a gross density of roughly 1 house per 7.5 acres. Approximately 69% of households rely on individual septic systems.

Mapping of land use and land cover using 2002 aerial photography shows that nearly half (42.7%) of the Township is in forest cover. Just under one-third (27.7%) is in agricultural use, while more than one-fifth (20.3%) is developed (see Land Use Land Cover Map).

As noted earlier, the Highlands region, including both Preservation and Planning Area, is divided into zones that reflect the manner in which the RMP policies are to be implemented and the overall capacity to accept growth given natural resource and infrastructure limitations. These are called Land Use Capability Zones (see Land Use Capability Zones Map). Holland Township contains three Zones and three sub-zones within them. The three zones are called the Protection Zone, Conservation Zone and Existing Community Zone. Sub-zones within them include Wildlife Management; and Environmentally Constrained Sub-zones of the Conservation and Existing Community Zones. Wildlife Management Sub-zones occur on select Federal and State preserved lands. The Preservation Area in Holland Township primarily consists of the Protection and Conservation Zones.

The Existing Community Zone is located in three places within the Planning Area. County Route 519 forms the spine of the largest of these locations, encompassing Riegel Ridge. It begins just north of Andersen Road, extending south terminating above County Route 614 (Spring Mills – Little York Road) and Church Road. The second area falls along Spring Garden and Church Roads in the Spring Mills area. Oddly, this area does not include an adjacent subdivision, nor does it extend to Fox Hill, a nearby condominium development just south of this area. The third is a small section of Route 519 immediately east of Milford. The Highlands Council originally mapped a fourth location as well, but subsequently recognized that it did not reflect the characteristics of the Existing Community Zone. It is now shown as an area that is subject to change vis-a-vis a Map Adjustment. The Highlands Council has indicated that it will become part of the Protection Zone, which also surrounds the site.

LAND USE CAPABILITY ZONES IN HOLLAND TOWNSHIP – TOTAL ACRES IN PRESERVATION & PLANNING AREAS		
	PRESERVATION AREA	PLANNING AREA
PROTECTION ZONE	1,301.3	5,089.3
CONSERVATION ZONE	382.6	2,393.1
EXISTING COMMUNITY ZONE	0	806.0
CONSERVATION – ENVIRONMENTALLY CONSTRAINED SUB-ZONE	250.0	4,721.6
EXISTING COMMUNITY – ENVIRONMENTALLY CONSTRAINED SUB-ZONE	0	70.4
WILDLIFE MANAGEMENT SUB-ZONE	34.7	301.3
TOTAL	1,968.6	13,381.7

6.2 Holland Township Master Plan and Periodic Reexamination Report

The Holland Township Master Plan (2001) and Periodic Reexamination Report (2007) provide the most current goals and objectives. Goals and objectives are as follows:

- To direct potential growth into a Village Center while maintaining the rural character of the rest of the Township, thereby promoting Statewide objectives for agricultural land retention, open space preservation, conservation of historic sites and districts, and protection of watersheds and river corridors.
- To preserve, protect, restore and enhance the outstanding natural resources in the Township, including rare and endangered species, forests, steep slopes, flood plains, headwaters and wetlands.
- To make certain that the level of development which is permitted to occur in Holland Township is appropriate considering environmental factors such as ground water quality and supply, surface water quality, septic suitability of soils, steep slopes, wetlands, flood plains, forests and wildlife habitats and also considering the availability of infrastructure and character of existing development. The capacity of the public utilities serving the proposed Village Center and the density and intensity of existing development surrounding it should be the basis for determining the density and intensity of new development that is supportable within the proposed Village Center.

- To encourage, wherever feasible, the concentration of residential development so that a maximum amount of land can be left free for agriculture or conservation to help meet the need for agricultural land within the region and to protect environmentally sensitive areas, such as headwaters, flood plains, wetlands, steep slopes, forests, unique wildlife habitats and scenic vistas from excessive development.
- To maintain consistency with the policies expressed in the adopted State Development and Redevelopment Plan with respect to the State's Rural and Environmentally Sensitive Planning Areas.
- To implement the policies expressed in the Hunterdon County Growth Management Plan and future County Master Plans.
- To implement Wild and Scenic River Management Plan policies with respect to the Musconetcong and Delaware Rivers.
- To provide realistic opportunities for addressing Holland Township's low and moderate income housing obligations as recommended in the Township's adopted Housing Element and Fair Share Plan and in a manner appropriate to the Township's designations in the State plan.
- To retain the Township's industrial development and provide for a limited amount of new commercial development to occur within the Village Center in accordance with the highest standards of site design to ensure that such development will have a positive impact on the community and the environment while also providing necessary services and amenities.
- To take specific steps to preserve and enhance the Township's historic hamlets for their scenic, historic and social value, recognizing that both the type and scale of new development in or near the environs of these places will affect their integrity.
- To make certain that the subdivision and site plan improvements required of developers match the Township's long range goals for the development of various areas within the Township.
- To make certain that public services and roadway improvements are appropriate to the level of growth planned for the municipality.
- To promote a desirable visual environment through creative development techniques and good civic design and arrangements and, in particular, to preserve scenic vistas along roadways and ensure that all future development is consistent with the guidelines in the Community Design Handbook published by the Hunterdon County Planning Board.

- To encourage the development of appropriate riverfront recreational uses that are compatible with the preservation of the natural and cultural qualities of the Musconetcong and Delaware rivers while respecting private property and the historic character of the existing hamlets along these rivers.
- To preserve and protect the character of archeological sites and historic structures, districts, sites and landscapes throughout the Township.
- To maintain and, where possible, improve water quality in the Musconetcong and Delaware Rivers and their tributaries.

The Land Use Plan Element proposes seven land use districts that deviate minimally from existing zoning in terms of district boundaries. The biggest change, however, is a recommended reduction in densities in what is shown as the Rural Residential District (the current R-5 zoning district). Densities would be reduced from the current five acres to one unit per 10 acres for conventional development and slightly higher densities for forms of development that preserve open space and farmland. To this end, the Land Use Plan notes that more extreme forms of lot averaging and clustering, the Transfer of Development Rights and non-contiguous clustering are all approaches that should be pursued in this District, in order to supplement other means of preserving farmland.

A proposed Conservation Agriculture District (CA) ordinance has since been drafted that reflects more up-to-date environmental information and promotes agriculture and maintenance of prime agricultural soils and soils of statewide importance. The Holland Township Wastewater Management Plan (August 2007) recommends lot sizes in areas served by septic systems outside of sewer service areas of 11.8 to 14.2 acres. This range is based on a nitrate dilution target concentration of one milligram per liter which reflects a non-degradation policy for surface and ground water resources. The proposed CA District permits residential densities of one unit per 15 acres, consistent with findings from the nitrate dilution analysis. An overall density of one unit per 12 acres is permitted as an incentive for clustering and lot-size averaging.

The Periodic Reexamination Report (2007) recommends replacing a proposed Village Center along Route 519, delineated in the Master Plan Land Use Plan, with two small hamlets. This recommendation responds to public concerns about growth potential of a larger Village. The hamlets are designed to accommodate two affordable housing sites – one in the PCD/PSV District; the other in the VR-A District. Today, even these two smaller hamlets are being re-evaluated within the overall context of center-based growth envisioned in the State Plan and its impact on a rural community like Holland Township. This, in turn, will influence the Township's decision about whether to continue pursuing the Plan Endorsement process.

The Limited Industrial Park District includes three paper mill sites and one electrical generating station. Two of the paper mill sites – Warren Glen and Fibermark Hughesville – are defunct and for sale by their current owners. The Warren Glen site is in the Preservation Area. The other industrially-zoned sites are in the Planning Area.

6.3 Land Use Regulations

Under current zoning, the R-5 District represents almost 92% (13,995 acres) of the Township's land area. The VR Zone captures the existing Villages of Mt. Joy, Holland Church, Little York and Mt. Pleasant. The Preservation Area consists mainly of R-5 zoned properties. As noted earlier, the industrial zoning (LID) is found along the Musconetcong River, including the Warren Glen Paper Mill site in the Highlands Preservation Area. A portion of the Village of Little York, zoned VR, is also in the Preservation Area. The Commercial district is located along Route 519 (see Zoning Districts Map).

Clustering and lot-size averaging in the R-5 District are optional approaches. Open space must be deed-restricted against further subdivision and limited in use to agricultural, conservation or passive recreation.

As noted earlier, the proposed Conservation Agriculture (CA) District requires a minimum 15 acre lot size for a single-family detached home and similar density. However, density is increased to one dwelling unit per 12 acres for a residential cluster or for lot-size averaging, with a two acre minimum lot size. Lots must be situated such that, among other things, dilution of nitrate concentrations by surface and ground water flows to the standard adopted for the CA zone as a whole (1.0 mg/liter) can be achieved by the proposed layout. Otherwise, the applicant must either reconsider the lot layout or pursue a different development alternative. Lots that encompass environmentally sensitive features must have a permanent conservation easement placed on those locations in accordance with ordinance provisions. Lots encompassing agricultural lands or farms resulting from lot-size averaging must have a permanent agricultural deed-restriction placed on those lands.

The proposed CA District ordinance requires residential clusters to achieve a minimum 70% open space set aside. The open space must be deed-restricted against further subdivision or development and uses limited to conservation or natural areas.

EXISTING ZONING – MINIMUM LOT SIZES AND STANDARDS

	R-1	R-5	VR-A	VR	MFR	COM	LID	PCD/PSV
MIN. LOT SIZE/DENSITY	2 acres/dwelling unit (DU) (1)	5 acres/DU	5 acres/DU (2)	2 acres/DU	8 DU/acre			3 acres/DU (3)
CLUSTER		3 acres; .165 DU/acre						
LOT-SIZE AVERAGING		3 acres (4)						
MIN. OPEN SPACE FOR CLUSTER		30%	75% for PURD option					35% for PCD or PSV
MAX. FLOOR AREA RATIO						.065	.35	.065 for PCD
MINIMUM TRACT AREA (ACRES)		50 for cluster development			15			40

(1) 1 acre minimum lot size with public sewer and water.

(2) With public water & sewer, permitted Planned Unit Residential Development of 1 or more bldgs of up to 6 age-restricted dwelling units each for overall density of 1.1 du/gross acre; permitted 1 or more bldgs of 2 – 6 du's set aside for low/moderate income households.

(3) Age-restricted multi-family units, planned commercial development, community residences and shelters as specified by ordinance permitted with water and sewer.

(4) Overall average lot size must be 5 acres.

6.4 Environmental Resource Inventory

The Holland Township Environmental Resource Inventory (March 2007) provides a comprehensive description of natural resources in the Township. The ERI covers climate, meteorology and air quality; physiography, topography, slopes and geology; soils; ground water budget, aquifers, recharge, quality, discharges, contamination, infrastructure and sole sources aquifers; watersheds, flood plains, wetlands, surface water quality, Total Maximum Daily Loads, and related water quality issues; biological resources including vegetation, wildlife, endangered species, Natural Heritage Priority Sites, wetlands, and exotic species; open space and farmland; historic resources; and regional resources. Each of these resources is described in text and accompanied by tables, maps and references.

The discussion of ground water quality includes key findings of a study completed for Holland Township in 2004 (Demicco, Groundwater Resource Evaluation of Holland Township). The ERI recounts the study's findings on average lot sizes needed to adequately dilute nitrates in the ground water system. Since dilution is reduced or absent during droughts, droughts can cause elevated nitrate levels in the ground water. The study utilized drought conditions to calculate average lot sizes. This analysis pre-dates the more recent nitrate dilution modeling assumptions and results in the Township's Wastewater Management Plan.

Mapping of sewer service areas reflects what are considered to be sewer service areas as well as proposed revisions to sewer service areas (Appendix B). These mapped features were derived from 2005 NJDEP data, which has since been updated (2006). Neither coverage comports with the Holland Township Wastewater Management Plan mapping of existing sewer service areas (see Existing Sewer Service Areas Map). The Highlands Council mapping of existing sewer service areas presents yet a different picture (see Domestic Sewerage Facilities Map). The Highlands Council defines existing areas served as areas where existing infrastructure is in place (that is, pipes are in the ground).³ The Highlands Act removed from the Highlands Preservation Area any designated sewer service areas for which wastewater collection systems had not been installed as of August 10, 2004 (N.J.S.A. 58:111A-7.1).

Water supply service areas are also mapped and described in the ERI (Appendix B). Water purveyor areas are derived from NJDEP's 1998 Public Community Water Purveyor Service Areas. Public Community Water Purveyors are systems piping water for human consumption to a minimum of 15 service connections used year-round, or one that regularly serves at least 25 year-round residents. This map shows several service areas, the largest located on Route 519. Highlands Council mapping of public community water systems is far more limited in scope (see Public Community Water Systems Map).

³ See Highlands RMP Consistency Determination Review for Holland Township.

Exceptional Value wetlands are mapped with a 150 buffer. Category One waters are mapped with 300 foot buffers. Vernal pools are discussed and mapped as well. There is one that was certified by NJDEP. The Highlands RMP assigns a 1,000 foot buffer around certified vernal pools. Since the ERI pre-dates the Highlands RMP, it does not show a buffer.

Discussion of the passage of the Highlands Water Protection and Planning Act is accompanied by a map showing the boundaries of the Preservation and Planning Areas for Holland Township and the entire Highlands Region.

6.5 Wastewater Management Plan

The Holland Township Wastewater Management Plan (August 2007) establishes the boundaries of existing sewer service areas and areas identified as proposed expansions to the existing sewer service areas. The vast majority of the Township is served by individual on-site septic systems. Existing areas served by public sewer service are focused primarily along Route 519 north of Milford Borough and fall in the R-1, MFR and COM zoning districts. Additional properties northeast of Milford on Route 519 are also included in the existing sewer service area. In total, the Wastewater Management Plan estimates an average daily flow of 121,200 gallons per day. This includes flows from 516 single family homes, 85 multi-family units and 131 equivalent residential units from non-residential uses. It also includes approximately 10,500 gallons per day of unmetered flows from 32 single family homes and two 2 family homes on Route 519, northeast of Milford Borough.

Flows are sent to Milford Borough's sewerage treatment plant. The Milford Borough Sewer Utility provides the Township's capacity through an agreement between the two municipalities. Holland was allocated a total of 190,000 gpd of capacity. Holland Township must share in the associated costs of sewerage treatment. This includes the cost of upgrading the sewerage treatment plant to provide operational improvements and improved water quality. The cost to Holland Township of such upgrades that are currently needed is \$2.75 million. This must be borne by existing and future system users.

The future sewer service area as depicted in the Wastewater Management Plan, shows the addition of a portion of Block 24 Lots 3 and 13 to accommodate a proposed mixed-use commercial/age-restricted residential development in the PCD/PSV District (see Holland Township Wastewater Management Plan Map). This development, called Huntington Knolls, received preliminary overall planned development plan approval and Phase I final site plan and subdivision approval from the Holland Township Planning Board in 2003. Phase I received final site plan approval in 2006. The project includes four affordable housing units, intended to satisfy a portion of the Township's Second Round affordable housing obligation in Phase 2. Phase I includes another six affordable units to be applied to the Third Round affordable housing obligation.

A 4.8 acre parcel on the northeast corner of the intersection of Routes 519 and 614 has two rental apartments on it that are currently connected to the sewer collection system. The property, located in the VR-A District, is known as the Galloway Farm. This is being considered for the addition of multi-family housing in the rear of the property, including six affordable units and six age-restricted units. The 12 units to be built in the back portion of the property require an extension of sewer service. The Township's Wastewater Management Plan shows the entire property as being in the existing sewer service area, even though only the existing stone house, containing two apartments, is actually served presently by sewers. The Highlands Council maps only properties or portions of properties that are currently being served by sewer lines in the ground as existing areas served. Yet, the Council's mapping shows the property in its entirety as being outside of any existing area currently served. (Compare Holland Township Wastewater Management Plan Map to Domestic Sewerage Facilities as mapped by the Highlands Council). **This mapping discrepancy needs to be resolved during the Plan Conformance process.**

Based on sewer service area expansion and potential infill residential and non-residential development within the existing service area, the Township anticipates a total flow of 161,600 gallons per day.

Holland Township's Wastewater Management Plan was originally submitted to NJDEP in 2006 for adoption into the areawide water quality management plan. Submission was made long before the Highlands Council adopted the Highlands Regional Master Plan. The Township subsequently amended its Wastewater Management Plan and submitted revisions to NJDEP in 2007. In April, 2008, NJDEP held a public hearing on the plan and received public comment accordingly. On July 17, 2008, the Highlands Council adopted the RMP. On September 18, 13 days after the Highlands RMP was approved by the Governor, the Highlands Council acted on a consistency determination on Holland Township's Wastewater Management Plan, prepared by Council staff. The consistency determination raised significant issues with the Plan (see pp. 50-53 for further discussion). Under the Highlands Water Protection and Planning Act Rules, NJDEP is supposed to approve an amendment to the areawide water quality management plan only after receiving a consistency determination from the Highlands Council.

As mentioned earlier, Executive Order 114 adds further complexity to the wastewater management planning process for municipalities like Holland Township. E.O. 114 introduces additional requirements and restrictions in Highlands subwatersheds that have a deficit of net water availability. Specifically, the Executive Order prohibits NJDEP approval of any amendments to water quality management plans outside of the Existing Community Zone unless a municipal water use and conservation management plan has been developed, consistent with the RMP, approved by the Highlands Council, and fully implemented. E.O. 114 went into effect on September 5, 2008. It is unclear whether it applies to wastewater management plans that were submitted to NJDEP prior to the Executive Order and prior to adoption of the Highlands RMP.

Holland Township's Wastewater Management Plan is at a stand-still. At this juncture, the Township must await a determination from NJDEP as to whether or not the August 2007 Wastewater Management Plan must be amended to address Highlands Council

comments, and/or whether it must be conditioned upon a Highlands Council-approved and fully implemented municipal water use and conservation management plan.

6.6 Open Space Plan Element

According to the most current available data, Holland Township has 1,309 acres of parkland and open space (see Open Space Preservation Map). Although the Highlands Regional Master Plan was not adopted at the time the Plan was prepared, the Open Space Plan acknowledged the designation of a Highlands "Special Resource Area" in the New Jersey State Development and Redevelopment Plan. It also recognizes the limitations of preservation funds. As such, it establishes a priority scheme for open space preservation. Primary criteria include location (proximity to preserved parcels, relationship to greenways, within an ADA or historic district, within a significant viewshed), size, degree of development pressure, presence of prime agricultural soils on active farms,⁴ and presence of significant natural resources.

The Open Space Plan identifies specific properties that are considered high priority parcels for acquisition that will help achieve its preservation goals. Many of these properties also fall within the Highlands RMP mapping of Highlands agricultural priority areas and conservation priority areas. The agricultural priority areas map identifies lands with the highest agricultural resource values. These areas provide a prioritization mechanism for future farmland preservation in the Highlands Region. Areas identified as priority conservation areas for water and other natural resource features are mapped as conservation priority areas by the NJ Highlands Council. Both areas serve as the basis for creating a confidential list of parcels targeted for preservation (see Agricultural Priority Area and Conservation Priority Area Maps).

To continue preserving land, the Open Space Plan calls for not only local funding, but also land use strategies including the clustering and lot-size averaging proposals contained in the draft Conservation Agricultural Zoning Ordinance, as well as the Transfer of Development Rights. It also recommends a development rights leasing program. Under such program, the Township could lease development rights for a limited period of time, after which it may have secured sufficient funding to purchase the development rights or else elect to extend the lease.

⁴ The Farmland Preservation Plan notes that not all productive, working farms in Holland Township are eligible for preservation through the State's Farmland Preservation Program. Consequently, the Township may want to facilitate acquisition of these farms through New Jersey's Green Acres program.

6.7 Farmland Preservation Plan Element

Holland Township prepared its Farmland Preservation Plan Element (December 2007) in fulfillment of requirements under the State Farmland Preservation Program (N.J.A.C. 2:76-17A and N.J.S.A. 4:1C-43.1), provisions of the Municipal Land Use Law, and in accordance with the Agricultural Smart Growth Plan for New Jersey and Plan Endorsement Guidelines. The Township submitted its Plan and associated Planning Incentive Grant Application to the State Agriculture Development Committee (SADC) in December, 2007. SADC review and approval is a pre-requisite for Municipal Planning Incentive Grant (PIG) eligibility.

Because the Farmland Preservation Plan was prepared more recently than the Open Space Plan, it was able to provide more detail about the Highlands. Thus, it includes a map of the Highlands Preservation and Planning Areas, with which to compare the Township's Farmland Preservation Target Areas and parcels. There are four Target Areas, three of which are within an existing Agriculture Development Area (ADA) and one of which is in a proposed ADA. Together, they comprise the Planning Incentive Grant (PIG) Project Areas shown on the Farmland Preservation Plan Target Areas Map (see Appendix D). Most Target Areas fall within the NJ Highlands agricultural priority areas. Different criteria likely account for the few discrepancies between the Township's Target Areas and Highlands agricultural priority areas. Criteria used to identify Target Areas conform to SADC criteria. As such, each area must constitute reasonably contiguous farmlands and consist of the following lands and lands within one mile of any of the following lands:

- Targeted farms within an ADA;
- Lands from which an application for sale of a development easement has been granted final approval;
- Lands from which development easements have been purchased;
- Other permanently deed restricted farmlands;
- Lands enrolled in an eight year farmland preservation program or municipally approved farmland preservation programs; and
- Other permanently preserved lands dedicated for open space purposes that are compatible with agriculture.

By comparison, Highlands agricultural priority areas are mapped based on seven criteria including agriculture resource areas⁵, important farmland soils (prime, statewide importance, unique and locally important soils), preserved farms, contiguous farms greater than 250 acres, agricultural uses, parcels with at least 50% prime soils and one-quarter mile proximity to preserved farms.

According to the Farmland Preservation Plan Element, Holland Township has 1,365 acres of preserved farmland (see Farmland Preservation Map). The Township's goal is to preserve all actively farmed agricultural land. Those farms deemed critically important,

⁵ Areas with a prevalence of active farms based on landscapes with contiguous farms greater than 250 acres, important agricultural soils (undeveloped); extent of lands adjoining a farm that is in agricultural use; and concentrations of preserved farms.

totaling 2,090 acres, are included in the Township's PIG Application and shown in the Plan. Within the next 10 years, Holland Township hopes to preserve 1,952 acres.

The Farmland Preservation Plan states that large lot zoning is insufficient to promote agriculture or preserve farmland. Consequently, compact development forms that enable deed-restricted agriculture to be set aside as a part of the development is appropriate. The Plan recognizes TDR as a technique that both the Office of Smart Growth and Highlands Council urge municipalities to explore. The Township intends to continue participating in the State Farmland Preservation Plan and utilizing its own open space tax monies to preserved farms. Farmland that cannot be preserved through the Farmland Preservation Program and is proposed for development will hopefully be preserved through implementation of the proposed Conservation Agriculture zoning regulations.

7. CONSISTENCY REVIEW

What follows is a discussion of some of the most critical elements of the Highlands Regional Master Plan that demand significant changes to Holland Township plans and regulations in order to achieve consistency. This chapter does not address other topic areas covered in the RMP such as historic, cultural, archaeological and scenic resources, air quality or transportation. These provisions will certainly be addressed at the time Holland Township pursues Plan Conformance.

Each topic begins with a general discussion of RMP requirements and is followed by anticipated impacts to Holland Township. It includes a discussion of the type of technical assistance the Highlands Council is expected to make in support of required changes to local documents. Each section concludes with a list of actions that would need to be taken locally to achieve consistency with the RMP. These steps include some items relevant to Basic Plan Conformance. Others are the report author's interpretation of steps that would ultimately be taken to attain Full Plan Conformance. Specific policies and objectives are paraphrased but referenced to Appendix A where the full text of applicable policies and objectives are found.

7.1 Forested Areas

RMP Goals, Policies & Objectives

Forest resource areas comprise forest areas of high ecological value which exhibit the least fragmentation and are necessary for maintaining ecological processes (see Forest Resource Area Map). These are contiguous forests of at least 500 acres; areas of more than 250 acres of core forest that are more than 300 feet from an altered edge; or areas with over 45% mean total forest cover and mean distance to the nearest forest patch.

The RMP also classifies subwatersheds by the integrity of their forest cover. There are three such classifications. High integrity subwatersheds are predominantly forested and consist mostly of high core area, large patch size and low distance to the nearest patch. Moderate integrity forest subwatersheds are predominantly forested. However, they do not exhibit a high percentage of forest cover, core area or patch size and have an increased distance to the nearest patch. Low integrity forest subwatersheds are mostly non-forested or they include low values for proportion of forest cover and patch size or a high distance to the nearest patch.

Conformance requires that within the Preservation Area, municipal master plans and regulations limit permitted uses within the forest resource area to maintenance of pre-existing uses and restoration of impaired forests. Relief can only be granted upon approval of a forest mitigation plan. For projects qualifying as major Highlands developments, relief is contingent upon NJDEP approval (Objective 1A2b).

Within the Preservation Area, deforestation in the forest resource area for development purposes is prohibited unless the project is exempt from the Highlands Act; an agricultural/horticultural development; or a major Highlands development in conformance with the NJDEP Preservation Area Rules (Objective 1A2c).

Within the Existing Community Zone, irrespective of Preservation and Planning Areas, deforestation within high integrity forest subwatersheds must be limited. Tree clearing for development must not diminish the integrity of forest resources. Implementation of low impact development best management practices and/or mitigation and restoration is required as well (Policy 1B3).

Within the Protection and Conservation Zones of the Planning Area, local provisions must limit permitted uses within forested areas in high and moderate integrity forest subwatersheds, if development is involved, to low impact residential development⁶ (Objective 1B2a).

Within the Highlands Planning Area, local regulations must also prohibit expansion or creation of public water supply systems and public or community wastewater systems into forested portions of the forest resource areas where located in the Protection and Conservation Zones or the Environmentally-Constrained Sub-zones. Relief can only be granted if applicable waivers are obtained to address a public health and safety threat, a taking of private property without just compensation, address a Highlands Redevelopment Area, or serve a cluster development meeting all relevant RMP policies and objectives (Objective 1A2d). In the Preservation Area, they are only permitted with the appropriate NJDEP waiver to address threats to public health and safety, redevelopment, or a taking of private property without just compensation (Policy 211).

Municipalities must address protection of forested portions of forest resource areas and high integrity forest subwatersheds in their master plans and development regulations. They are required to adopt a tree clearing ordinance consistent with an approved community forestry plan that is adopted into the municipal master plan.

To assist municipalities in implementing these provisions, the Highlands RMP directs the Council to provide a model municipal tree ordinance and forest conservation and mitigation plan guidance. The Council will also provide guidance on low impact development best management practices and community forestry plans, and is expected to release model resource protection standards governing forested areas.

⁶ Low impact development best management practices are intended to reduce or prevent negative effects of development and redevelopment. They include such techniques as solar orientation of buildings, energy efficiency techniques, re-use and recycling of building materials, open space set-asides, natural landscaping, water conservation strategies, de-centralized stormwater management, pervious pavements, green roofs, narrower roads, rain gardens, natural landscaping, rain barrels, re-use basins, curbless roads, swale blocks and reverse soil compaction. Low impact development involves a prescribed site planning process that result in "green" and energy efficient site design and layout, and use of low impact techniques.

Holland Township Plans & Regulations

The forest resource area generally encompasses the western half of the Township. Virtually all of the Preservation Area within Holland Township falls in a forest resource area. The entire Township, with the exception of the “Hakihokake Creek (and to Harihokake Creek)” subwatershed, is located in a high integrity forested subwatershed. The Hakihokake Creek (and to Harihokake Creek) subwatershed is a moderate integrity forested subwatershed (See Forest Resource Area and Forest Integrity Maps). A review of the Land Use Capability Zone Map shows that only a very limited portion of the Existing Community Zone is located in a forest resource area. The forest resource area is generally in the Protection Zone and the Conservation Environmentally-constrained Subzone (See Land Use Capability Zone Map and compare to Forest Resource Area Map).

Holland Township's Master Plan recognizes the location of most of its wooded areas as coinciding with steep slopes. The corresponding map is based on NJDEP 2002 land use/land cover data. The Environmental Resource Inventory provides more information – written and mapped – about the specific types of forests (coniferous, deciduous, mixed) and percent of crown closure. These documents show all forested areas as mapped by NJDEP. Since they were adopted prior to the RMP, they do not categorize forested areas in the same manner.

The 2007 Periodic Reexamination Report notes that the Township needs to consider new ordinances, including a woodlands retention ordinance.

Holland Township's land use regulations acknowledge forested areas to a limited extent. Section 100-168.1 requires submission of an Environmental Impact Assessment as part of a major subdivision or site plan application or subdivision and site plan applications requiring certain types of variances. The EIA enables the Township to determine whether there will be detrimental impacts on the physical environment and ways that they can be addressed by design modifications and/or mitigation. The Township is able to review the applicant's findings and consider alternative site design and project location but not a no-build alternative. Submission requirements include the identification of forested areas and vegetation communities and a tree survey showing specimen trees as defined by ordinance. The EIA must discuss impacts of the proposed project on natural resources and mitigation measures.

On the other hand, land use regulations neither limit uses nor prohibit deforestation in forest resource areas delineated in the RMP and are therefore not in compliance with Objectives 1A2b and 1A2c. It is not clear whether the Township's sewer service area conflicts with forested areas of the forest resource area. If so, it appears minimal. In part, this will be determined after careful review of existing sewer service areas to compare the accuracy of the Township's data with the Highlands RMP mapping.

RMP requirements for protecting forested areas in the Planning Area differ depending upon the Land Use Capability Zone. Holland Township has not as yet adopted Land Use Capability Zones into its Master Plan or land development regulations. Holland Township does not currently have a community forestry plan, nor does it have a tree clearing ordinance.

What is Needed to Achieve RMP Consistency

To achieve consistency with RMP goals, policies and objectives, Holland Township will need to prepare/adopt:

- ✓ Revised Environmental Resource Inventory to discuss and map forested areas in terms of forest resource areas and forest integrity by subwatershed.
- ✓ Conservation Plan element of the Master Plan that addresses goals, policies and objectives of the RMP.
- ✓ Amended Master Plan to include a Community Forest Plan element. Perhaps this could be folded into the Conservation Plan.
- ✓ Amended regulations to restrict uses in the forest resource area within the Preservation Area to maintenance of pre-existing uses and restoration of impaired forests and allow relief to be granted only via procedures specified in the RMP.
- ✓ Amended regulations requiring implementation of low impact development best management practices and/or mitigation and restoration for development activities within high integrity forest subwatersheds that overlap with the Existing Community Zone.
- ✓ Amended regulations requiring that development in forested areas in high and moderate integrity forest subwatersheds within the Protection and Conservation Zones of the Planning Area utilize low impact residential development best management practices.
- ✓ Amended regulations that limit creation or expansion of water and sewer systems consistent with the RMP policies governing the forested areas in the Preservation and Planning Areas respectively.
- ✓ Low impact development best management practices.
- ✓ Tree clearing ordinance.

7.2 Open Waters and Riparian Areas

RMP Goals, Policies & Objectives

Highlands open waters are defined as all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial (excluding swimming pools), located wholly or partially within the boundaries of the Highlands Region. Riparian areas are lands associated with and bordering Highlands open waters that provide critical hydrologic, ecologic, and pollutant attenuation functions for open waters. They include areas that exhibit periodic inundation or saturation of soils, areas subject to periodic flooding and wildlife corridors within 300 feet of a surface water feature. Riparian areas sometimes extend beyond the width of open waters buffers, which are discussed below (see Highlands Open Waters Map which also illustrates regulated buffers and riparian corridors).

The RMP calls for municipal stream corridor protection/restoration plans. Stream corridor protection/restoration plans identify existing disturbed areas within open waters buffers, identify and require opportunities for restoration of such areas, and identify the extent of stream corridor features needed to support the functions of a healthy Highlands open waters buffer. It is possible that the 300 foot buffer needs to be expanded to be more protective of such features as critical habitats, steep slopes, among other features.

Local development applications must identify and map Highlands open waters and riparian areas (Objectives 1D4a and 1D5a). Open waters throughout the Highlands region must include a protection buffer of 300 feet. Buffers in the Planning Area along Category 2 streams may be modified through a stream corridor protection/restoration plan, if able to still protect Highlands open waters and riparian areas. Furthermore, buffer modification can occur in redevelopment areas if approved by the Highlands Council (Objective 1D4i). In no instance can the buffers be reduced below State regulations (e.g. wetlands, stormwater and flood hazard).

In the Preservation Area, local development applications must comply with Preservation Area buffers along open waters as required under the Highlands Preservation Area Rules (Objective 1D4b). Within open waters and associated buffers, these Rules restrict major Highlands development to linear development and then only if there is no feasible alternative outside of the buffers.

Disturbance to buffers along Highlands open waters within the Protection, Conservation and Existing Community Zones of the Planning Area can only occur in previously disturbed areas, with a waiver from the Highlands Council (Objectives 1D4e and 1D4f). A waiver may be granted on a case-by-case basis if deemed needed to protect public health and safety; for redevelopment; or to avoid a taking of property without just compensation. In the Existing Community Zone of the Planning Area, authorized disturbances must use low impact development practices to mitigate adverse impacts. In the Protection and Conservation Zones, specific performance standards must be followed.

The RMP classifies subwatersheds by the quality of their riparian areas, that is, the ability of riparian areas to protect water resources and ecological functions such as water quality protection, nutrient and sediment filtration, streambank stabilization, flood storage among other functions. Subwatersheds classified as high integrity subwatersheds have a predominance of natural vegetation, and low incidence of impervious cover, agricultural uses and/or road crossings.

Within high and moderate integrity riparian areas of the Preservation and Planning Areas, local development regulations must limit disturbance of existing natural vegetation or increased impervious areas in riparian areas to the minimum feasible in areas beyond open waters buffer requirements (Objective 1D5b). Within the Protection Zone, modifications to riparian areas must be prohibited except with a waiver from NJDEP or Highlands Council (Objective 1D5c). Modifications within the Existing Community Zone must be restricted if they would alter water quality and habitat values of riparian areas (Objective 1D5d). Low impact development techniques must be implemented for development within a riparian area to minimize alterations of natural vegetation and increases in impervious area and to provide for mitigation by restoring impaired riparian areas within the same subwatershed (Objective 1D5e). A waiver from the Highlands Council is granted under the same conditions as described above for waivers from disturbance to open waters buffers. A waiver from NJDEP is granted on a case-by-case basis for major Highlands development based on the same criteria as used by the Highlands Council. Additionally, local regulations must require restoration and enhancement of previously impaired riparian areas where feasible, as mitigation to any permitted modification to riparian area requirements.

To assist municipalities, the RMP directs the Highlands Council to provide technical assistance for developing local stream corridor protection/restoration plans and technical guidance documents for undertaking restoration of impaired streams and riparian areas.

Holland Township Plans & Regulations

Highlands open waters and associated buffers are pervasive in Holland Township, given the extent of stream corridors and wetlands present in the Township. The entire Township falls within high integrity riparian subwatersheds.

The Holland Township Master Plan provides some description and mapping of lakes, rivers, streams and wetlands. However, it does not include a stream corridor protection/restoration plan as described in the Highlands RMP. It does not map or define open waters, buffers and riparian areas as defined by the Highlands RMP, since it was adopted well before the Highlands RMP was adopted.

Master plan discussion is supplemented by extensive documentation in the Environmental Resource Inventory, which maps and discusses, among other things, Category One (C1) buffers where they are applicable to Holland Township streams under statewide regulations. However, it does not reflect the buffer requirements instituted for open waters in the Preservation Area, and, for municipalities that pursue voluntary conformance in the Planning Area, for buffers in the Planning Area. Likewise, it does not define or map riparian areas.

The Wastewater Management Plan accommodates a proposed affordable housing development (Huntington Knolls) which contains Highlands open waters on site. The proposed development is located in a future sewer service area proposed by the Township. The Highlands Council deemed the Plan inconsistent in part because the development site does not address protection of open waters consistent with the RMP. More generally, the Plan fails to include an ordinance that protects open waters and riparian areas consistent with RMP policies and objectives.

Under the Environmental Impact Assessment requirements of the Township's land use regulations, applicants are required to map and analyze impacts of the proposed development on open waters, wetlands and transition areas, stream corridors and associated protection areas under the State's Stormwater Management Rules. The Township's adopted stormwater management regulations comply with State requirements as well. But these regulations do not specifically incorporate the Highlands RMP provisions governing open waters and riparian areas.

The Holland Township Committee recently introduced a riparian corridor ordinance, one which closely resembles the statewide model riparian corridor ordinance developed by NJDEP. However, aspects of the draft ordinance deviate from the model ordinance, in particular, the minimum required riparian buffer widths. Regardless, these buffer widths must be increased to 300 feet for all open waters to be consistent with the RMP. By contrast, Holland Township's riparian corridor ordinance calls for 75 foot buffers along Category 2 Trout Maintenance streams, which exist in the Preservation Area portion of the Township. Similarly, 300 foot buffers

are imposed, as a condition of Plan Conformance, in the Planning Area, except for certain situations affecting Category 2 waterways and Highlands Redevelopment Areas. There are both Category 2 Trout Maintenance as well as non-trout streams in the Planning Area, for which riparian buffers would need to be enhanced. All open waters would need to be mapped with 300 foot buffers.

Holland Township's stormwater management regulations (Article XXIV of the Land Use Regulations) includes low impact development standards, acknowledged by the Highlands Council in its review of the Township's Wastewater Management Plan. However, local regulations do not specifically include low impact development best management practices where disturbances to Highlands resources are proposed.

What is Needed to Achieve RMP Consistency

To achieve consistency with RMP goals, policies and objectives, Holland Township will need to prepare/adopt:

- ✓ Updated Environmental Resource Inventory with mapped and written discussion of open waters, associated riparian areas and buffers, and subwatershed riparian integrity.
- ✓ Conservation Plan Element relating information from the ERI to RMP goals, policies and objectives.
- ✓ Stream corridor protection/conservation plan.
- ✓ Revised land use regulations requiring development applicants to identify and map Highlands open waters and riparian areas; limit disturbances to open waters buffers in the Protection and Conservation Zones of the Planning Area to previously disturbed areas unless permitted by waiver from the Highlands Council and satisfactorily implements specific performance standards that are designed to avoid, minimize and mitigate adverse impacts to open waters buffers in that order; limit disturbance of existing natural vegetation or increased impervious cover within high and moderate integrity riparian areas to the minimum feasible in areas beyond open waters buffer requirements; prohibit modifications to riparian areas in the Protection Zone except by waiver from NJDEP and/or Highlands Council; restrict modifications to riparian area in the Existing Community Zone (other than disturbances of existing natural vegetation or increased impervious cover within high and moderate integrity riparian areas that are the minimum feasible in areas beyond open water buffer requirements) which would negatively impact water quality or habitat value of a riparian area; identify and implement ways to restore and enhance previously impaired riparian areas when feasible as mitigation to any allowable modification to riparian area requirements; and use low impact development best management practices for development in riparian areas.
- ✓ Revised land use regulations to include low impact development best management practices for development activity proposed within open waters buffers and riparian areas.

7.3 Steep Slopes

RMP Goals, Policies & Objectives

Municipal master plans and development regulations must protect steep slopes as defined in the RMP (Policy 1E10). The RMP defines steep slope protection areas as having at least 5,000 square feet with any combination of slopes of 10% to less than 15%; 15% to less than 20% and 20% or greater. The RMP goes on to define constrained areas in terms of slopes. Slopes of 20% or greater and lands within riparian areas with slopes of 10% or greater are severely constrained. Non-riparian area lands with a slope of 15% to less than 20% and are forested are moderately constrained. Non-riparian areas having a slope of 15% to less than 20%, are non-forested, and are either highly susceptible to erosion, or exhibit shallow depth to bedrock or a soil capability class indicative of wet or stony soils are constrained slopes. Non-riparian areas with a slope of 15% to less than 20% that do not meet the definition of constrained are considered limited constrained slopes.

Municipalities must adopt regulations that require applicants to identify steep slope protection areas. Land use regulations must prohibit land disturbance in both Preservation and Planning Areas within locations that have severely and moderately constrained slopes (except for linear development that meets the requirements for linear development on steep slopes in the Water Protection and Planning Act Rules). Also, they must require low impact development practices for land disturbance or development within areas of constrained or limited constrained slopes or that involve an approved disturbance of a severely constrained or moderately constrained slope (Policies 1E6 – 1E9).

To assist municipalities, the Highlands Council will release model steep slope protection standards for inclusion in municipal planning and regulatory documents. It is also expected that the Council will map slopes in terms of moderate and severe constraints and provide that data to municipalities.

Holland Township Plans & Regulations

Steep slopes in Holland Township occur primarily on the Musconetcong Mountain, which parallels the Musconetcong River at the border of Warren County (see Steep Slopes Map). They are also prominent in the south central part of the Township in an area called Gravel Hill, classified as “a lesser mountain” in the Master Plan. Highlands mapped data displays slopes in terms of percentage of steepness. However, at present, there is no mapped information displaying slopes as moderately or severely constrained.

Holland Township's Environmental Resource Inventory contains a map and discussion of steep slopes, but does not adopt the same mapping classification system as that contained in the Highlands RMP. The ERI considers slopes greater than 15% as steep. The Highlands RMP recognizes certain slopes between 10% and 15% as steep slope protection areas. The ERI does not account for forest resources, erosion, depth to bedrock or soils capability class and therefore is inconsistent with Policies 1E2-1E25, which use these criteria to define slope constraints.

Holland Township does not have a steep slope ordinance, a deficiency acknowledged in the Periodic Reexamination Report (2007). Land development regulations address steep slopes in the Environmental Impact Assessment provisions. However the EIA requirements are not as stringent as the RMP policies, nor do they incorporate requirements for RMP low impact development practices.

The Township Master Plan (2001) recommends protecting steep slopes by zoning them for low densities and permitting clustering or lot averaging so that construction can occur on the more moderately sloping portions of the tract. The Highlands RMP mandates clustering in agricultural resource areas (see Objective 3A5a and Agricultural Resource Area Map). The vast majority of Holland Township is in an agricultural resource area including steep slopes. Therefore the Township's Master Plan language is not sufficiently stringent.

The existing zoning regulations permit clustering in the R-5 District, which comprises the majority of the Township's land base. However, clustering is limited to tracts of 50 acres or more and is not mandated. The proposed Conservation Agriculture zoning regulations – which are intended to replace the R-5 district provisions - reduce overall densities in the Township while continuing to permit clustering; but again, clustering is not mandated in any part of the CA district.

The Highlands Council review of Holland Township's Wastewater Management Plan notes that the Plan is inconsistent with the RMP because it does not have an accompanying steep slope ordinance consistent with the RMP and because the proposed Huntington Knolls development, located in a proposed sewer service area, does not adequately protect steep slopes on site.

What is Needed to Achieve RMP Consistency

To achieve consistency with RMP goals, policies and objectives, Holland Township will need to prepare/adopt:

- ✓ Updated Environmental Resource Inventory acknowledging steep slope protection areas and constrained slope categories as defined in the RMP.
- ✓ Conservation Plan that adopts goals, policies and objectives for steep slope protection consistent with the RMP.
- ✓ Revised land use regulations requiring applicants to identify steep slope protection areas as defined in the RMP; prohibiting land disturbance within severely and moderately constrained slopes except for linear development in both the Preservation and Planning Areas that meet the requirements for linear development on steep slopes dictated in the Water Protection and Planning Act Rules; and requiring use of low impact development best management practices for land disturbance or development in constrained or limited constrained slopes or that involves an approved disturbance of a severely constrained or moderately constrained slope.

7.4 Critical Habitats

RMP Goals, Policies & Objectives

Protection of critical habitats is key to RMP conformance. The RMP maps critical wildlife habitats, significant natural areas, and vernal pools with associated buffers (Critical Habitats Map). Critical habitats are identified as follows:

- Critical wildlife habitat defined as NJDEP's Landscape Project Version 3 mapping of Threatened, Endangered Species and Rare Species Habitats Ranks 3 (habitat supporting a State threatened species), 4 (habitat supporting a State endangered species) and 5 (habitat supporting a Federally listed threatened or endangered species) and Landscapes Project Version 3 Rank 2 (habitat supporting a species of special concern) with Highlands Conservation Rank of Critically Significant or Significant⁷;
- Significant natural areas defined as the NJDEP Natural Heritage Priority Sites;
- Vernal pools defined as NJDEP-certified plus a 1,000 foot protection buffer around them.

The RMP relies on municipalities to adopt and implement a Highlands Council-approved critical habitat conservation and management plan to achieve a number of standards and criteria delineated in the RMP.

Conforming master plans and development regulations must include these habitat areas and associated management programs and habitat conservation management plans (Policies 1G1, 1G2). The critical habitat conservation and management plan implements a habitat conservation and management program, and includes performance standards and criteria for protecting, enhancing and restoring critical habitats (Objective 1F5a). Performance standards address prohibition of direct or indirect adverse impacts to critical habitats, buffer area reductions for vernal pools, modifications to critical wildlife habitat areas or significant natural areas and waiver applications from requirements in the critical habitat conservation and management plan.

Performance standards also establish low impact development practices to avoid, minimize and mitigate impacts to critical habitats and address mitigation of disturbed habitat, as well as enhancement or restoration of disturbed habitat (Objective 1F5b). The critical habitat conservation and management plan must include a mapped depiction of a critical habitat overlay district (1F5e). It also must include guidelines for a municipal habitat stewardship program to prevent habitat fragmentation through open space preservation and community efforts to create, protect and restore habitats (1F5f).

⁷ Critically Significant – If habitats in the Highlands region were lost, that species would not exist in NJ.
Significant – Highlands Region habitats play a significant role for that species' existence in NJ.

Local development applications must conform to minimum standards and criteria in the critical habitat conservation and management plan (1F5a). Local regulations must prohibit direct impacts from new development or expansion of existing development that jeopardizes critical habitats unless permitted through a waiver issued by NJDEP in the Preservation Area or the Highlands Council. Regulations must also prohibit indirect impacts from offsite activities or those adjacent to or within critical habitats. Waivers for both direct and indirect impacts described above are issued on a case-by-case basis if necessary to protect public health and safety; for redevelopment; or to avoid a taking of property without just compensation. Any projects issued waivers must nonetheless address the minimum standards and criteria for waivers set forth in the critical habitat conservation and management plan.

The buffer around vernal pools (1,000 feet) may be reduced if an applicant for local development review demonstrates it is the minimum feasible reduction and that either vernal pool wildlife require a smaller buffer or that existing land uses present a barrier to wildlife or their migration which is infeasible to mitigate. Criteria for demonstrating this must be included in the critical habitat conservation and management plan. The applicant must received Highlands Council approval on reduced buffers.

Local regulations in the Preservation Area must reference NJDEP Preservation Area Rules governing critical habitats in relation to major Highlands developments. However, Preservation Area projects that are not considered major Highlands developments are still subject to RMP policies (Policy 1F7).

To assist municipalities, the RMP directs the Highlands Council to provide technical guidance for critical habitat conservation and management plans and develop a municipal conservation and management overlay district ordinance.

Holland Township Plans & Regulations

Holland Township is host to extensive areas of critical habitats, three significant natural areas, and one vernal pool, according to Highlands Council data (see Critical Habitats Map). The vernal pool and surrounding 1,000 foot buffer is located on a preserved farm. According to the Highlands Council, approximately 70% of the Township provides critical habitat.

The Holland Township ERI provides a comprehensive description and accompanying tables and maps depicting wildlife species and habitats, including threatened and endangered species, as well as plant habitats and natural communities. Among the information presented is the Landscapes Project mapping of habitats and Natural Heritage Priority Sites identified by the NJDEP Office of Natural Lands Management. Whether the Landscapes Project mapping reflects the most up-to-date data (Landscapes Project 3) is not known. By no surprise, the information presented does not recognize Highlands-specific rankings and definitions of critical wildlife habitats, since the RMP had not been adopted at the time the ERI was prepared. The ERI maps vernal pools, including those certified by NJDEP as well as others that were not surveyed. But it does not provide for a 1,000 foot buffer around the certified vernal pool.

The Highlands Council review of Holland Township's Wastewater Management Plan deemed it inconsistent with RMP critical habitat policies and objectives. Neither Huntington Knolls nor the Gardner property (Galloway Farm) adequately protect critical habitat, according to the Council. Furthermore, the RMP directs municipalities to adopt an ordinance that protects critical habitats, which is currently lacking in Holland Township. It is important to note here the recent correspondence to the Office of Smart Growth from Holland Township's Professional Planner questioning local capacity to regulate development for habitat protection under the Municipal Land Use Law. This is an issue that should be clarified by the Highlands Council as part of the Highlands conformance process, to ensure that municipalities adopt regulations that are within their legal authority.

Holland Township does not have a conservation plan element in its Master Plan. More specifically, it does not have an adopted critical habitat conservation and management plan, containing all of the requisite information and standards outlined in the RMP.

Through the Environmental Impact Assessment provisions contained in Holland Township's land development regulations, applicants of proposed developments which are subject to the EIA provisions are required to inventory flora and fauna. They must utilize the NJDEP Landscapes Project Habitat Ranks 2, 3, 4 and 5 files along with NJDEP Natural Heritage Priority Sites. The EIA requires an assessment of anticipated project impacts on flora and fauna and mitigating measures to avoid, reduce or eliminate adverse impacts. But these provisions do not address the performance standards and criteria established in the RMP.

What is Needed to Achieve RMP Consistency

To achieve consistency with RMP goals, policies and objectives, Holland Township will need to prepare/adopt:

- ✓ Mapping and written description of critical habitat areas based on Highlands RMP definitions in an updated ERI.
- ✓ Conservation plan element that includes goals, policies and objectives consistent with RMP.
- ✓ Critical habitat conservation and management plan (perhaps included within the conservation plan element) that includes all necessary components outlined in the RMP.
- ✓ Critical habitat overlay district ordinance with standards and regulations consistent with RMP policies and objectives. These include performance standards requiring use of low impact development best management practices, criteria for mitigation of disturbed critical habitat and enhancement or restoration of historically disturbed habitat; prohibiting direct impacts from new or expanded development and indirect impacts from off site, adjacent or on site activities that adversely impact critical habitat unless via waiver; requirement that development applicants comply with the minimum standards and criteria in the municipal habitat conservation and management plan; and regulations governing reduction of vernal pool buffers consistent with the RMP.
- ✓ Revised land use regulations requiring that major Highlands developments comply with the Highlands Rules governing critical habitats.

7.5 Land Preservation and Stewardship

RMP Goals, Policies & Objectives

The Highlands RMP calls for the identification of a Special Environmental Zone within the Preservation Area. Development may not occur in the Special Environmental Zone in order to protect water resources and environmentally sensitive lands (Policy 1H7). Designated lands are to be protected through acquisition, Transfer of Development Rights and development regulations. The RMP also calls for the development and maintenance of a confidential inventory of open space and farmland, within conservation priority areas and agricultural priority areas (see Conservation Priority Area and Agricultural Priority Area Maps). Those areas contained on the confidential list are targeted for preservation (Policy 1H3).

Conservation priority areas reflect the Highlands Council prioritization system for identifying areas of moderate and high priority based on ecological and water supply value for land preservation. Agricultural priority areas are identified according to other criteria such as the presence of farmland soils, contiguity of agricultural lands, and proximity to existing preserved farmland.

Plan Conformance requires the inclusion of an open space preservation and land stewardship element in local master plans (Policy 111). Municipalities must identify and delineate existing open space and lands subject to stewardship programs, and provide that information to the Highlands Council (Policy 112). On parcels proposed for development and identified for preservation on a development application, municipalities must mandate conservation or land stewardship easements that are enforceable by the Highlands Council along with the municipality, County Agriculture Development Board, State Agriculture Development Committee, Green Acres or qualifying non-profit organization (Policy 113). Additionally, municipalities must establish monitoring programs for preserved lands or easements thereon owned by the municipality.

To assist municipalities, the RMP directs the Highlands Council to aid in the development of stewardship plans and model development standards that utilize such techniques as clustering and lot-size averaging to preserve open space.

Holland Township Plans & Regulations

Conservation priority areas generally follow stream corridors and are relatively limited in extent. Agricultural priority areas are far more extensive, with the highest priority areas being located in the southern half of the Township. There are no Special Environmental Zones in Holland Township.

Holland Township has an Open Space Plan (2004) that delineates existing preserved lands. The Plan, however, does not discuss stewardship strategies and in that respect, is inconsistent with Policy 111. The Holland Township Farmland Preservation Plan Element (2007) notes that Hunterdon County is primarily responsible for monitoring preserved farmland. Additionally, the Township also monitors preserved farms to ensure compliance with all restrictions and allowed uses.

The Township's current land use regulations governing the R-5 District require that open space set aside in a cluster development be deed-restricted against further subdivision or development and limited in use to agriculture, conservation or passive recreational uses. All lots exceeding the required minimum lot area in the R-5 District must be deed-restricted against further subdivision. This is applicable to developments using lot-size averaging. The proposed CA District ordinance enhances stewardship obligations in subdivisions utilizing lot-size averaging and cluster subdivisions. Lot-size averaging requires all lots to be deed-restricted against further subdivision. Lots exceeding 15 acres in areas appropriate for agriculture must have a permanent agricultural deed-restriction placed on those lands which is enforceable by the Township. Lands comprising environmentally sensitive features must be protected with a conservation easement. However, to be consistent with the Highlands RMP, the restriction would also have to be enforceable by the Highlands Council. Finally, like the existing cluster regulations governing the R-5 district, the cluster provisions under the proposed CA District ordinance fall short of designating the Highlands Council as an entity that is to enforce the easements placed on environmentally sensitive lands and open space lands.

A review of the Holland Township Open Space and Farmland Preservation Plans shows that target areas and parcels are generally consistent with the Highlands mapping of agricultural priority areas. However, there are some discrepancies evident between Highlands Council and Township mapping of preserved open space and preserved farmland. This will have to be resolved as part of the RMP Updates Program, which is intended to achieve maximum data accuracy during the Plan Conformance process.

What is Needed to Achieve RMP Consistency

To achieve consistency with RMP goals, policies and objectives, Holland Township will need to prepare/adopt:

- ✓ Amended Open Space Plan to address stewardship strategies.
- ✓ Revised land use regulations requiring that on parcels proposed for development and identified for preservation on a development application, conservation or land stewardship easements must be in place that are enforceable by the Highlands Council along with the municipality, County Agriculture Development Board, State Agriculture Development Committee, Green Acres or qualifying non-profit organization.
- ✓ Revised land use regulations ensuring that cluster provisions governing mandatory buffers, percentage of area to be set aside and preserved, easement enforcement provisions, and situations when clustering is required (in agricultural resource areas at a minimum) are incorporated. See *further discussion of these specific issues under Water Resources and Utilities and under Agriculture.*

7.6 Carbonate Rock Topography

RMP Goals, Policies & Objectives

Municipalities underlain by carbonate rock (e.g. limestone and dolomite) are faced with unusual development challenges. Natural processes of dissolution can create sinkholes, bedrock fractures and other "karst" features. Improper development and site design practices can lead to sinkhole collapse, groundwater contamination, structural collapse of roads and buildings, and related public health and safety issues.

The Highlands RMP requires as a condition of Conformance, that municipalities in subwatersheds that drain directly to carbonate rock areas take appropriate steps to protect public health and safety. Municipal regulations must require multi-phased geotechnical site investigations to locate potential karst features and hazards as part of the application process (Objective 1K4b). Furthermore, they must require that any potential hazard be addressed and mitigated in the construction plans and approval process, with an emphasis on nonstructural measures (Objective 1K4c). Finally, local regulations must prohibit new land uses and facilities that present unacceptable risks of discharge due to karst topography including underground storage tanks, solid waste landfills, hazardous waste storage/disposal and hazardous materials storage and handling (Objective 1K4e).

Holland Township Plans & Regulations

Carbonate rock formations form two narrow bands in Holland Township. One follows the Musconetcong River at the base of Musconetcong Mountain; the other band runs parallel to the above-described band, but is located further south (see Carbonate Rock Areas Map).

Holland Township's Environmental Resource Inventory provides a map and discussion of bedrock geology, including carbonate rock. Stormwater management regulations in general emphasize the use of nonstructural approaches to the maximum extent practicable (Section 100-185A (1)). With regard to karst features, the regulations require that structural stormwater measures be designed to account for features such as karst topography and carbonate rock which may have an adverse effect on water quality or quantity or cause harm or damage to people and property section 100-187 A. (1)). The EIA requires documentation of geology including ground water recharge areas, aquifers and groundwater availability. But land use regulations do not address the provisions identified in Objectives 1K4b and 1K4e.

What is Needed to Achieve RMP Consistency

To achieve consistency with RMP goals, policies and objectives, Holland Township will need to prepare/adopt:

- ✓ Conservation plan containing policies and strategies addressing protection of carbonate rock areas, consistent with the RMP.
- ✓ Revised land use regulations requiring applicants to identify lands draining surface water into the carbonate rock area; undertake a geotechnical site investigation to locate any potential karst features and potential hazards; address and mitigate said hazards with a maximum emphasis on nonstructural measures including avoidance of modifications to karst features; and prohibit new land uses and facilities constituting an unacceptable risk of discharge due to karst topography including, but not limited to underground storage tanks, solid waste landfills, hazardous waste storage and disposal and hazardous materials storage and handling.
- ✓ Potentially revised stormwater management regulations that approach karst features with an emphasis on nonstructural approaches.

7.7 Water Supply and Quality

RMP Goals, Policies & Objectives

The Highlands RMP establishes parameters for growth based on water availability both for human use and aquatic ecosystems. The RMP creates a method for identifying the quantity of available water to support these two functions. Where there is sufficient water available, water resources are allocated among future human uses according to the Land Use Capability Zone Map. Where water supply is in deficit, conditional water availability is granted.

The Highlands Council determined water availability by HUC14 subwatershed in the following manner. First it estimated ground water capacity by HUC14 subwatershed. Ground water capacity is the natural ability of a subwatershed to support stream flow over time during dry weather conditions. A HUC14 subwatershed is an area within which water drains to a surface water body. It is the smallest geographic unit in a watershed classification system created by the US Geological Survey. The Highlands Council established certain percentages for each Land Use Capability Zone which reflect how much ground water should be made available for human uses such that its use would not compromise other users and aquatic ecosystems. From that, the Council estimated net water availability for each subwatershed. This was done by subtracting out from ground water availability the various consumptive and depletive water uses⁸ identified within each subwatershed. Where the resulting net water availability is less than zero, then the subwatershed is designated as being a current deficit area.

⁸ Consumptive water use means water that is evaporated, transpired, incorporated into products or crops, consumed by people or animals or otherwise removed from a watershed or subwatershed other than by conveyances as potable water or wastewater. Depletive water use means

In subwatersheds with conditional water availability, proposed uses that consume or deplete water must implement additional planning and mitigation before they can be approved. In most cases, mitigation must be successfully completed before the water use can be initiated (Objective 2B8b). Within subwatersheds primarily in the Protection and Conservation Zones, conditional water availability cannot exceed an aggregate of 1% of ground water capacity. In the Existing Community Zone, it cannot exceed an aggregate of 2% of ground water capacity (see Objectives 2B3a and 2B3b and Land Use Capability Water Availability Map).

Within conditional water availability subwatersheds dominated by the Protection or Conservation Zones, highest priority for use of non-agricultural conditional water availability must be accorded to address documented public health and safety threats, or to serve designated Highlands redevelopment areas, cluster developments served by public water and meeting all RMP requirements (in the Planning Area), and affordable housing projects (Objective 2B4a). Highest priority for agricultural water uses in the Conservation Zone within the Preservation Area must go to those that promote agricultural and horticultural uses compatible with protection of the Highlands environment. In the Planning Area, highest priority must go to the continuation and expansion of agricultural, horticultural, recreational and cultural uses. The municipal water use and conservation management plan must articulate these priorities, along with local development review regulations.

Communities within deficit areas must demonstrate how they will reduce or manage consumptive and depletive uses of ground and surface waters to reduce or eliminate deficits. Furthermore, they must demonstrate how and when the deficit will be resolved within each subwatershed before they can approve new water uses within subwatersheds that demonstrate deficits in excess of .25 million gallons per day. All of this must be contained in a water use and conservation management plan, which is a requirement of Plan Conformance (Objective 2B8c).

Water use and conservation management plans must identify water sources and uses, validate or modify the Highlands Council's estimated net water availability, and identify and prioritize mitigation strategies and implementation schedule to reduce or eliminate deficits. Executive Order 114 elevates the importance of these plans in deficit subwatersheds within the Protection Zone, Conservation Zone and Environmentally-constrained Sub-zones. As noted earlier, E.O. 114 makes future water allocation permit approval or wastewater management plan adoption by NJDEP contingent upon a fully implemented water use and conservation plan that is approved by the Highlands Council.

New consumptive or depletive water uses within deficit areas can only occur under the auspices of a water use and conservation plan. In the absence of such plan, such uses can occur providing they achieve mitigation thresholds established by the RMP.

water which is withdrawn from a HUC14 subwatershed and transported outside of the subwatershed (through utility conveyances), resulting in a net loss of water to the subwatershed from which it originated.

The Highlands RMP delineates prime ground water recharge areas which are lands within each subwatershed (HUC14) that have the highest recharge volumes relative to other land areas and in the aggregate, provide 40% of total ground water recharge during drought conditions. Municipal plans and regulations must protect prime ground water recharge areas in part by establishing appropriate minimum design guidelines and permitted uses to protect water quality and prohibit development in these areas unless needed in order to avoid critical habitat, Highlands open waters buffers or moderately and severely constrained steep slopes (Objectives 2D3c, 2D3d, 2D4a). Development activity which is permitted in prime ground water recharge areas is subject to a variety of municipal standards and limitations set forth in the RMP, including low impact best management practices. Disruption of prime ground water recharge areas is limited to no more than 15% of the prime ground water recharge area on the site (Objective 2D4d).

Public water and sewer systems and community wastewater systems cannot be expanded or built in prime ground water recharge areas within the Preservation Area. The only exception to this is by way of a waiver from NJDEP, based on public health and safety, for redevelopment, or to avoid a taking of property without just compensation.

Within the Protection and Conservation Zones and Environmentally-constrained Sub-zones of the Planning Area, public water and sewer systems and community wastewater systems can only be built or expanded in prime ground water recharge areas under the following circumstances: 1) to address a waiver on a case-by-case basis to protect public health and safety; 2) for redevelopment; 3) to avoid a taking of private property without just compensation; or 4) to serve cluster developments that meet all other RMP policies and objectives. In the Existing Community Zone, creation or expansion of these systems is subject to the same criteria as in the Protection and Conservation Zones. In addition, they can be expanded or built to accommodate designated Transfer of Development Receiving Zones, infill projects, new areas for development meeting all other requirements of the RMP.

Wellhead protection areas are the areas around a public water supply well that represent the horizontal extent of ground water captured by the wells. These areas are mapped by the Highlands Council and divided into three tiers. Local regulations must prohibit or restrict certain uses pertinent to each tier. They must require use of best management practices for development activities. Stormwater management regulations must also be enacted that address wellhead protection.

To assist municipalities, the Highlands Council is presently soliciting consultant assistance in developing water use and conservation management plans and planning guidance for select locations in the Highlands region. Hopefully the guidance will be useful in other parts of the Highlands as well. Additionally, the RMP directs the Highlands Council to develop technical guidance for low impact development best management practices and model land development regulations that protect ground and surface water quality and model master plan elements and land development regulations for wellhead protection areas.

Holland Township Plans & Regulations

According to Highlands RMP mapping and data, Holland Township in its entirety suffers from a current water deficit (see Net Water Availability – Deficit Areas Map). Each of the five subwatersheds within Holland Township has been assigned conditional water availability (see Land Use Capability – Net Water Availability Map).

There are three public water supply wells in the Riegel Ridge/Spring Mills area – along or near Route 519 – serving portions of Holland Township. Wells are owned by Aqua America. Wellhead protection areas within the Township surround these wells, along with well on the Fibermark Hughesville defunct paper mill and portions of wellhead protection areas of two wells in Milford Borough. The wells in Holland are not generally located in prime ground water recharge areas. Much of the Township's prime ground water recharge areas overlap with forested areas (see Wellhead Protection/Prime Groundwater Recharge Map).

Holland Township's Master Plan, Periodic Reexamination Report and Land Use Regulations acknowledge the critical importance of water supply and the fact that the overall level of development in a region must reflect the resources available within it (Master Plan Utility Services, p. 5). This translates into hydrogeological analysis required under the Environmental Impact Assessment provisions of its land development regulations and water supply analyses required for proposed industrial use permits and site plans in the Limited Industrial Park District. However, these regulations pre-date the Highlands RMP. As such, they fail to acknowledge the water deficit conditions present in the Township according to the RMP, and requirements to address these deficits. Likewise, they pre-date the requirement for a water use and conservation management plan.

Holland Township's Environmental Resource Inventory maps existing areas served by public water (Appendix B). This data was obtained from NJDEP and shows locations along Route 519 north and east of Milford, as well as several industrial sites that are served by public community water supply wells. The Highlands RMP recognizes public community water supply wells in Holland Township, however, it shows only a small section of Route 519 within a public community water system service area (see Public Community Water Systems Map). **Thus, there appears to be a discrepancy between local and Highlands data, which needs to be reconciled.**

The ERI acknowledges the same public water supply wells and describes the State's delineation of wellhead protection areas. According to the Highlands Council review of the Township's Wastewater Management Plan, the Plan is inconsistent with the RMP in part because it is not accompanied by a municipal ordinance that addresses wellhead protection. Although the Township has a stormwater management ordinance that complies with statewide rules, it is not sufficiently protective of wellhead protection areas based on RMP policies and objectives. The ERI also maps ground water recharge in inches per year, although it does not indicate prime ground water recharge areas, consistent with RMP definitions and corresponding mapping.

What is Needed to Achieve RMP Consistency

To achieve consistency with RMP goals, policies and objectives, Holland Township will need to prepare/adopt:

- ✓ Updated Environmental Resource Inventory to include mapping of water deficit areas and net water availability by subwatershed and mapping of prime ground water recharge areas.
- ✓ Water use and conservation management plan that identifies water sources and uses, validates or modifies the Highlands Council's estimated net water availability, and identifies and prioritizes mitigation strategies and implementation schedule to reduce or eliminate deficits.
- ✓ Amended land use regulations and/or stormwater management regulations that are consistent with RMP policies and objectives governing wellhead protection.
- ✓ Amended land use and/or stormwater management regulations requiring low impact development best management practices to minimize disruption to prime ground water recharge areas and limiting disruption to no more than 15% of the prime ground water recharge area on the site.
- ✓ Amended land use regulations restricting future creation or extension of public water and sewer or community systems in prime ground water recharge areas consistent with RMP policies and objectives.
- ✓ Amended land use regulations reflecting provisions in the municipal water use and conservation management plan, including prioritization criteria for assigning conditional water availability.
- ✓ Wellhead protection management plan.

7.8 Public Water, Public/Community Wastewater, and Private, Individual On-Site Septic Systems

RMP Goals, Policies & Objectives

The RMP prohibits new or expanded public water supply and wastewater systems and community on-site wastewater treatment systems in the Preservation Area unless deemed exempt by NJDEP or through waivers from NJDEP, and providing that sensitive environmental features are protected (Policy 211).⁹

The "typical" exemption that would be considered under these provisions would be for a previously approved development that meets the exemption criteria in the RMP (see Exemption 3 in Appendix C). Another example is a single family home that is on a lot adjacent to an existing area served by sewers but currently without a pipe in the ground.¹⁰

⁹ Sensitive environmental resources such as Highlands open water buffers, riparian areas, forested portion of the forest resource area, agricultural lands of agricultural resource areas, steep slopes, prime groundwater recharge areas, and critical habitats.

¹⁰ Examples were offered by Judy Thornton of the Highlands Council staff.

Waivers from NJDEP regulations may be obtained to address protection of public health and safety or avoid a taking of property without just compensation. Highlands redevelopment areas are also among those situations that may be granted an NJDEP waiver from this prohibition. Municipalities are required to identify lands in the Preservation Area that may be appropriate for said systems specifically for redevelopment purposes (Policy 2I2).

Cluster development in the Preservation Area must be served by septic systems, unless to address a documented health or safety threat, serve Highlands redevelopment areas, or provide for "minimum practical use in the absence of any alternative." An example of the latter situation is where lots are encumbered by severe environmental constraints, precluding use of individual on-site systems, and the proposed development is next to existing utility services. (RMP, pp. 271, 272).

The Highlands RMP seeks to minimize creation or extension of public water and wastewater systems in the Protection and Conservation Zones and Environmentally-constrained Sub-zones of the Planning Area. Policies and objectives are more permissive in the Existing Community Zone. Local regulations must prohibit new or expanded public water and sewer systems or on-site systems within the Protection and Conservation Zones and the Environmentally-constrained Sub-zones unless 1) through a waiver from the Highlands Council to address a documented health and safety threat, avoid a taking of private property without just compensation or serve a Highlands redevelopment area; or 2) serve a cluster development that satisfies all applicable cluster requirements. In all cases, developments must maximize protection of sensitive environmental resources (Objectives 2J4a and 2K3c).

Municipalities can only approve cluster developments that are served by public water and sewer in the Protection and Conservation Zones and the Environmentally-constrained Sub-zones of the Planning Area if extension of an existing system occurs within or immediately adjacent to an existing area served with available capacity; creation of a new water system occurs only if the development is not within or immediately adjacent to an existing area served with available capacity; and the cluster development preserves 80% to 90% of the project area in perpetuity (Objective 2J4b, 2K3d). Creation of a community on-site treatment facility can only occur where the clustered development is not within or immediately next to an existing area served with available capacity, the system capacity is limited to serve the clustered development and does not create the potential for future expansion into other areas (Objective 2K3d).

In the Existing Community Zone of the Planning Area, water and sewer infrastructure is allowed to serve designated Transfer of Development Rights receiving zones, infill development, new development meeting all other requirements of the RMP, or to address the same waiver provisions as apply in the Protection and Conservation Zones and Environmentally-constrained Sub-zones noted above. Highest priority for allocation of excess or additional sewerage treatment capacity is assigned to areas with clusters of failed septic systems within or adjacent to existing areas served (Objectives 2J4c, 2K3e).

Within the Preservation Area and Planning Area, Executive Order 114 prohibits amendments to areawide water quality management plans within the Protection or Conservation Zone or Environmentally-constrained Sub-zones of a subwatershed that has a deficit of net water availability until a municipal water use and conservation management plan is approved by the Highlands Council and is fully implemented. In effect, this means that NJDEP cannot accept any wastewater management plans for new systems or expansion of existing systems until this condition is met.

New residential development served by public community water must be at a minimum density of .5 acres per dwelling unit for the developed portion of the site unless served by septic systems. New non-residential development served by public water systems must have a target floor area ratio of .84 for the developed portion of the site, unless served by septic systems. The same thresholds apply to new residential development served by public sewer systems (Objectives 2J7c and 2J7d and 2k4a and 2K4b). These policies apply both to the Preservation and Planning Areas.

Within the Highlands Preservation Area, NJDEP prohibits more than one new individual subsurface disposal system per 88 acres of forested areas and one per 25 acres on non-forested lots (N.J.A.C. 7:38-3.4 (b) 1 and 2). These very restrictive provisions are further affected by a series of environmental resource protection standards that could further reduce development potential.

For planning purposes, the Highlands Council Water Resources Technical Report (2008) estimates total additional septic systems that would be permitted by HUC14 subwatershed for the Protection, Conservation and Existing Community Zones in the Planning Area (see Septic System Yield Map and Table, which show Protection and Conservation Zones only). Septic yield is based on permitted nitrate concentrations in the ground water, which vary according to Land Use Capability Zone (Objective 2L2a, 2L2b and 2L2c). Municipalities will conduct a build-out analysis as part of Plan Conformance to confirm the maximum yield by Land Use Capability Zone and base appropriate zoning densities on these yields. They must also decide whether to factor in development resulting from Highlands exemptions into the total yield. In cluster developments served by septic systems, gross density must be based on the nitrate target for the applicable Land Use Capability Zone for the tract, but based on a maximum of 10 mg/liter of nitrates for the developed portion of the site (Objective 2L2e). Properties in the Existing Community Zone that are reliant on septic systems must be reviewed on a project-by-project basis, using a nitrate target of 2 mg/liter (Objective 2L2d).

HOLLAND TOWNSHIP SEPTIC YIELD AND REPRESENTATIVE DENSITIES IN HIGHLANDS PLANNING AREA

	Estimated Total # of New Septic Systems Allowed by Subwatershed (HUC14)				Median Septic System Densities/Lot Sizes
Land Use Capability Zone/Nitrate Standard (milligrams per liter)	Musconetcong below Warren Glen	Hakihokake to Musconetcong	Hakihokake Creek	Harihokake Creek (and to Hakihokake Creek)	
Protection Zone/.72 mg/l	4	18	11	1	26.1*
Conservation Zone/ 1.87 mg/l	35	28	132	39	10
Total	39	46	143	40	

*In its Consistency Determination Review of the Holland Township Wastewater Management Plan, the Highlands Council estimated densities in the Protection Zone of 30 – 36 acres per dwelling unit.

Note: Only those HUC14 subwatersheds within the Planning Area are included in this chart.

Source: NJ Highlands Council Water Resources Technical Report, Volume 1 (September, 2008) and GIS data supplied by Highlands Council.

To assist municipalities, the Highlands RMP directs the Council to development standards for water and wastewater utility capacity, service areas, service densities and environmental protection requirements. The Council will release a build-out analysis tool that uses information about utility capacity, septic system capacity and available, developable land to estimate development potential and land use capability in the municipality.

Holland Township Plans & Regulations

The entirety of Holland Township falls within HUC14 subwatersheds that are in net water supply deficit and are thus assigned conditional water availability. As a result, the Township must adopt a water use and conservation management plan, a requirement for Plan Conformance. Under Executive Order 114, the water use and conservation management plan is required before NJDEP can authorize an amendment to an areawide water quality management plan. Thus, the Township's proposed Wastewater Management Plan, which constitutes an amendment to an areawide water quality management plan, would not be facilitated by NJDEP until the water use and conservation management plan is adopted, implemented and approved by the Highlands Council.

As noted earlier, on September 11, 2008, the Highlands Council issued a Highlands Regional Master Plan consistency determination review of Holland Township's Wastewater Management Plan. The consistency determination review found the Wastewater Management Plan largely inconsistent with the RMP. Unless NJDEP grandfathers the Township WMP from the Highlands Rules, it will have to take into consideration the Highlands Council's comments. In either event, it seems likely that E.O. 114 will directly impact the ability of the Township to expand its sewer service area, as proposed in its WMP.

The Highlands Council consistency determination review began with the designation of existing areas served by sewer lines in the ground. The Council mapped these areas based on records secured by the firm of Hatch Mott MacDonald. The resulting delineation differs from Holland Township's mapping of existing sewer service areas presented in its Wastewater Management Plan (see Holland Township Wastewater Management Plan and Domestic Sewerage Facilities Maps). The discrepancy is, at least in part, due to the absence of certain areas shown on the Highlands Council mapping that are currently served by sewer lines. The discrepancy is also the result of different mapping assumptions. The Highlands Council included only parcels or portions thereof currently served by pipes in the ground. Holland Township's mapping of the existing sewer service area included the entirety of parcels and even captured some parcels that are not hooked into the sewer system but have collection pipes passing along the frontage of the property.

Data discrepancies have important implications because the degree to which the Highlands Council has rendered the Wastewater Management Plan inconsistent with the Highlands RMP might be somewhat reduced if it can be shown that the Township's mapping demonstrates lesser encroachment into environmentally sensitive areas. This begins by supplying the Council with proof, vis-à-vis billing records, of all properties currently served. **In the end, mapping must be reconciled so that all entities are utilizing the most accurate data available in identifying and addressing issues.**

Given the Highlands Council consistency determination review, it appears that Holland Township would, in effect, have to make all of the requisite changes to its Master Plan and land use regulations to conform to the RMP in both the Preservation and Planning Areas in order for its Wastewater Management Plan to be rendered consistent with the RMP. Thus, while Plan Conformance is voluntary in the Planning Area, if NJDEP accepts the Highlands Council consistency determination review and recommendations, Township-wide

Conformance becomes a pre-requisite for Wastewater Management Plan adoption into the areawide water quality management plan.

Among the key items that would have to be addressed by the Township in response to the consistency determination review are the following:

- Holland Township must adopt a deficit mitigation program and a water use and conservation management plan to address water deficits. Although the Township has a draft water conservation ordinance (August 2007), it is not sufficiently restrictive to mitigate deficit subwatersheds.
- The proposed CA District Ordinance does not meet the RMP policies and objectives governing clustering in agricultural resource areas (Policy 3A5 and associated Objectives). For instance, it does not mandate clustering and fails to require the minimum set aside of open space articulated in the Highlands RMP (80% - 90%). It should be noted that the existing cluster provisions are even less consistent with the Highlands RMP.
- Huntington Knolls, a proposed affordable housing project in the PCD/PSV District that received preliminary and final site plan approvals for Phase I, is located in the Conservation Zone and Environmentally –constrained Sub-zone. A second proposed affordable housing site, known as the Galloway farm, located on the northeast quadrant of the intersection of Routes 519 and 614, and falls within the Conservation Zone and Environmentally-constrained Sub-zone as well. The Highlands Council deemed extension of sewer service to both sites inconsistent with the RMP. This is in part because the Township's existing plans and regulations fail to adequately protect critical wildlife habitat mapped by the Council in both locations, including the Cooper's Hawk at Huntington Knolls and Bobolink at the Galloway Farm.¹¹ Furthermore, both sites are in an agricultural resource area, and therefore must meet all aspects of the RMP's mandatory clustering provisions. The Highlands RMP permits the extension of water and wastewater systems or creation of new systems within the Conservation Zone of the Planning Area only if they are intended to address a public health and safety threat, serve a Highlands redevelopment area, avoid a taking of private property without just compensation, or serve certain cluster developments. In all cases, the project must protect sensitive environmental resources. Said cluster developments must preserve at least 80% to 90% of the site in open space, and meet other RMP requirements.

¹¹ In a May 2007 letter from NJDEP to the Holland Township Engineer, the Department acknowledged that the Gardner site was not suitable habitat for Bobolinks. However, it was determined to be suitable habitat for the Wood Turtle, requiring habitat mitigation in exchange for sewer service extension to the portion of the site not already served.

- As proposed, the Huntington Knolls project (comprising most of the PCD/PSV Zoning District) does not preserve 80% to 90% of the site in open space. Furthermore, it encroaches into Highlands open water buffers and steep slopes, and fails to provide for low impact development best management practices within riparian areas and forested areas of the Conservation Zone.
- Septic system densities in the Planning Area outside of the sewer service area, as calculated by Holland Township, do not vary by Land Use Capability Zone. The Holland Township Wastewater Management Plan (August 2007) includes a nitrate dilution analysis to determine appropriate lot sizes. The WMP relied on the NJDEP nitrate-carrying capacity planning model which calculates septic system density by HUC11 (Hydrologic Unit Code 11) subwatershed. A HUC11 subwatershed encompasses a larger land area than does a HUC14 subwatershed. The Township's analysis relied on a target nitrate concentration of 1.0 milligrams per liter. The target was derived from a review of well records within the Township. Using the NJDEP nitrate-carrying capacity planning model, the WMP derived lot sizes of 11.8 acres per dwelling unit in the Musconetcong River Subwatershed (HUC 11) and 14.2 acres per dwelling unit in the rest of the Township. This, in turn, informed the minimum lot size requirements in the proposed Conservation Agriculture District ordinance.

The proposed CA District ordinance calls for 15 acre lots in what corresponds to today's R-5 District, or a reduction to two acre lots with an overall density of 12 acres per unit in a clustered development or subdivision utilizing lot-size averaging. Within the Highlands Planning Area, densities as proposed would probably be consistent with total septic yield permitted in the Conservation Zone, but likely insufficient for the Protection Zone. Furthermore, the clustering provision as proposed does not stipulate acceptable concentrations within the developed portion of the site, consistent with RMP Objective 2L2e.

- The Township must undertake its own septic system yield analysis as part of an RMP-mandated build out analysis to determine whether its proposed CA zoning would be consistent with the requirements of the RMP (Objective 6G4c).
- The Wastewater Management Plan fails to demonstrate that there are municipal ordinances in place which address the resource management and protection requirements of the RMP.
- Neither the Wastewater Management Plan, master plan elements nor development regulations address inclusion of smart growth principles or programs promoting community and neighborhood design, redevelopment or infill development.
- Zoning densities permitted under the Township's land use regulations within the sewered areas do not meet the minimum standards in the RMP (Objective 2K4a). The RMP requires densities of at least two units per acre. The R-1 District, comprising the majority of existing areas served by sewers, accommodates one acre minimum lot sizes where sewer service is provided.

The Commercial District, also located in the existing areas served, calls for a maximum floor area ratio of .065. The RMP calls for a target of .84 (for the developed portion of the site).¹²

Current residential zoning in non-sewered areas is far in excess of what is likely to result from implementing RMP policies and objectives. Clearly, this is true in the Preservation Area, where the Highlands Water Protection and Planning Act Rules impose very stringent requirements of one unit per 88 acres in forested areas and one unit per 25 acres in non-forested areas. In the Planning Area, the likely average densities/lots sizes shown in the Table entitled Holland Township Septic Yield and Representative Densities in Highlands Planning Area are far larger than what is presently permitted in the R-1, R-5 and VR Districts.

In the end, NJDEP must determine to what extent, if at all, the Highlands review will factor into its decision to incorporate the Wastewater Management Plan into the areawide water quality management plan. **In the absence of such determination, it behooves the Township to pursue resolution of Highlands issues to eliminate potential barriers to the State's acceptance of its Wastewater Management Plan.**

What is Needed to Achieve RMP Consistency

To achieve consistency with RMP goals, policies and objectives, Holland Township will need to prepare/adopt:

- ✓ Revised wastewater management plan to respond to NJDEP determinations, in response to Highlands Council consistency review.
- ✓ Utility services plan addressing water and wastewater and results of the build-out analysis.
- ✓ Revised land use regulations specifying the conditions when new or expanded water and wastewater facilities can be provided, including conditions when clustered development can have public water and public or community wastewater, based on RMP policies and objectives.
- ✓ Revised land use plan element with the basis and supporting documentation for revised zoning district densities based on utility capacity and maximum septic system yield determined through the build-out analysis to be conducted during Plan Conformance.
- ✓ Revised permitted densities and intensities for zoning districts to be consistent with RMP policies and objectives for sewerred and non-sewerred areas.
- ✓ Septic system management/maintenance plan and ordinance addressing long term maintenance needs of new residential development relying on septic systems and requiring sufficient area on new lots on which to locate a replacement disposal field.

¹² Floor area ratio is the ratio of total floor area permitted on a site to the total parcel area. So .065 means that the floor area can occupy a maximum of 6.5% of the total site.

7.9 Agriculture

RMP Goals, Policies & Objectives

Under the RMP, municipalities must develop agriculture retention/farmland preservation plan elements. They also must enact development regulations promoting preservation in the agricultural resource areas (ARAs) and limiting non agricultural uses within the ARA to those supportive of farmland preservation, agricultural sustainability, protection of important farmland soils and resources (see Objective 3A4b and Agricultural Resource Area Map).

Clustering is mandatory in ARAs where farmland preservation or TDR is not feasible (Policy 3A5). All cluster developments must be buffered to avoid conflicts with non-agricultural uses (Objective 3A5b). Land preserved through clustering must be subject to a conservation easement enforceable by the Highlands Council (Objective 3A5c). When preserved land is dedicated to agricultural purposes, the local ordinance must require implementation of best management practices (Objective 3A5d). At least 80% of the site must be preserved in farmland or open space if served by septic systems in the Preservation Area (Policy 3A5 and Objective 6I1a) or public or community on-site wastewater systems in the Planning Area (2J4b). All other requirements associated with clustered development on public water and sewers, including on-site wastewater systems, apply in ARAs (Objectives 2J4b and 2K3d).

To assist municipalities, the RMP directs the Highlands Council to release a model cluster ordinance and cluster design guidelines to be incorporated into the ordinance.

Holland Township Plans & Regulations

The entire Township, with the exception of a couple of very small areas by Mt. Joy and Milford Borough, falls in the agricultural resource area. As such, most of the Township is subject to mandatory clustering requirements under the RMP.

Holland Township's Farmland Preservation Plan Element of its Master Plan is a comprehensive document that addresses farmland preservation, land use, agricultural sustainability and natural resource conservation, consistent with Objective 3A4b. The Farmland Preservation Plan Element was completed prior to adoption of the Highlands Regional Master Plan. Consequently, it does not acknowledge or specifically relate land use, conservation or other issues specifically to the RMP agricultural resource areas.

Clustering in Holland Township is strongly endorsed in its Master Plan and permitted by ordinance in the R-5 District. It is not, however, mandatory in any part of the Township. The existing regulations require only 30% of the site be set aside in open space. The proposed Conservation Agriculture zoning requires 70%. Neither requirement meets the minimum of 80% stipulated by the Highlands RMP.

Although clustering is required in agricultural resource areas, the lot size requirements within the Preservation Area, dictated by the Highlands Water Protection and Planning Rules, are so restrictive that the application of the cluster requirement may be somewhat irrelevant.

Mapping of preserved farmland in Holland Township provided by the Highlands Council differs from municipal data. This must be reconciled as part of the RMP Update process to ensure the most accurate maps and data are being used in the Plan conformance process.

What is Needed to Achieve RMP Consistency

To achieve consistency with RMP goals, policies and objectives, Holland Township will need to prepare/adopt:

- ✓ Updated Farmland Preservation Plan Element to acknowledge agricultural resource areas and associated RMP policies and objectives, particularly with regard to clustering of development.
- ✓ Revised land use regulations governing clustered development to address RMP minimum land preservation requirements, buffering requirements, easement enforcement requirements, and implementation of best management practices for agricultural lands specifically. RMP policies and objectives governing access to public water and sewers also must be incorporated into the land use regulations.

7.10 Redevelopment, Smart Growth, Sustainable Economic Development and Transfer or Development Rights

RMP Goals, Policies & Objectives

As a condition of Highlands RMP Conformance, municipalities must identify any opportunities for development, redevelopment and brownfield redevelopment in local land use plans (Policy 6L1). Redevelopment, in Highlands RMP terminology, takes on broader meaning than that used in relation to New Jersey's Local Redevelopment and Housing Law (LRHL). Highlands redevelopment is not limited to projects that are designated as areas in need of redevelopment under the LRHL. By the same token, given an additional layer of approvals required by NJDEP and the Council, projects that do fall under the LRHL are subject to additional oversight vis-à-vis the Highlands RMP provisions.

In the Preservation Area, the Highlands Council encourages redevelopment of sites with 70% or more impervious surfaces as well as brownfield sites (Policy 6J1). Redevelopment of these areas must be in accordance with Highlands Water Protection and Planning Act Rules. In the Preservation Area, NJDEP grants waivers from the Highlands Rules on a case-by-case basis for redevelopment in brownfields and areas previously developed with 70% impervious coverage.

The Highlands Council also plays a role in Preservation Area redevelopment, in that the proposed site must be deemed appropriate by the Council before it can qualify for a waiver from the Highlands Rules. For previously developed properties with at least 70% impervious coverage, the Highlands Council must first approve designation of the site through an approval process called the Highlands Redevelopment Area Designation process. Next NJDEP must review the proposed project and issue a Highlands Preservation Area Approval with waiver if all requirements are addressed.

If the site in the Preservation Area is a brownfield site, it must first be designated as a Highlands brownfield site by NJDEP. Next, the Highlands Council must designate the site as appropriate for redevelopment through the Highlands Redevelopment Area Designation process. Then NJDEP must review the proposed redevelopment project and grant a Highlands Preservation Area Approval with waiver once all requirements are met.

In the Existing Community Zone of the Planning Area, the RMP encourages redevelopment of brownfields, grayfields and other previously developed areas with infrastructure capacity. In the Conservation and Protection Zones of the Planning Area, it encourages redevelopment of brownfields and grayfields with infrastructure capacity (Policies 6J2 and 3). Highlands Council approval is required in the Conservation and Protection Zones. Approval can be granted either through the Plan Conformance process or else through the Highlands Redevelopment Area Designation process. Highlands Council approval is not required for redevelopment in the Existing Community Zone of a conforming municipality, although projects can be reviewed by the Council if they conflict with RMP policies.

Municipal master plans and regulations must incorporate programs for community and neighborhood design that support varied housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures and infill development (Policy 6N5). New development in the Existing Community Zone should be "center-based" in design, to the extent that municipalities want to encourage growth (Policy 6F6). By center-based, it means that development should be compact, walkable and support a mix of uses. While densities of five dwelling units per acre or more are encouraged, they are not mandated. Clearly, if any portion of the Existing Community Zone is outside of an existing sewer service area and is not planned for future sewer service, then densities and design must respect the constraints to center-based design posed by septic systems.

Municipalities are required to adopt low impact development best management practices where disturbance to environmentally sensitive resources are proposed. Such resources include, for example, steep slopes, forest resources, critical habitat, Highlands open waters and riparian areas, and prime ground water recharge areas (Policy 6N4). Key to low impact development best management practices is a site analysis and planning process for development projects to ensure that appropriate natural and energy resources are conserved. The process begins with an analysis of natural features on site to guide site design, stormwater management and resource protection. The RMP then offers an assortment of site design, building orientation, landscaping, water conservation, stormwater management, and ground water recharge techniques to be utilized on site.

Should municipalities be interested in pursuing the Transfer of Development Rights, they must comply with RMP Policies and Objectives. TDR enables owners of properties targeted for preservation (called TDR sending zones) to sell their development rights to developers who then transfer development potential to designated growth areas (called TDR receiving zones). All Highlands Preservation Area lands outside of any Existing Community Zones are eligible to become TDR sending properties. Likewise, in the Planning Area, all lands except for those in the Existing Community Zone and approved redevelopment areas may become sending parcels (Policies 7B3 and 7B4). TDR receiving zones can be located in the Existing Community Zone, Highlands redevelopment areas, or under certain circumstances, in the Conservation Zone (Policies 7D1 and 7D2). Participation in TDR is entirely voluntary. The program can be intra-municipal or inter-municipal. The RMP encourages intra-municipal TDR as a way to address properties exempt from the Highlands Rules (Objective 7H1a). It also calls for local programs that allow both clustering and noncontiguous clustering of exempt properties (Objective 7H1b).

To assist municipalities the Highlands RMP directs the Highlands Council to provide a community design handbook for municipalities to use as guidance for preparing acceptable standards for mixed use, infill, historic resources, cluster and lot-size averaging. Green building, redevelopment, low impact development standards, etc.

Holland Township Plans & Regulations

The Holland Township Periodic Reexamination Report (2007) indicates that the Township has not as yet adopted any redevelopment plans. However, it remains alert to opportunities, particularly at the two former mills along the Musconetcong River that are presently vacant. The Warren Glen Mill is situated in the Highlands Preservation Area, while the Fibermark Hughesville Mill is south of this site, in the Planning Area. Both sites are flagged by the Highlands Council as Tier 1 Contaminated Sites, meaning that they are potential brownfield sites (see Contaminated Sites Map).

Holland Township accommodates infill development within the Existing Community Zone in the form of residential and commercial development, depending upon the location. The Township has entertained the idea of two small hamlets along Route 519, in part to accommodate affordable housing. However, according to the Highlands Council, they are not designed in a compact, center-based pattern, nor are they pedestrian-oriented. While the Council has yet to release smart growth design guidelines, it is presumed that the design guidelines would incorporate accepted notions of center-based growth. As such, Holland Township's ordinances would have to be revised to address pedestrian linkages, interconnected vehicular circulation, mixed uses within and between sites, diverse housing options, and shallow building setbacks from the street typical of a town, village or hamlet. In reality, the Existing Community Zone is already largely developed. It falls within the R-1 and R-5 Zoning Districts. There is limited opportunity for additional growth. However, if RMP policies were to be applied here and sewer service extended, then the R-5 District regulations for the Existing Community Zone would have to be revised to accommodate center-based growth patterns.

Holland Township's ordinances do not adequately provide for low impact development best management practices. Although the Highlands Council deemed the Township's stormwater management ordinance to be in conformance with statewide regulations, it concluded that the Township's land development ordinances are not sufficient to protect Highlands resources and demand low impact development best management practices.

What is Needed to Achieve RMP Consistency

To achieve consistency with RMP goals, policies and objectives, Holland Township will need to prepare/adopt:

- ✓ An inventory of potential redevelopment areas.
- ✓ Center-based design standards for future development and infill within the Existing Community Zone to be served by public sewer.
- ✓ Amended land use regulations incorporating low impact development best management practices to protect natural resources.

8. LANDOWNER EQUITY IMPACTS OF OPTING INTO THE HIGHLANDS REGIONAL MASTER PLAN

Landowners affected by the strict density provisions of the RMP have a few avenues for protecting equity. This they can do if they are able to obtain a waiver, qualify as an exemption, or participate in a municipally-sponsored Transfer of Development Rights program.

Within the Preservation Area, development is severely constrained under provisions of the Highlands RMP and Highland Water Protection and Planning Rules, as noted earlier. This presents an interesting equity challenge to property owners. New or expanded sewer service areas in the Preservation Area can only occur through a waiver. Waivers from NJDEP are granted on a case by case basis through a successful demonstration of the need to protection public health and safety; for certain redevelopment projects; or to avoid the taking of property without just compensation (N.J.A.C. 7:38-6.4). Given the stringency of the waiver provisions, more likely than not, any new development that does occur in the Preservation Area will be reliant upon septic systems. As such, it will be subject to very strict limitations based not only on natural resource protection standards in the Highlands Water Protection and Planning Act Rules and Highlands RMP, but also on septic limitations in the Rules.

Within the Planning Area, development outside of sewer service areas is constrained, particularly in the Protection Zone. Waivers from the RMP provisions may be granted by the Highlands Council in the Preservation and Planning Areas, but only on an individual project basis. Such waivers are based on a public health and safety threat; to permit Highlands redevelopment; to address a takings; or to serve cluster development that meets all RMP provisions.

Properties that qualify for exemptions under the Highlands Rules and Act are able to circumvent the strict development standards governing the Preservation and Planning Areas. It will be important for Holland Township to analyze parcels to determine those which will likely qualify for exemptions. Furthermore, when Holland Township conducts a build-out analysis, it will need to decide whether to include or exclude exempt properties from calculations of total permitted septic yield by Land Use Capability Zone in the Planning Area. A quick review of tax parcels that are classified either as vacant (Property Class 1) or Farm Qualified (Property Class 3B) suggests that there are a fair number of properties that will, in fact, potentially qualify as exemptions in Holland Township.

Holland Township may want to consider TDR as a way to preserve Preservation and Planning Area properties while still enabling owners to secure compensation. To this end, it may be possible to cooperate with another municipality interested in designating a TDR receiving area; or to create a limited TDR program exclusively within the Township. Finally, the Highlands Council targets properties for preservation in agricultural and conservation priority areas (Policy 1H3). Holland Township may want to aggressively pursue preservation opportunities with the Council.

The Holland Township Master Plan endorses the use of density transfers for noncontiguous properties in common ownership to help preserve large tracts of open space in exchange for higher densities of development. However, it does not specifically call for the

Transfer of Development Rights. TDR is supported in the Open Space and Farmland Preservation Plan Elements. But it is not specifically discussed in light of the program elements associated with the Highlands Water Protection and Planning Act and the Highlands RMP. This is something that the Township should study at greater length during the Plan Conformance process.

9. BASIC PLAN CONFORMANCE REQUIREMENTS

As of the date of this report, the Highlands Council released two important documents that inform the Plan Conformance process. The first is called "Basic Plan Conformance for Municipalities: Key Requirements" (April 11, 2008). The second document is called "Plan Conformance Guidelines" (September 16, 2008). By early 2009, the Council expects to release a model Highlands Master Plan Element, Environmental Resource Inventory, land use regulations, and environmental protection standards for purposes of achieving Basic Plan Conformance. The Master Plan Element is intended to be adopted as a supplemental element to the existing municipal master plan, with relevant changes to it as needed to reflect local conditions. The idea is to minimize the amount of revisions needed to individual elements of the master plan by adopting supplemental plan elements for purposes of attaining Basic Plan Conformance. The Council's soon-to-be-published model master plan documents and regulations will be critical to gaining a better understanding of the extent of change that will have to occur locally to achieve Basic Plan Conformance.

Basic Plan Conformance helps municipalities attain Conformance in the Preservation Area within the statutory time (9 to 15 months from the date of RMP adoption) established in the Highlands Act. The deadline for Basic Plan Conformance is December 8, 2009. Full Plan Conformance sets forth additional requirements at the local level but these do not need to be addressed within that time frame. There is no deadline set as yet for Full Plan Conformance.

The process of Basic Plan Conformance is also available in the Planning Area. There are no statutory deadlines, nor is it mandatory in the Planning Area. However, the Memorandum of Understanding between the Highlands Council and COAH establishes the same deadline of December 8, 2009 in order to receive two critically valuable benefits from COAH. First is an extension for submitting Third Round housing element and fair share plan from December 31, 2008 to December 8, 2009. Second is the ability to utilize adjusted growth projections that will likely result in a reduced affordable housing obligation.

Municipalities that seek an extension for submitting their Third Round housing element and fair share plan to COAH and seek adjusted growth projections must, at a minimum, petition the Highlands Council for Plan Conformance for both the Preservation and Planning Areas, as applicable. Holland Township has submitted the necessary documentation to the Highlands Council and to the Council on Affordable Housing, indicating its intent to petition the Highlands Council for Basic Plan Conformance by December 1, 2009 and its intent to submit its Third Round housing element and fair share plan to COAH no later than December 8, 2009.

9.1 Mandatory Components of Basic Plan Conformance

Basic Plan Conformance entails the following steps and documentation:

Notice of Intent to Conform – A formal resolution of the governing body indicating its intent to petition the Highlands Council for Plan Conformance. For municipalities that are in both the Preservation and Planning Areas, the notice must indicate whether the municipality intends to include the Planning Area in the petition. A Notice of Intent to petition in the Planning Area does not commit a municipality to Planning Area Conformance in the end. On the other hand, it entitles it to an extension for Third Round submissions to COAH and to revised growth projections, providing the municipality carries through with conformance. **Holland Township has completed this step.**

Preservation Area Resolution – A certified resolution from the local governing body endorsing the proposed planning program revisions and petitioning the Highlands Council for a determination of Plan Conformance at the time the Township is prepared to submit for Basic Plan Conformance.

Planning Area Ordinance – A copy of the ordinance petitioning the Highlands Council for a determination of Plan Conformance, at the time that the Township is ready to submit documentation for Basic Plan Conformance.

Regional Master Plan Updates – Municipalities seeking to make factual corrections and changes to any mapped or tabular data contained in the RMP must submit them in the form of RMP Updates. A web-based program will be available for submitting these requests. Alternatively, municipalities can submit requisite documentation in hard copy. It is recommended that as a first step, Holland Township submit detailed information on existing areas served by public water and sewer as well as preserved farms and open space. Data supplied by the Highlands Council appears to be in conflict with local information and should be resolved as soon as possible, but certainly by early 2009. Corrected data will be critical in one of the earliest steps of the planning process toward achieving Basic Plan Conformance and revised COAH growth projections, namely the Highlands build-out analysis.

The Highlands Council requires specific documentation for each category of RMP Updates. For updates on existing areas served by wastewater treatment other than individual septic systems, Holland Township must submit either billing records with appropriate property location information; NJDEP Treatment Works Approval with fully executed As-Built Plans; NJPDES discharge permit for on-site treatment and discharge system, with parcel block and lot identified; or utility engineer certified map or plan with block and lot identified. Additionally, it must include the NJPDES Permit Number, facility name, discharge type (surface vs ground water), acreage of service area within the Highlands, total permitted capacity, Highlands portion of permitted capacity, total maximum three month discharge, Highlands portion thereof, and current available Highlands capacity. Much of the additional information itemized above is already available in the Township's Wastewater Management Plan.

To correct the boundaries of areas currently served with potable water, Holland Township must submit one of five types of information. It can submit an NJDEP approved master permit along with written local utility approval of the connection based on the master permit; NJDEP approved initial or renewal physical connection permit; quarterly physical connection and maintenance report; NJDEP approved permit to construct or operate a new public community water system; or existing billing records with appropriate property location information. Along with this information, the Township must submit the public water system identification number, purveyor name, total water supply, total water demand, maximum monthly water demand and available water capacity.

To update existing preserved lands, Holland Township must submit either fully executed conservation easement and mapped delineation of the area to which the easement applies if not the full parcel; municipal or county resolution; or Recreation and Open Space Inventory with block and lot noted.

It is important to note that a great deal of up front analysis of Highlands data layers will be necessary before Map Updates or the below-described Map Adjustments can be completed. That is, underlying data associated with Highlands GIS maps will be important to scrutinize and understand early on in the Plan Conformance process. This will take a great deal of time and effort, as demonstrated by the extensive analysis already underway to assemble an accurate open space and preserved farmland inventory. In some cases, it may be necessary to actually redraw data layers in order to understand their significance and geographic scope, including data which refers to parcels but is not displayed over a parcel background layer. This must be recognized because of the assumed time and cost that will be associated with this very important task.

Map Adjustments – Municipalities seeking to make changes specifically to the Land Use Capability Zone Map that go beyond factual corrections associated with RMP Updates must submit justifications for changes. The Highlands Council has initiated a Map Adjustment in Holland Township that removed a residential area from the Existing Community Zone and placed it in the Protection Zone. Holland should carefully review the Land Use Capability Zone boundaries in the Riegel Ridge and Spring Mills areas, with particular attention toward evaluating the exclusion of certain parcels from the Existing Community Zone, including but not limited to developed parcels which are located within the existing sewer service area delineated by the Township. If the Highlands Council accepts RMP Updates for sewer service areas, it is possible that the Council may make map adjustments based on these factual updates.

Planning Program Documents – Proposed substantive revisions, updates and/or supplements to the master plan, land use regulations, management plans, redevelopment plans and other assorted planning documents that must be completed as a condition of Plan Conformance. Note that for Basic Plan Conformance, the Highlands Council recommends adoption of relevant RMP provisions and Land Use Capability Zone Map and regulations as a Highlands Master Plan Element and a Zoning Overlay District. More comprehensive revisions to the existing master plan and ordinances can be done later on for Full Plan Conformance.

The following is a description of the plans and regulations needing revisions. Again, plan revisions can be done in the form of a single Highlands Master Plan Element.

- Adoption of broad-based goal statements consistent with the Highlands RMP - Most likely, these will be drawn directly from language contained in the Highlands Water Protection and Planning Act (see pp. 12 and 13 of this document). As such, one set of goals would relate to the Preservation Area, and the other set to the Planning Area. Holland Township's master plan goals are reasonably consistent with the goal statements in the Highlands Act, though there will likely be some adjustments. Consideration should be given to more resource-specific goals and to distinguishing goals in the Preservation Area from goals in the Planning Area. The Township may want to revise its current goal statement related to a planned Village Center to reflect more current thinking. Its goal related to affordable housing should add a qualifying statement that relates affordable housing obligations to the Highlands RMP.
- Land Use Plan Holland Township will need to adopt the Highlands Land Use Capability Zone categories and the map series upon which Zone policies are based. Additionally, the Township will have to adopt the Highlands RMP water and wastewater management policies and objectives, along with septic yields for Planning Area locations outside of sewer service areas, as the basis for establishing maximum density/intensity of development. The Land Use Plan must include the basis for cluster development standards that conform to the RMP. Also, it must incorporate a current developed land inventory map. It is important to note that the Township's proposed hamlets along Route 519 do not meet the Highlands Council expectations for smart growth and fail to sufficiently protect Highlands sensitive resources. Therefore, they will need to be re-evaluated.
- Housing Plan – Holland Township must adopt all applicable RMP goals, policies and objectives but modified to reflect local conditions. As mentioned earlier, revised growth projections based on consistency with the Highlands RMP will be folded into new housing documentation to be submitted to COAH no later than December 8, 2009..
- Environmental Resource Inventory – Highlands Resource Area maps must be added to an existing ERI, along with descriptions of the resource categories. Holland Township has a comprehensive ERI. It contains a great deal of relevant information. However, it does not include the Highlands Resource Area maps, since it was prepared prior to adoption of the Highlands RMP. This renders the ERI incomplete in some areas and out-of-date in others. Therefore, additional maps will have to be incorporated into the ERI to supplement or replace maps currently in the ERI. Relevant maps include Forest Resources, Highlands Open Waters and Riparian Areas, Steep Slopes, Critical Wildlife Habitat, Significant Natural Areas, Certified Vernal Pools, Carbonate Rock Areas, Prime Ground Water Recharge Areas, and Wellhead Protection Areas. Additional text must be included as well, describing the Highlands Resource categories as defined in the RMP.

- Conservation Plan – Holland Township must adopt all applicable Resource Area Maps contained in the RMP, consistent with the maps to be added to or amended in the ERI. The Plan must also contain applicable goals, policies and objectives contained in the RMP, modified as needed to local conditions. Finally, it must incorporate the basis for requiring low impact development best management practices throughout the resource areas. Holland Township does not currently have an adopted Conservation Plan Element. Therefore, this is entirely new information that must be added to the existing Master Plan.
- Utilities Plan – Holland Township has a Utility Services Plan Element in its Master Plan (2001). However, it must be revised. Specifically, the Township needs to incorporate all applicable RMP goals, policies and objectives, modified to reflect local conditions. The Plan needs to emphasize that existing water and sewer service areas will not be extended in the Preservation Area, except by NJDEP approval or exempt uses and activities. Likewise, it needs to state that existing water and sewer service areas will not be extended in the Protection or Conservation Zones within the Planning Area unless in conformance with RMP requirements. Existing water and sewer service area maps must be reconciled with Highlands data and appropriate adjustments made in various master plan elements, including the Utilities Plan, Environmental Resource Inventory and Wastewater Management Plan. Proposed sewer service areas will have to be modified, depending upon NJDEP review of the current WMP that the Township submitted for approval. The Utilities Plan must include the basis for the preparation and adoption of a water use and conservation management plan, wellhead protection plan, septic system management/maintenance plan and stormwater management plan which are consistent with the RMP. Holland Township has a stormwater management plan, though this must be reviewed for consistency with the RMP. All other plans will have to be newly created and adopted to achieve Full Plan Conformance. The basis for each will need to be spelled out in the Highlands Master Plan Element to achieve Basic Plan Conformance. Finally, the Utilities Plan will have to recognize adherence to adopted Highlands water and wastewater technical guidance documents.
- Circulation Plan – Municipalities must adopt all applicable RMP goals, policies and objectives, modified to local conditions. In turn, these must be coordinated with the Land Use Plan and smart growth principles included therein. Holland Township does not have a current Circulation Plan. A Circulation Plan in Holland Township will likely need to promote such policies as connectivity, and land use patterns that promote walking and bicycling. It will need to address strategies that support movement of goods within the agricultural sector. And it will need to create the basis for local regulations that prohibit growth-inducing roadway infrastructure which are detrimental to resource protection and smart growth principles.
- Open Space Plan - Basic Plan Conformance requires adoption of all applicable RMP goals, policies and objectives related to open space planning, as well a mapped recreation and open space inventory. Holland Township's Open Space Plan needs minor modification. The inventory of existing preserved farmland and open space may need to be updated and to reflect any additional properties that are included in the Recreation and Open Space Inventory required by the NJDEP Green Acres

Program. It also must incorporate language addressing stewardship and monitoring programs for preserved lands owned by the Township. Mapping of preserved open space should be reconciled with Highlands maps to ensure consistent and current data at both levels.

- Agriculture Retention/Farmland Preservation Plan – All applicable RMP goals, policies and objectives must be adopted and modified as appropriate to local conditions. The Plan must incorporate a commitment to the Right to Farm Act and, if desired, promotion and protection of farm labor housing. It also needs to include a current, mapped inventory of preserved farmland. Holland Township has a recently-completed Plan that was submitted to the State Agriculture Development Committee (SADC) for its approval. The Plan should be modified to incorporate goals, policies and objectives concerning RMP agricultural resource areas and agricultural priority areas. The Plan already includes reference to a right-to-farm ordinance that is in place and the purpose of such ordinance. Hopefully, the SADC and Highlands Council will coordinate to ensure a consistent review and set of criteria by which to assess Agriculture Retention/Farmland Preservation Plan requirements for Highlands communities. Municipal and Highlands data and mapping related to preserved farmland should be carefully reviewed and reconciled, similar to open space data. This can be done as part of the RMP Update process.
- Community Facilities Plan – A Community Facilities Plan must include not only all applicable RMP goals, policies and objectives, modified to reflect local conditions; it must also contain energy efficiency goals and consideration of shared services. This will have to include policies addressing the location of community facilities and services that support compact development patterns, consider the feasibility of shared services, and adopt energy efficiency goals. Holland Township does not have an up-to-date Community Facilities Plan. The Periodic Reexamination Report (2007) recommends adoption of such a Plan Element.
- Sustainable Economic Development Plan – The RMP contains a variety of goals, policies and objectives that relate to economic development and sustainability. Of particular relevance to Holland Township will be consideration of the agricultural sector, potential redevelopment opportunities associated with the two defunct mills, and recreation and tourism. Applicable goals, policies and objectives must be adopted and modified to reflect local conditions. Holland Township does not have an Economic Development Plan Element. Thus, this will require new language.
- Historic Preservation Plan – The RMP contains goals, policies and objectives related to historic preservation. Those applicable to Holland Township must be adopted, reflective of local conditions. Also, it must include a list and discussion of any historic, cultural and archeological resources listed in the Highlands Historic and Cultural Resources Inventory. This Inventory includes all properties listed on the New Jersey or National Register of Historic Places; all properties deemed eligible for listing on either Register; and all properties for which a formal opinion by the State Historic Preservation Office (SHPO) has been issued. A SHPO opinion is an evaluation for eligibility prepared when a federally funded activity is expected to have an effect on historic

properties not listed on the National Register. The Highlands Inventory includes seven Historic Districts and seven additional sites and structures in Holland Township. The Township has a Historic Preservation Committee, created by ordinance. It also requires consideration of historic resources for development applications in the Environmental Impact Assessment. But the Township does not have an adopted Historic Preservation Plan. Therefore, while Basic Plan Conformance requirements are relatively simple, the Township will have to adopt new language.

- Relationship of Master Plan to Other Plans, including the Highlands RMP – The Master Plan must include a policy statement demonstrating that the proposed development and/or redevelopment of the municipality as set forth in the municipal master plan is consistent with the Highlands RMP. The Holland Township Master Plan (2001) contains a statement relating the Master Plan to the State Plan, Hunterdon County Growth Management Plan and master plans of surrounding municipalities. A new policy statement must now be incorporated, relating the Master Plan to the Highlands RMP.
- Zoning/Land Use Ordinances & Development Regulations – Basic Plan Conformance requires a number of additions and or changes to municipal regulations. First, the definitions section must be amended to include definitions of “Highlands Council,” Highlands RMP “Areas,” (Preservation and Planning Areas), “Zones” (Land Use Capability Zones), and other terms specific to the Highlands RMP. Zone Districts and District Regulations must be amended by adopting a caveat stating that the NJDEP Preservation Area Rules and Highlands RMP provisions will apply to all non-exempt development. Furthermore, water and wastewater treatment availability and limitations on utility extensions may affect lot size and lot coverage requirements, as will septic systems in areas not served by public wastewater. Cluster development provisions must be included in the Ordinance, reflecting RMP goals, policies and objectives. Regulations must be enacted supporting RMP policies and objectives governing resource protection of open water and riparian areas, ground water recharge areas, wellhead protection, stormwater management, steep slopes, carbonate rock, forest areas, agriculture, open space monitoring and stewardship, critical habitats, low impact development, and historic, cultural and scenic resources. Resource regulations will dictate that development applications include maps and plans which identify Highlands resources and that protective conservation easements are a condition of approval. Additionally, ordinances must provide for required noticing of the Highlands Council for non-exempt development applications, provisions for noticing the Highlands Council of local actions taken on development applications, and application procedures.
- Application Submission Checklist Ordinance - The application submission checklist ordinance must be amended to include additional required information checklists. Applicants claiming an exemption from the Highlands Act must submit a Highlands Applicability Determination from NJDEP if the application is in the Preservation Area and a Highlands Planning Area Exemption Determination from the Highlands Council if in the Planning Area. For non-exempt development, applicants must submit a Highlands Preservation Area Approval (HPAA) or HPAA with waiver from the NJDEP in the Preservation Area. Additionally, in both the Planning and Preservation Areas, they must submit a Highlands Consistency Determination from the Highlands

Council which indicates whether the development application is consistent with the RMP. If the Consistency Determination is conditioned on certain plan revisions, then the applicant must also submit certification from his professional that the plans have been revised to address inconsistencies identified by the Highlands Council. **Holland Township Council adopted such ordinances in December, 2008.**

Self-Assessment Report and Implementation Plan – Holland Township must prepare a report on progress to date made toward achieving Basic Plan Conformance; remaining steps to achieve Full Plan Conformance; and a proposed implementation plan and schedule to complete outstanding items.

Build-out Analysis – Municipalities will have to conduct a build-out analysis on an individual property by property basis, using a model that will be available through the Highlands Council. The build-out analysis will indicate the relative consistency of existing zoning to the RMP, confirm maximum septic system yield by subwatershed and Land Use Capability Zone based on RMP goals, policies and objectives, help establish appropriate zoning densities both within and outside of sewer service areas, and examine potential redevelopment sites. The build-out model will be utilized not only for Plan Conformance, but also to calculate revised growth projections to be used in assigning affordable housing need. The analysis will be conducted by each municipality, enabling local knowledge to inform the ultimate outcome. Holland Township will be required to submit to the Highlands Council a report summarizing findings from the build-out analysis.

9.2 Technical Assistance from Highlands Council

Although the Highlands Council has appropriately acknowledged the need to simplify and streamline Plan Conformance to meet the statutory deadlines, Basic Plan Conformance will still place significant demands on municipalities, including Holland Township. In order to address the ambitious program that the Highlands Council has laid out for Basic Plan Conformance, Holland Township will look to the Highlands Council for continued financial and expeditious technical support. Holland Township will request the following assistance from the Highlands Council.

- A preliminary meeting to go over elements of Basic Plan Conformance.
- Model Highlands Master Plan Element that can be tailored to the unique local context of each municipality and that will be used as the basis for a Master Plan Element that meets Basic Plan Conformance requirements.
- Model Environmental Resource Inventory.

- Model land use ordinance language.
- Model resource protection standards.
- Design guidelines and grant funding for planning for cluster development (as indicated in RMP Cluster/Conservation Design Development Program).
- Legal advice concerning regulation of critical habitats in light of the Municipal Land Use Law.
- Timely delivery of guidance documents needed for Plan Conformance including, for example, the Highlands build-out model, guidance on low impact development best management practices, guidance on the redevelopment planning process, and guidance materials for preparing the management plans referenced under the Utilities Plan Element requirements for Basic Plan Conformance.
- Clarification of specific benefits available to municipalities that pursue intra-municipal Transfer of Development Rights.
- Clarification on whether Holland Township must institute wellhead protection regulations for wellhead protection areas within Holland Township generated from wells in Milford Borough.

10. NEXT STEPS & TIME TABLE

Holland Township has demonstrated a proactive approach to the Highlands planning process. As noted earlier, it has submitted to the Highlands Council and copied COAH on a Notice of Intent to Conform to the Highlands RMP in both the Preservation and Planning Area and to petition for Basic Plan Conformance no later than December 1, 2009. It also transmitted to both entities a resolution indicating its intention to submit a Third Round housing element and fair share plan by December 8, 2009. The Notice of Intent to Conform is non-binding. Therefore, it does not ultimately commit the Township to pursue conformance. However, it does enable the Township to undertake the necessary planning over the next several months to determine whether opting in is indeed in its best interests. Furthermore, if Holland does indeed pursue Conformance, the Township will be eligible for reduced affordable housing obligations resulting from adjusted growth projections. **Municipalities like Holland that are in the Planning Area are eligible for adjusted growth projections only if they agree to conform both in the Preservation and Planning Areas.**

In addition, Holland Township is considering enactment of a revision to its land use regulations checklist ordinance that contains much of the required language as discussed under the provisions of Basic Plan Conformance.

In the interim, there are several actions that Holland Township should consider taking immediately to remain on course with the tight time frame in which to petition for Basic Plan Conformance.

- Authorize transmittal to the Highlands Council of a certified copy of the resolution that memorializes the final local planning board decision on all development applications within the Preservation Area. Resolutions must be provided to the Council within the same time frame and in the same manner as required for notifying applicants under the Municipal Land Use Law. The reason for sending the Highlands Council these resolutions is that the Council is authorized to review any application for development in the Preservation Area and approve, reject or conditionally approval the application within 15 calendar days following final local government action. This power is granted through the Highlands Act but only until a municipality has conformed to the RMP. At that point, the Council 's review authority is limited to development applications providing for the ultimate disturbance of two or more acres or cumulative increase in impervious surface by at least one acre of land.
- Complete Regional Master Plan Updates concerning existing areas served by sewers, public water supply service areas, preserved farmland and open space. The sooner that data can be corrected, the better the position to begin the build-out analysis required by the Highlands Council. This should ideally be done before the end of 2008; at latest, early January, 2009.
- Propose Map Adjustments if needed, following Highlands Council review of RMP Update requests. The result of the RMP Updates may automatically yield Map Adjustments by the Highlands Council, rendering unnecessary any additional steps on the part of Holland Township.

- Conduct the build-out analysis using the Highlands Build-Out Model. The model is expected to be available for use in January of 2009. This is a time-intensive process, anticipated to take three to four months to complete.
- Following the build-out analysis, complete a Third Round housing element and fair share plan. Draft documents should be submitted to the Highlands Council for its initial review and comments. Prior to submitting these documents to COAH and petitioning for substantive certification, all changes reflecting Council comments must be made and plans adopted by the Planning Board. Draft documents should be completed by August to afford sufficient time for Highlands Council review, local adoption of the plans and submission to COAH by December 8, 2009.
- Prepare draft Highlands Master Plan Element, Environmental Resource Inventory, ordinance revisions, resource protection standards and Municipal Self-Assessment and authorize transmittal of draft documents to the Highlands Council no later than December 8, 2009.

RECOMMENDED TIME TABLE FOR BASIC PLAN CONFORMANCE & RELATED ACTIVITIES
(asterisk indicates mandatory deadline)

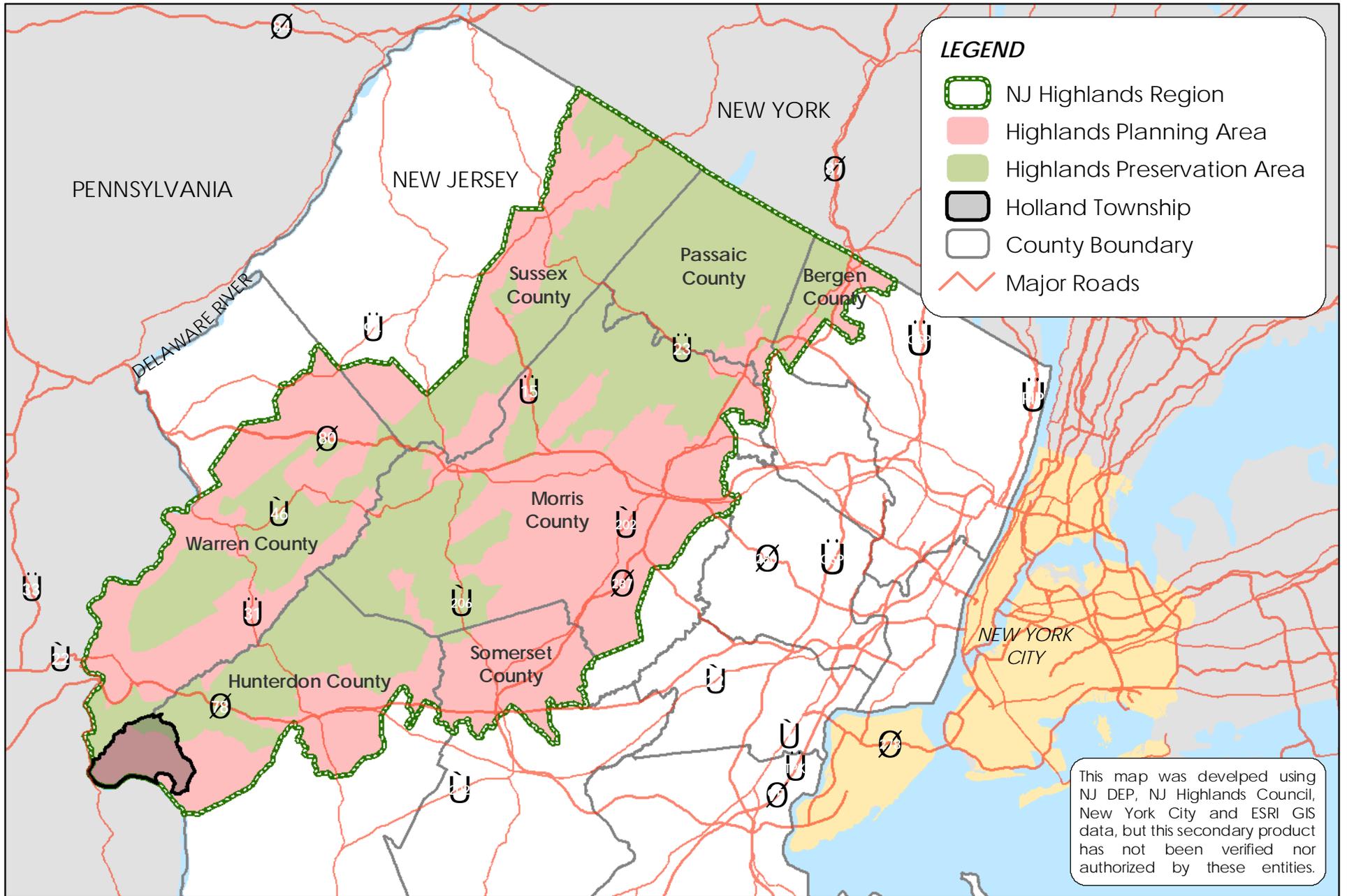
ACTIVITY	DEADLINE
Submit to Highlands Council Notice of Intent to Petition for Plan Conformance in Preservation and Planning Areas	December 30, 2008* - <u>completed</u>
Submit to Council on Affordable Housing resolution to petition for Third Round substantive certification no later than December 8, 2009	December 30, 2008* - <u>completed</u>
Transmit needed documentation to Highlands Council in support of Highlands Regional Master Plan Updates related to existing areas served by sewers, existing public water service areas, and existing preserved farmland and open space	January, 2009
Request Map Adjustments as needed, related to the Existing Community Zone	January, 2009
Conduct Highlands build-out analysis	June, 2009
Submit draft Housing Element and Fair Share Plan to Highlands Council staff for review	August, 2009
Submit draft Highlands Master Plan Element and Environmental Resource Inventory to Highlands Council staff for review	October, 2009
Submit draft ordinance revisions to Highlands Council staff for review	November, 2009
Adopt Housing Element and Fair Share Plan	November, 2009
Submit revised draft plans and ordinances, along with Self-Assessment Report, to Highlands Council	December 8, 2009* - <u>Notice of Intent to Conform was submitted, indicating a deadline of December 1, 2009.</u>
Submit petition for Substantive Certification to COAH	December 8, 2009*

11. FUNDING ASSISTANCE

Section 18b of the Highlands Water Protection and Planning Act directs the Highlands Council to make planning grants available to municipalities and counties to cover the "reasonable expense" of bringing master plans and development regulations into conformance with the Highlands Regional Master Plan.

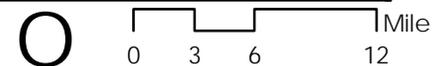
The Highlands Council has received annual appropriations of approximately \$4.5 million, for a total of over \$21 million to date. This money is to be used for planning and implementation tasks related to Plan Conformance. In addition to the Initial Assessment Grant Program, the Council plans to award funding for Basic Plan Conformance activities, development of affordable housing plans, and planning necessary to move from Basic to Full Plan Conformance. The Council has also established a Voluntary Transfer of Development Rights Receiving Zone Feasibility Grant Program to assist municipalities in evaluating the potential for locating TDR receiving zones, with additional funding anticipated to help offset TDR implementation costs. Highlands Incentive Planning Aid Grant funds will become available to help achieve discretionary aspects of the Regional Master Plan, such as planning for redevelopment, town center/transit village development, and local and regional economic development strategies.

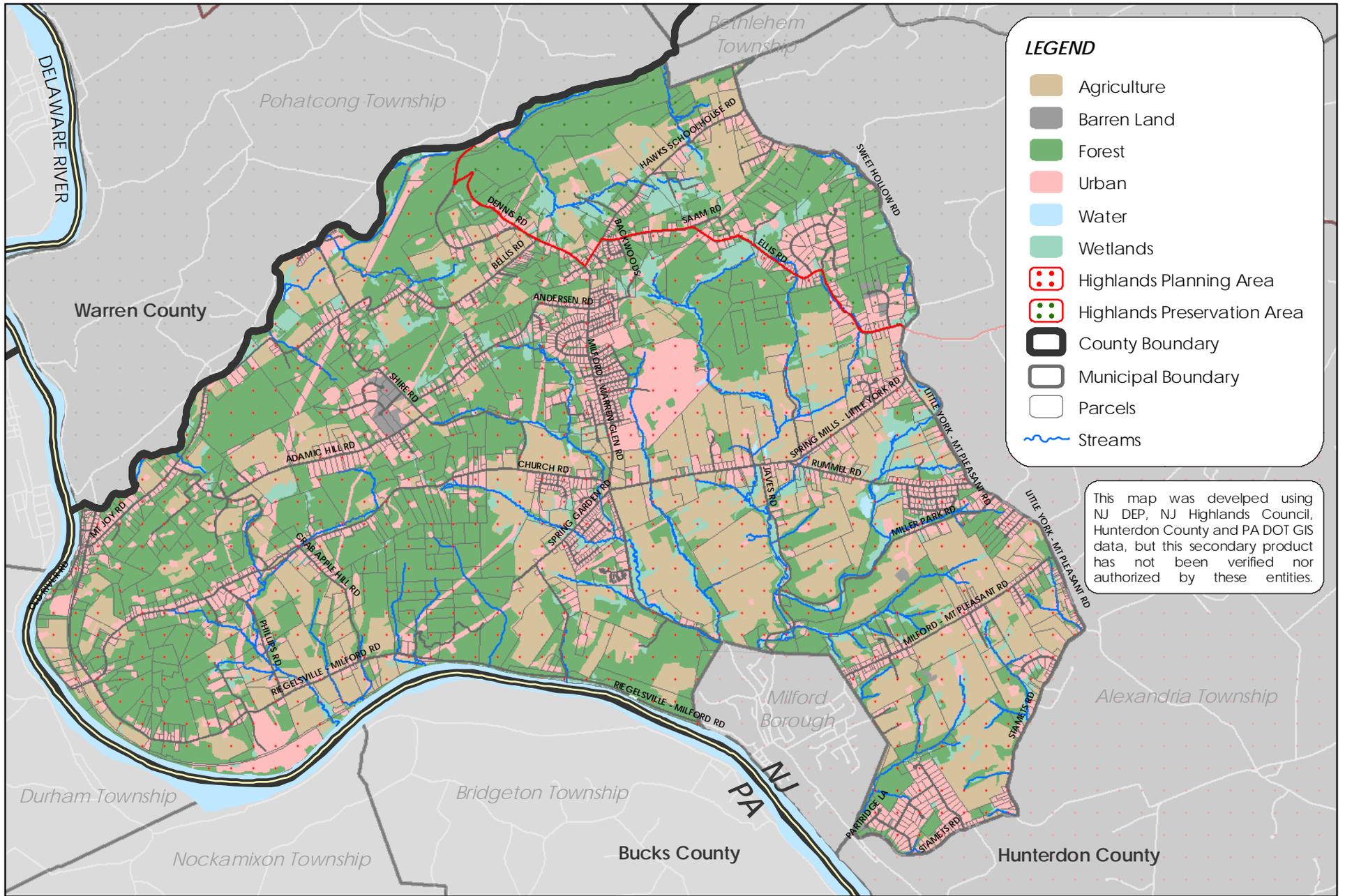
Grant funding for Basic Plan Conformance activities has not as yet been announced. However, Holland Township should expect to hear about this in the near future.



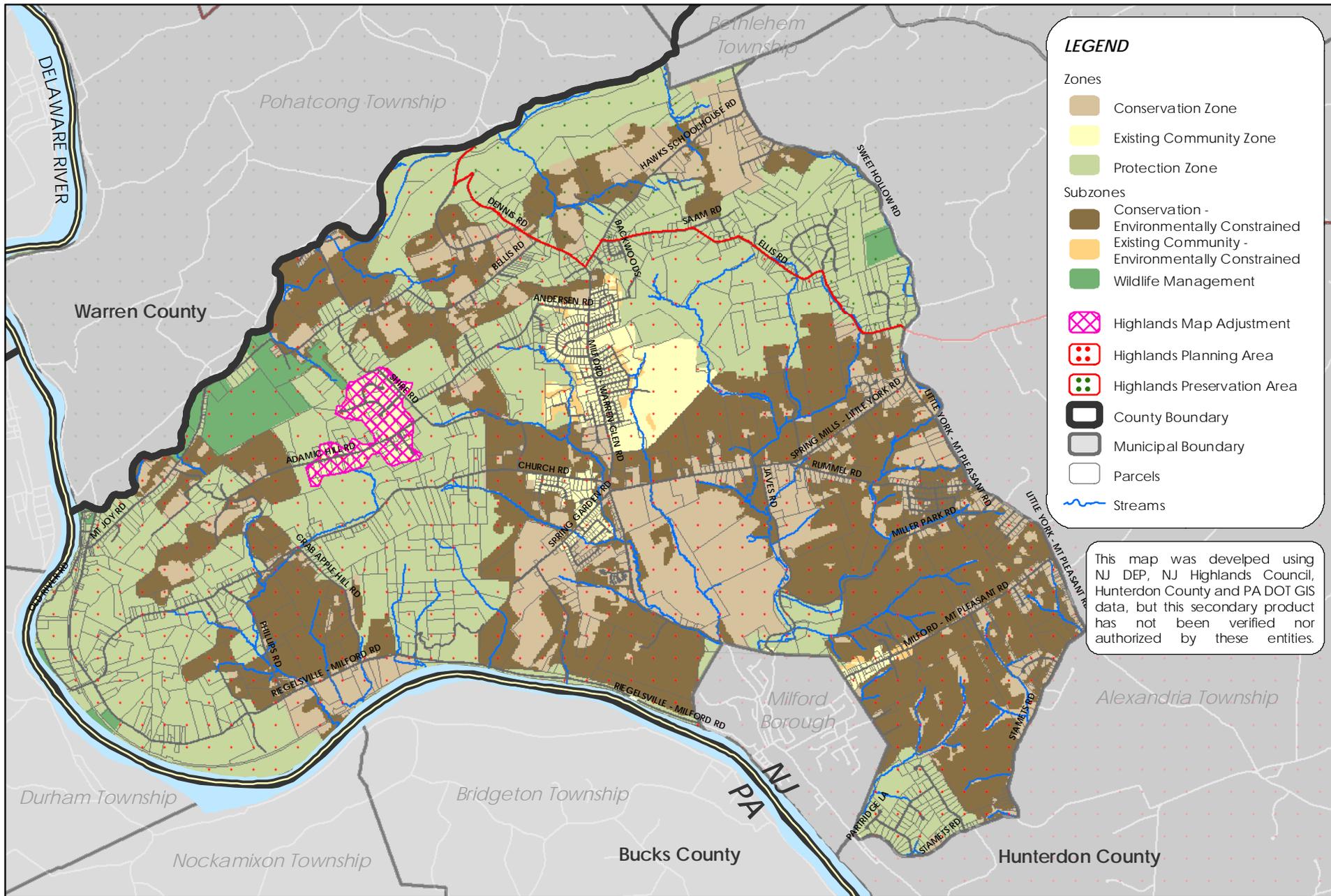
Holland Township
 Hunterdon County, New Jersey

REGIONAL CONTEXT





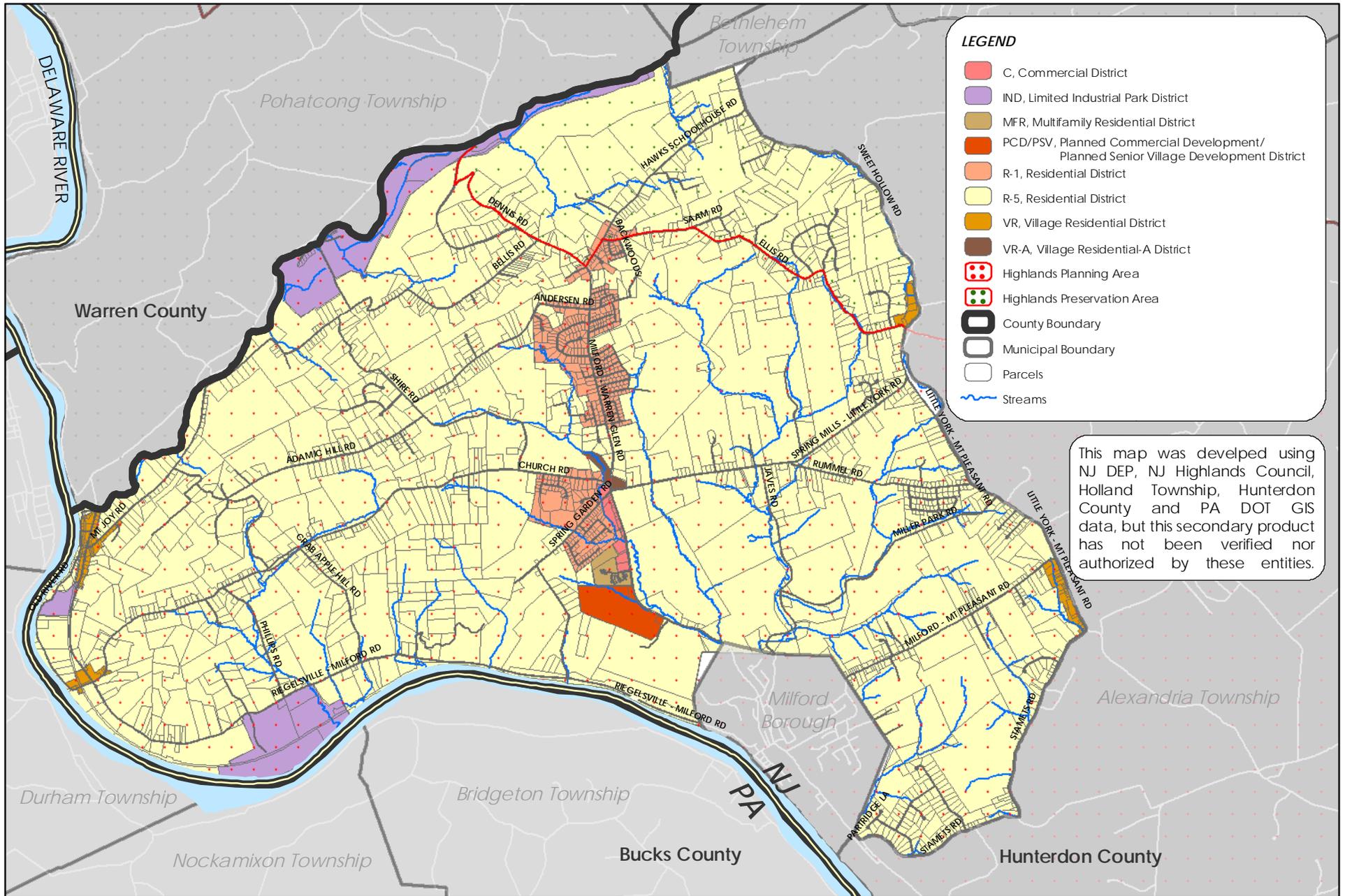
LAND USE LAND COVER



Holland Township
 Hunterdon County, New Jersey

NJ HIGHLANDS LAND USE CAPABILITY ZONES





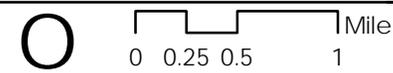
LEGEND

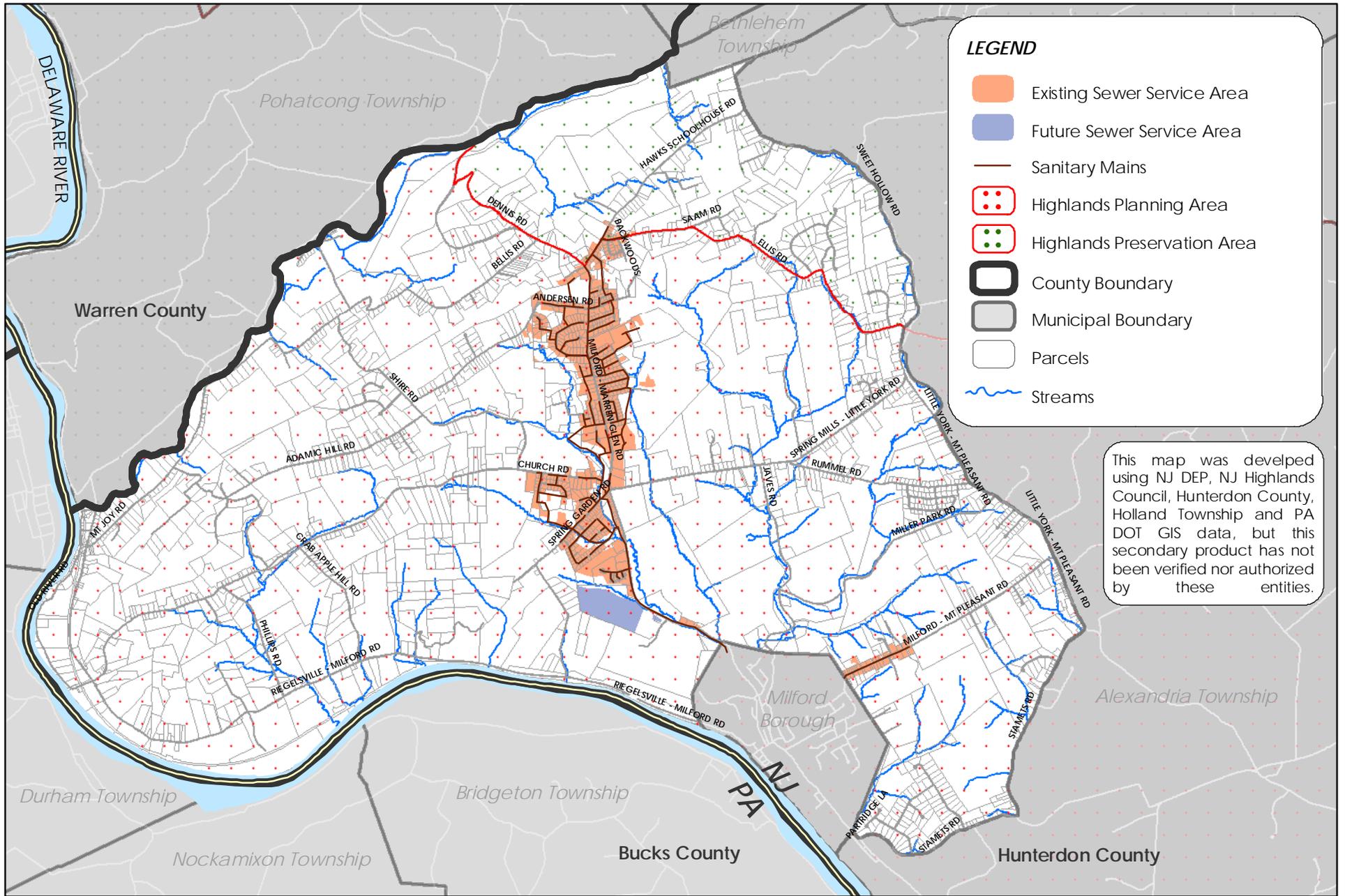
- C, Commercial District
- IND, Limited Industrial Park District
- MFR, Multifamily Residential District
- PCD/PSV, Planned Commercial Development/
Planned Senior Village Development District
- R-1, Residential District
- R-5, Residential District
- VR, Village Residential District
- VR-A, Village Residential-A District
- Highlands Planning Area
- Highlands Preservation Area
- County Boundary
- Municipal Boundary
- Parcels
- Streams

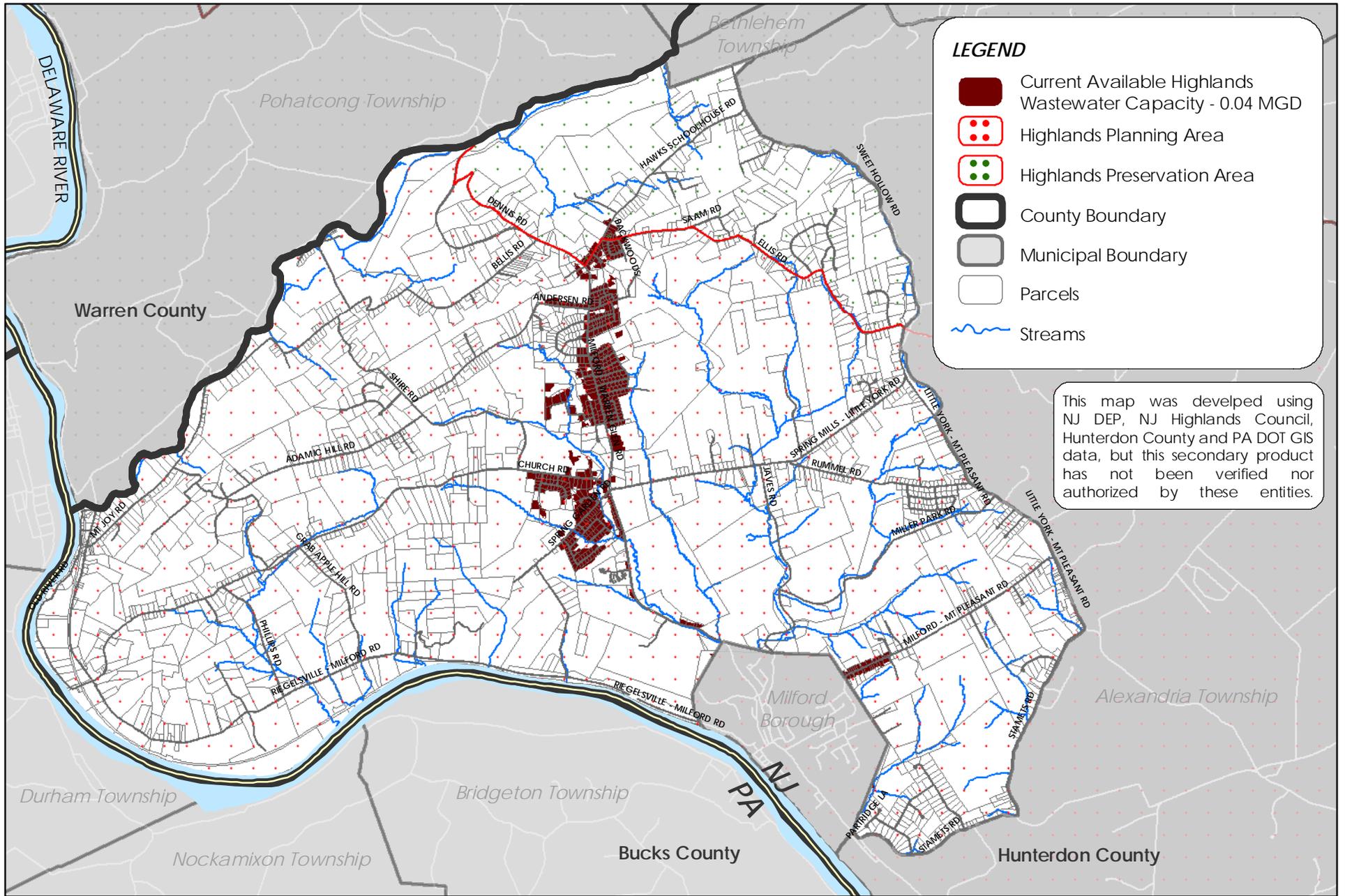
This map was developed using NJ DEP, NJ Highlands Council, Holland Township, Hunterdon County and PA DOT GIS data, but this secondary product has not been verified nor authorized by these entities.

Holland Township
Hunterdon County, New Jersey

ZONING DISTRICTS







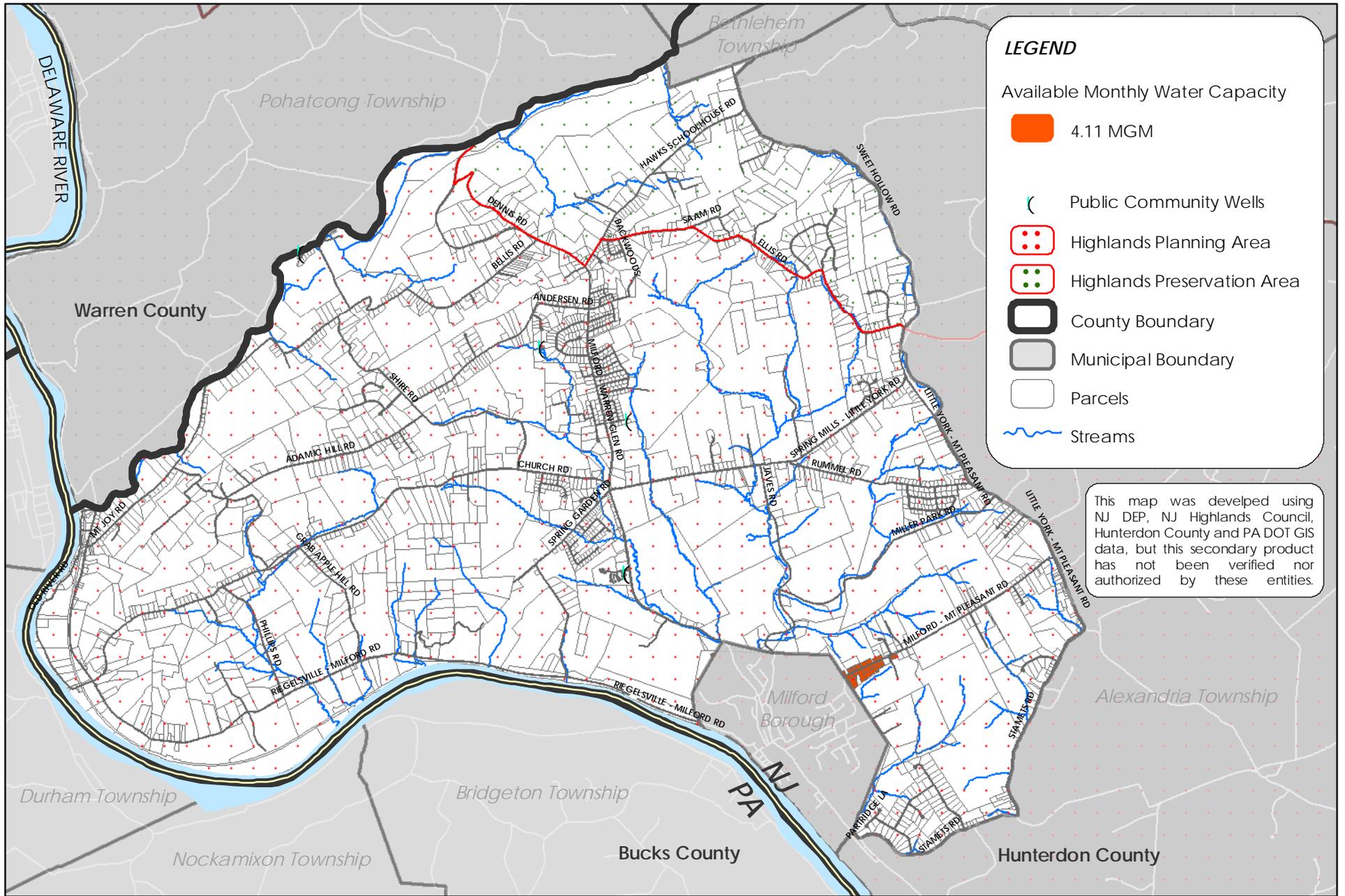
LEGEND

- Current Available Highlands Wastewater Capacity - 0.04 MGD
- Highlands Planning Area
- Highlands Preservation Area
- County Boundary
- Municipal Boundary
- Parcels
- Streams

This map was developed using NJ DEP, NJ Highlands Council, Hunterdon County and PA DOT GIS data, but this secondary product has not been verified nor authorized by these entities.

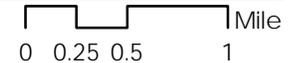
Holland Township
 Hunterdon County, New Jersey

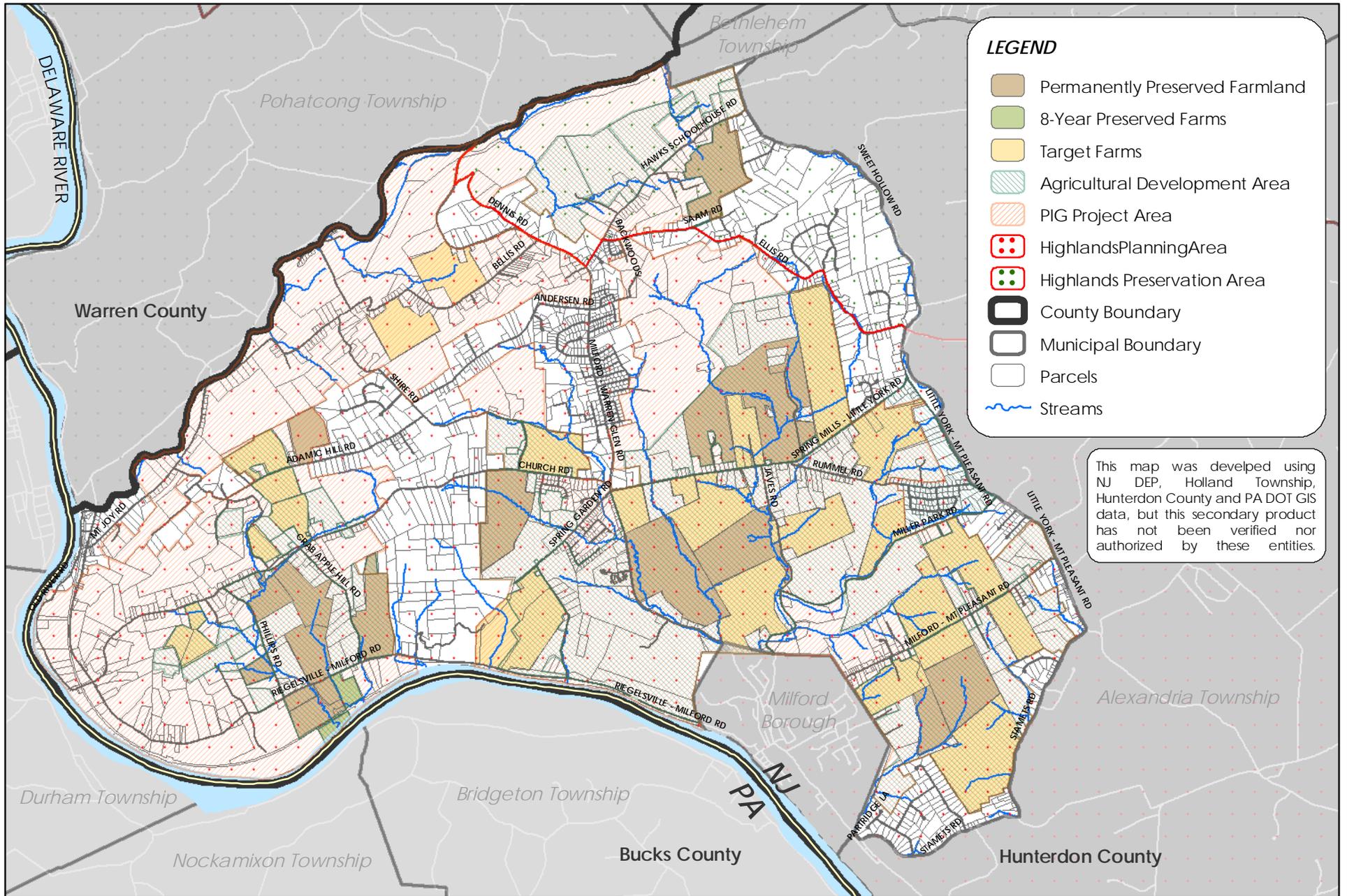
LAND USE CAPABILITY - DOMESTIC SEWERAGE FACILITIES 0 0.25 0.5 1 Mile



Holland Township
 Hunterdon County, New Jersey

LAND USE CAPABILITY - PUBLIC COMMUNITY WATER SYSTEMS

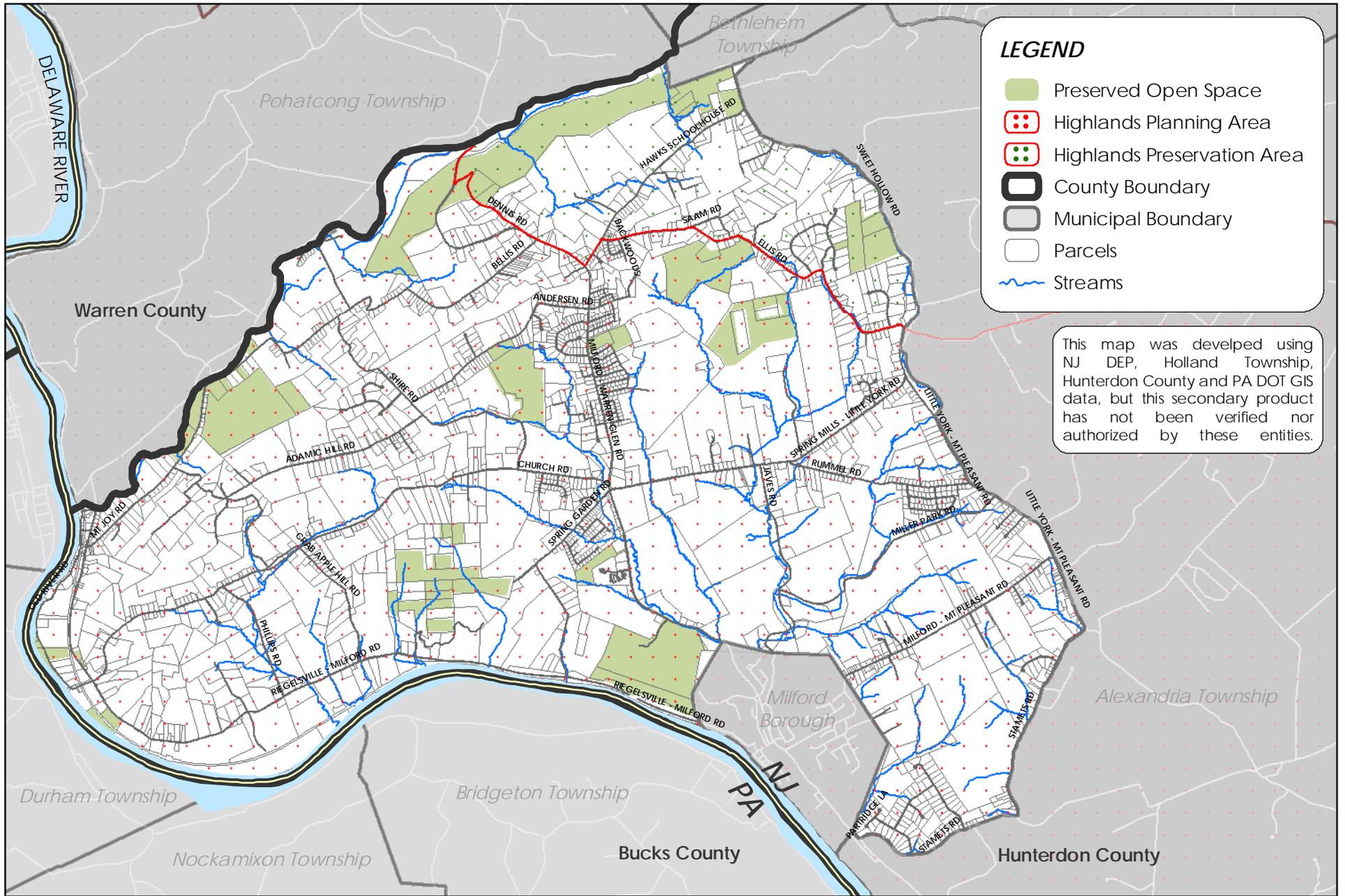




Holland Township
 Hunterdon County, New Jersey

FARMLAND PRESERVATION (TOWNSHIP DATA)





LEGEND

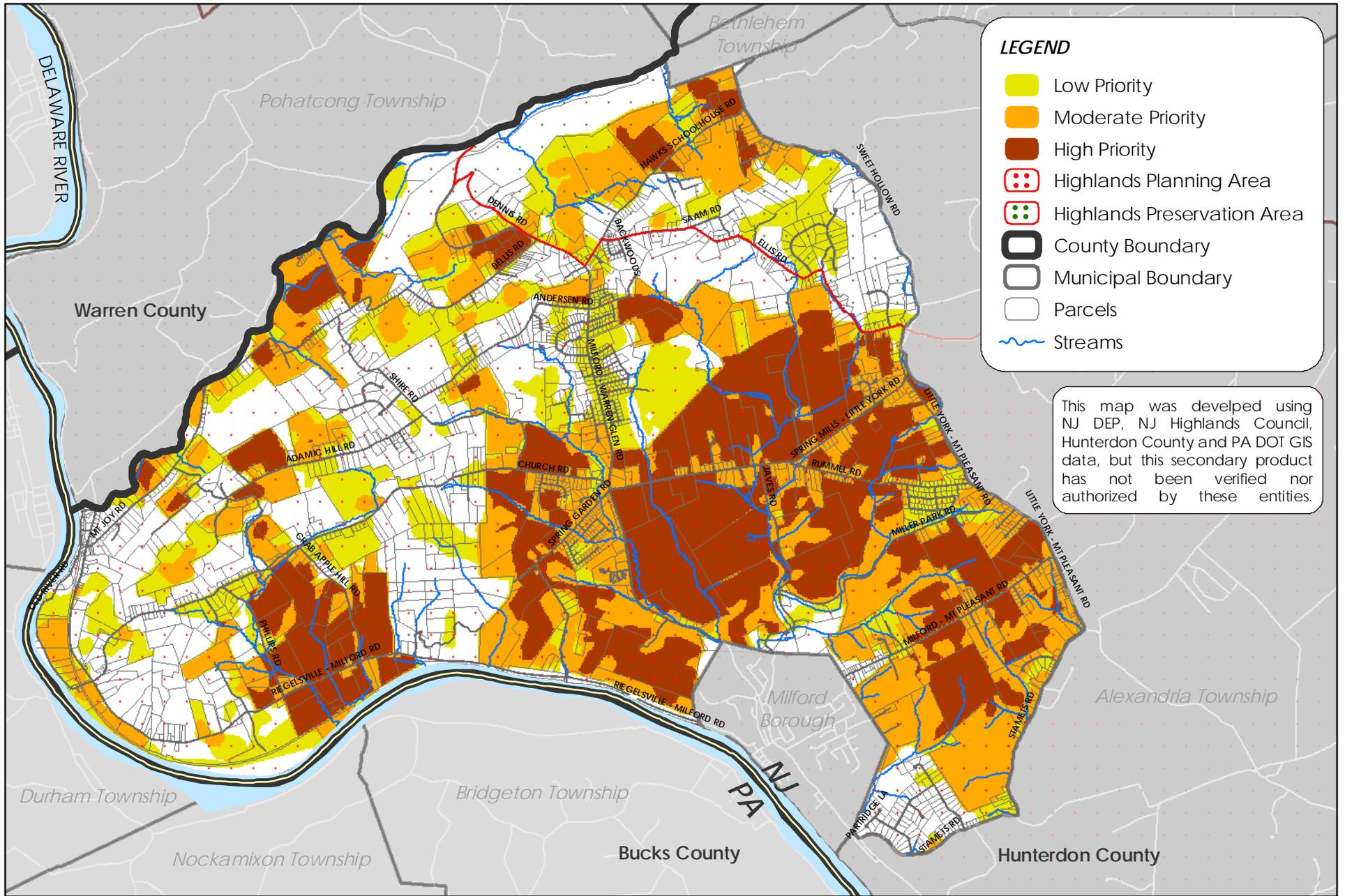
- Preserved Open Space
- Highlands Planning Area
- Highlands Preservation Area
- County Boundary
- Municipal Boundary
- Parcels
- Streams

This map was developed using NJ DEP, Holland Township, Hunterdon County and PA DOT GIS data, but this secondary product has not been verified nor authorized by these entities.

Holland Township
 Hunterdon County, New Jersey

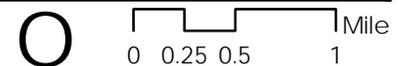
OPEN SPACE PRESERVATION

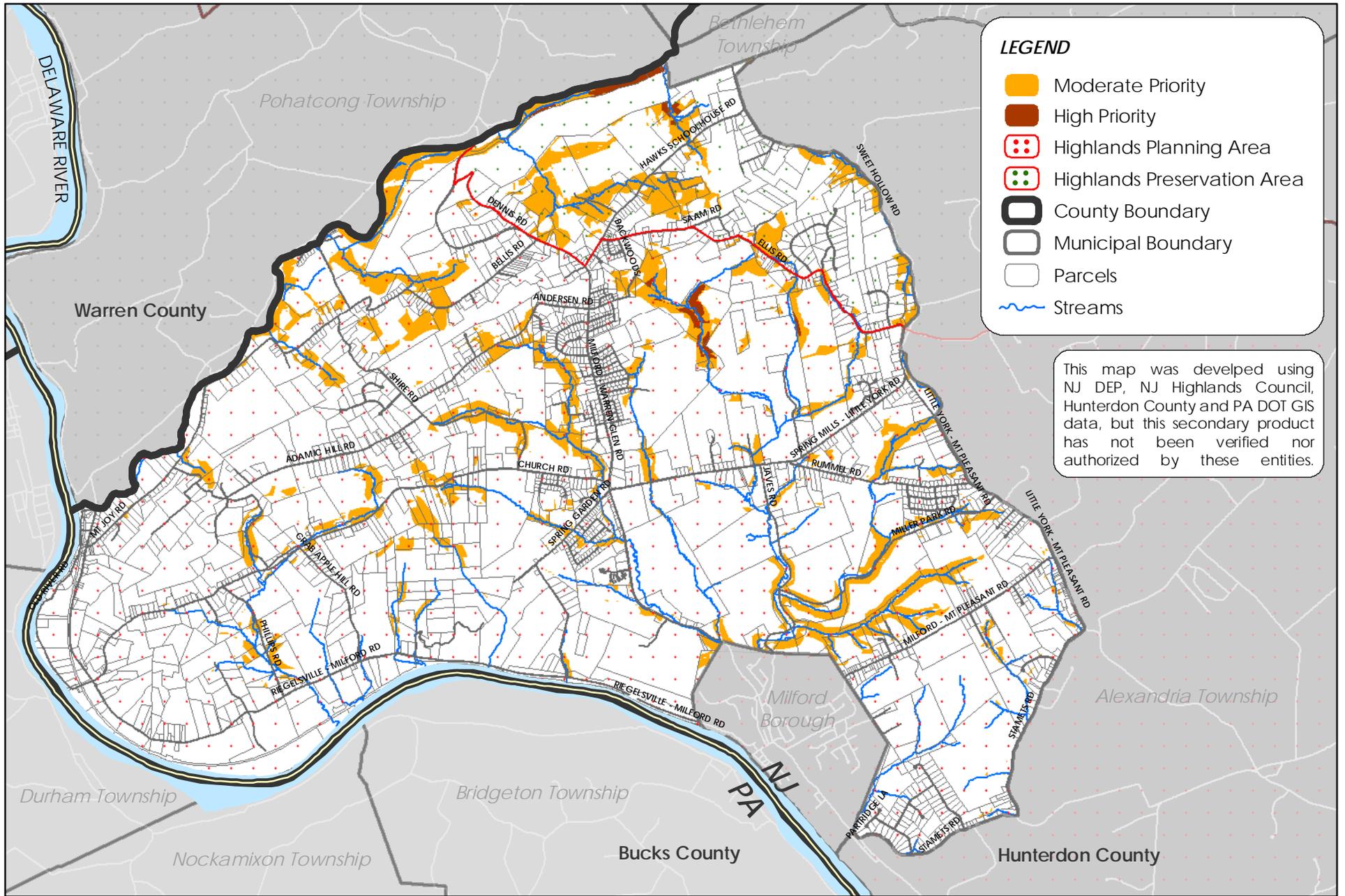




Holland Township
 Hunterdon County, New Jersey

AGRICULTURAL PRIORITY AREAS

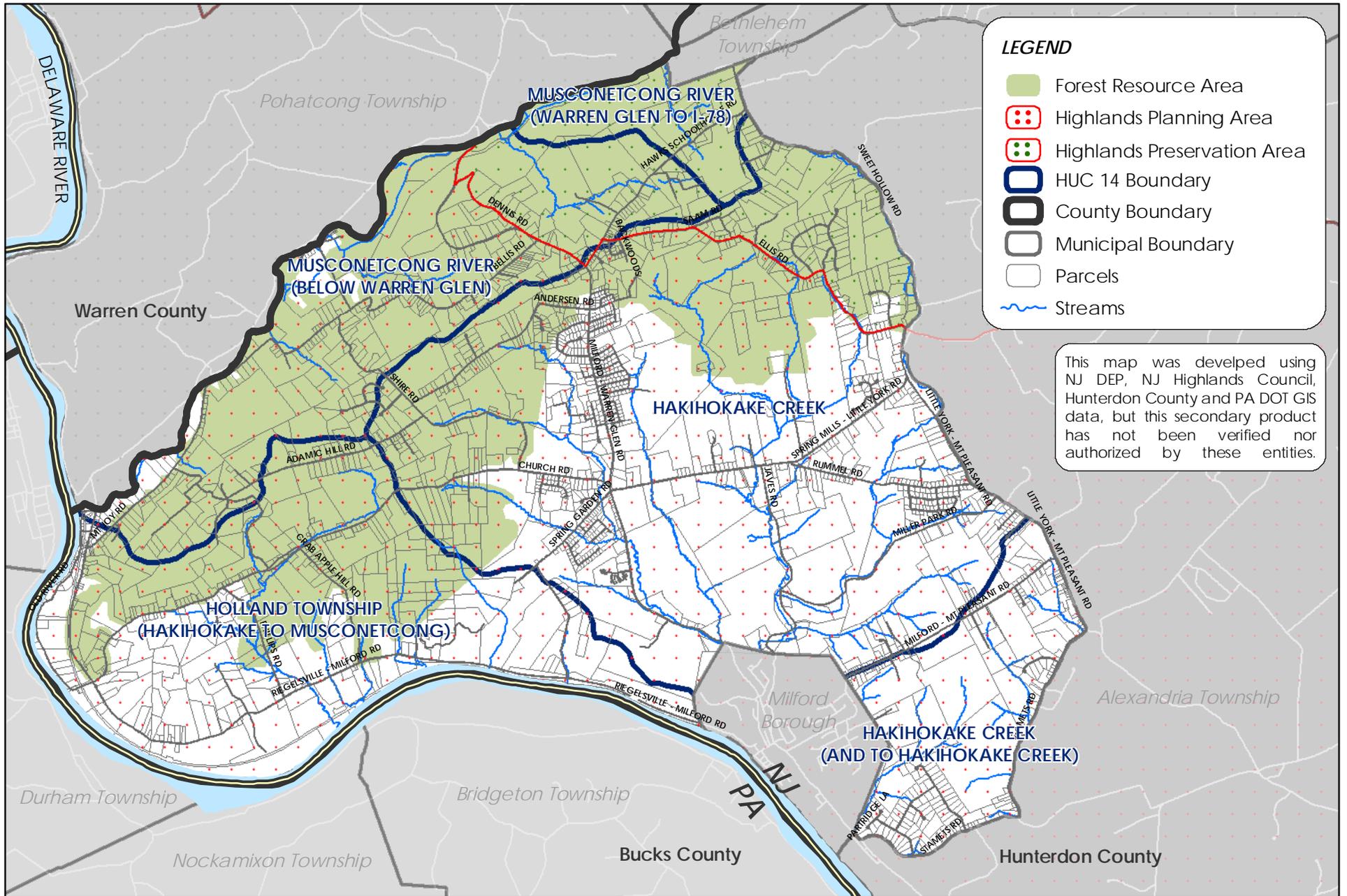




Holland Township
 Hunterdon County, New Jersey

CONSERVATION PRIORITY AREAS





LEGEND

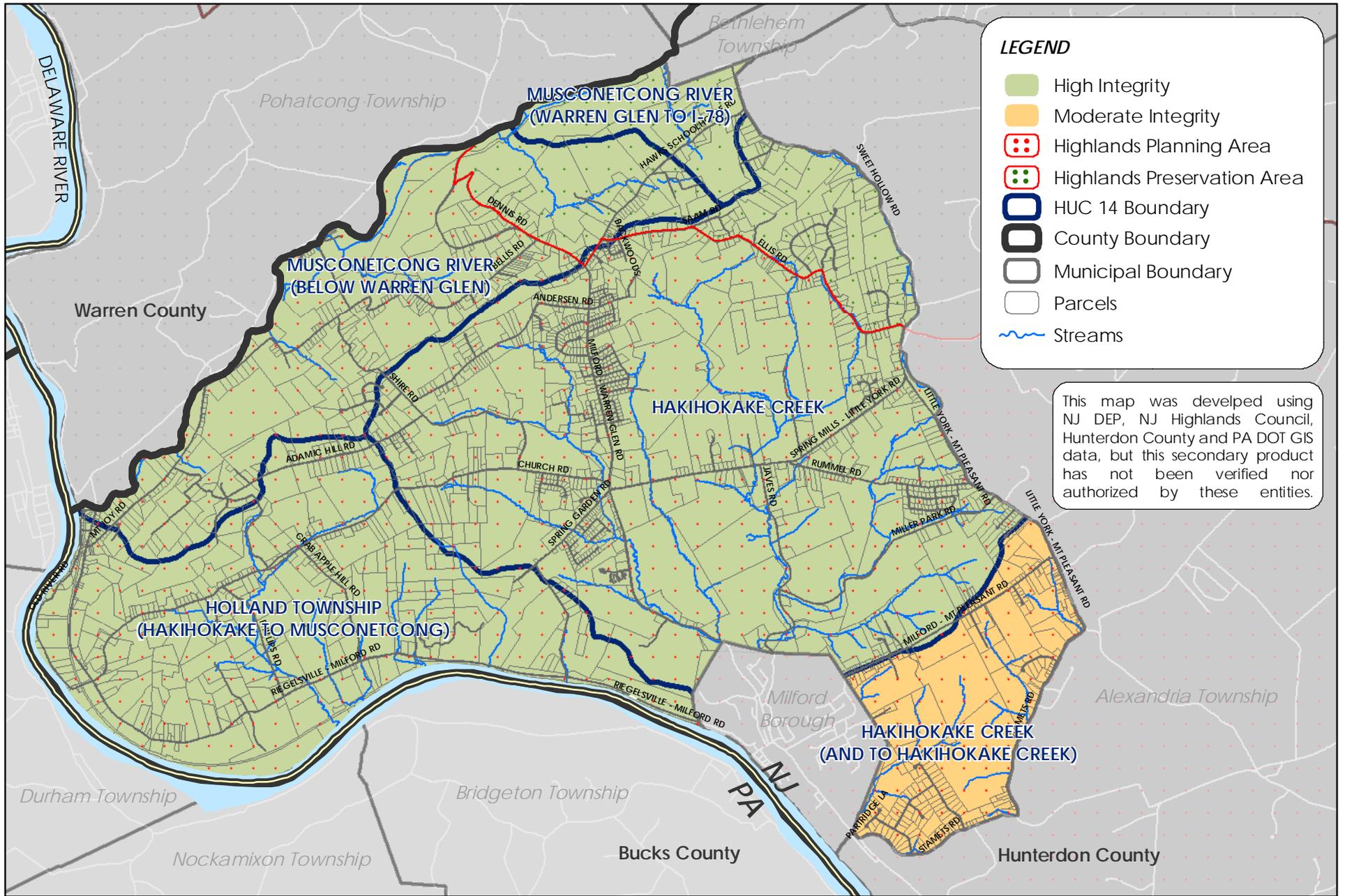
- Forest Resource Area
- Highlands Planning Area
- Highlands Preservation Area
- HUC 14 Boundary
- County Boundary
- Municipal Boundary
- Parcels
- Streams

This map was developed using NJ DEP, NJ Highlands Council, Hunterdon County and PA DOT GIS data, but this secondary product has not been verified nor authorized by these entities.

Holland Township
Hunterdon County, New Jersey

FOREST RESOURCE AREA

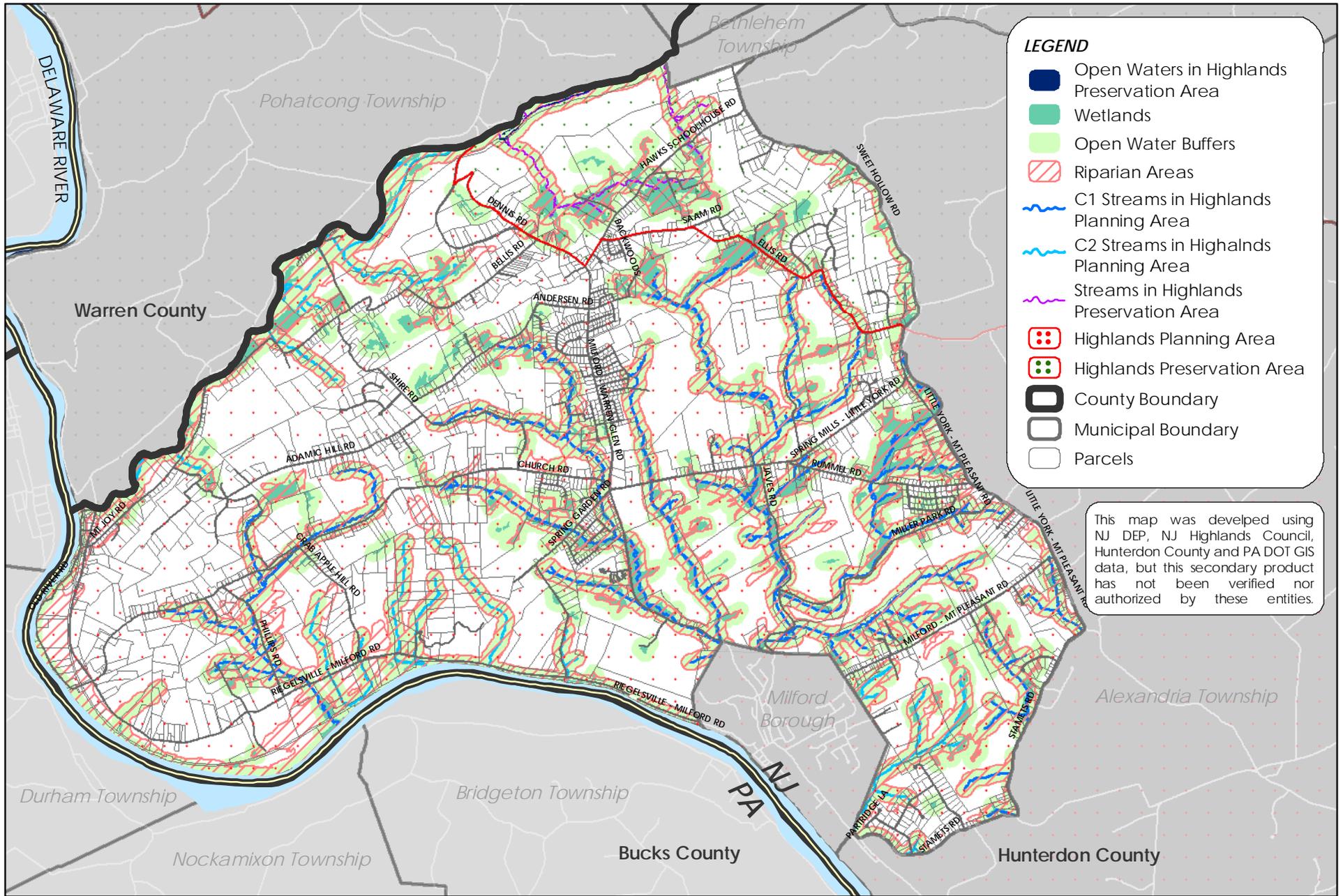




Holland Township
 Hunterdon County, New Jersey

FOREST INTEGRITY

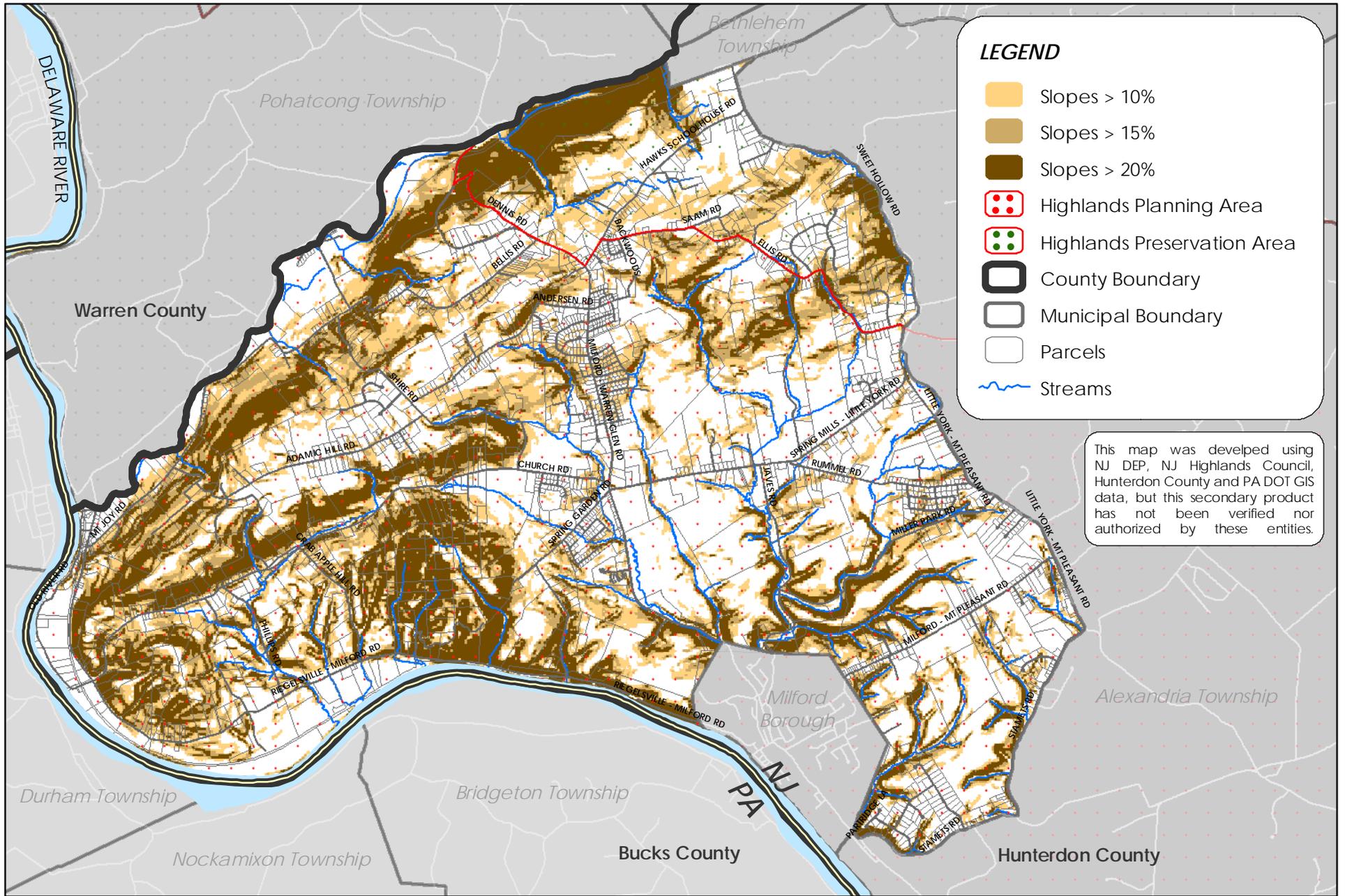




Holland Township
 Hunterdon County, New Jersey

HIGHLANDS OPEN WATERS





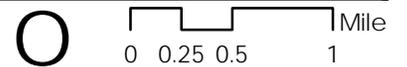
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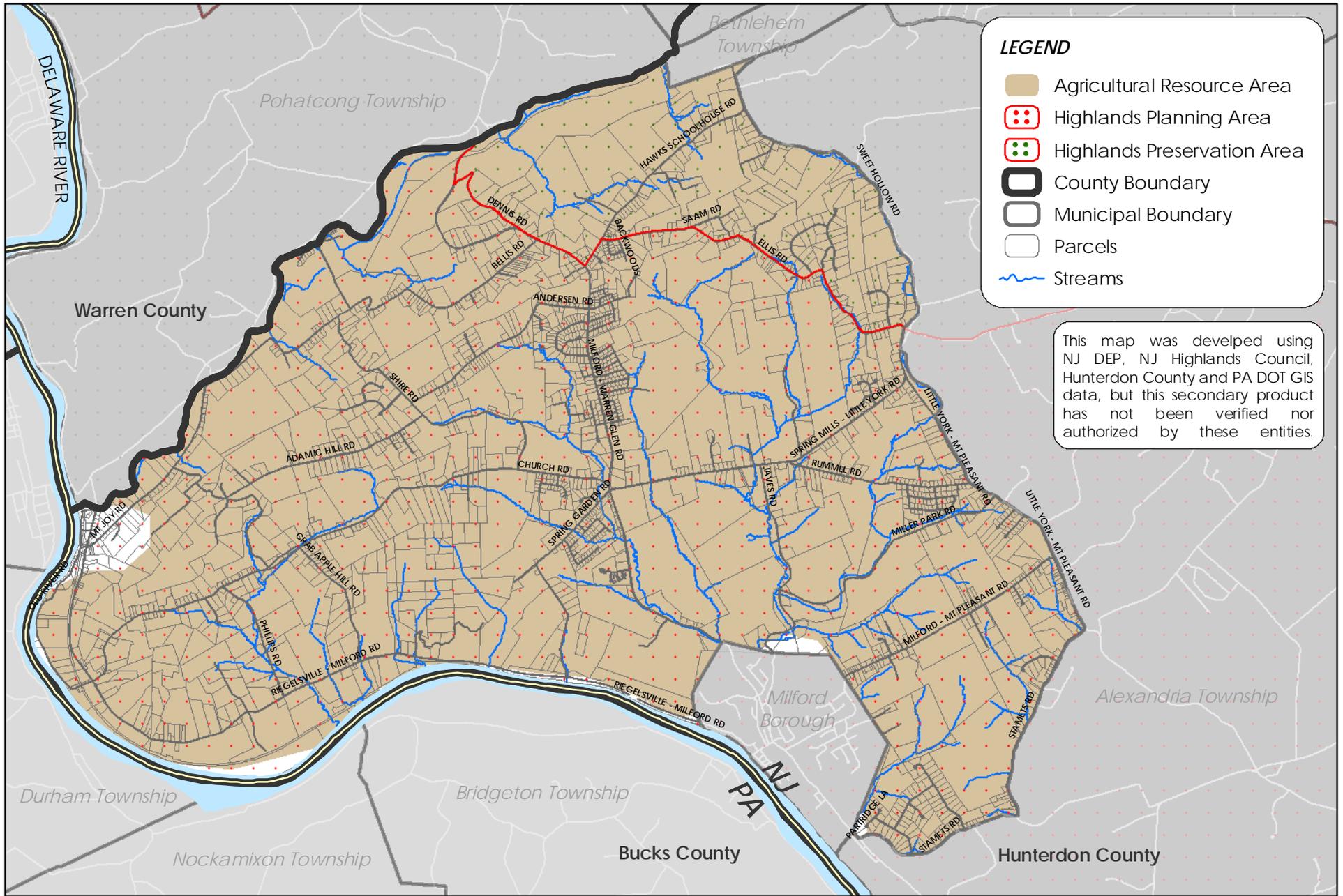
- Slopes > 10%
- Slopes > 15%
- Slopes > 20%
- Highlands Planning Area
- Highlands Preservation Area
- County Boundary
- Municipal Boundary
- Parcels
- Streams

This map was developed using NJ DEP, NJ Highlands Council, Hunterdon County and PA DOT GIS data, but this secondary product has not been verified nor authorized by these entities.

Holland Township
 Hunterdon County, New Jersey

STEEP SLOPES





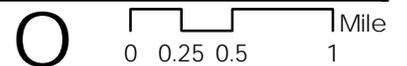
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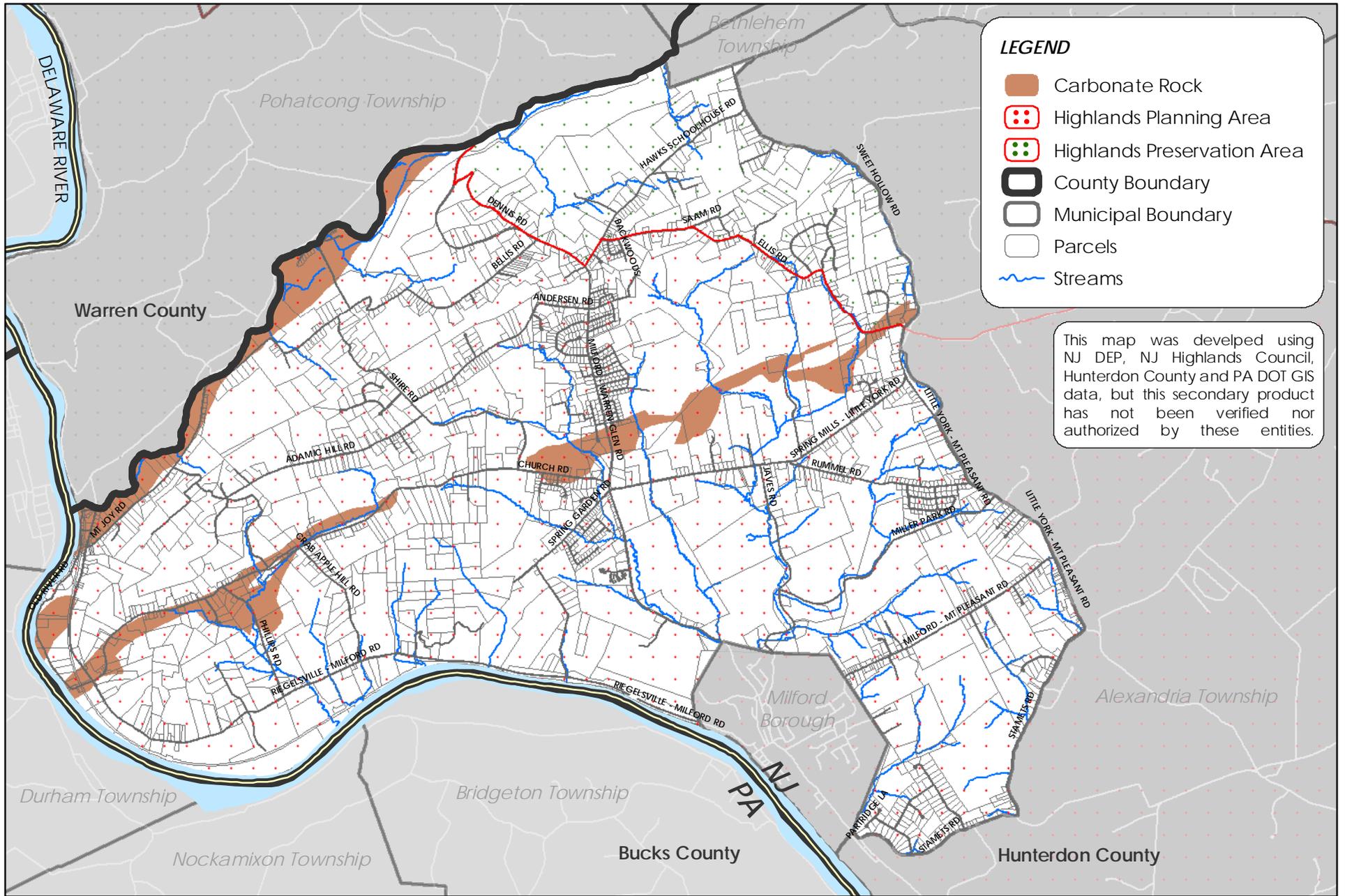
- Agricultural Resource Area
- Highlands Planning Area
- Highlands Preservation Area
- County Boundary
- Municipal Boundary
- Parcels
- Streams

This map was developed using NJ DEP, NJ Highlands Council, Hunterdon County and PA DOT GIS data, but this secondary product has not been verified nor authorized by these entities.

Holland Township
 Hunterdon County, New Jersey

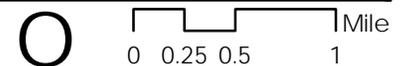
AGRICULTURAL RESOURCE AREA

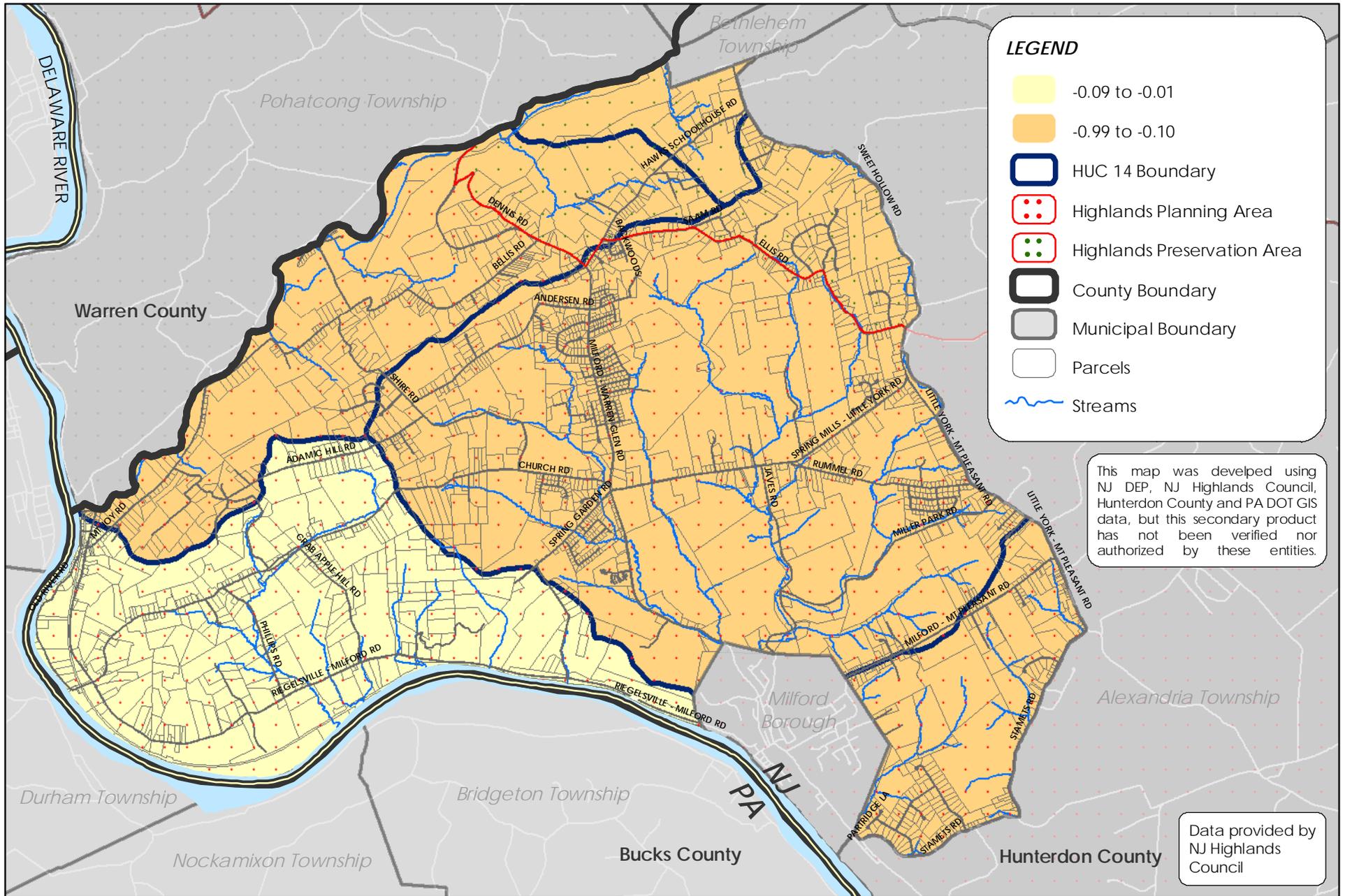




Holland Township
 Hunterdon County, New Jersey

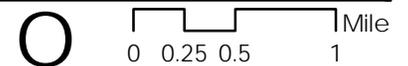
CARBONATE ROCK AREAS

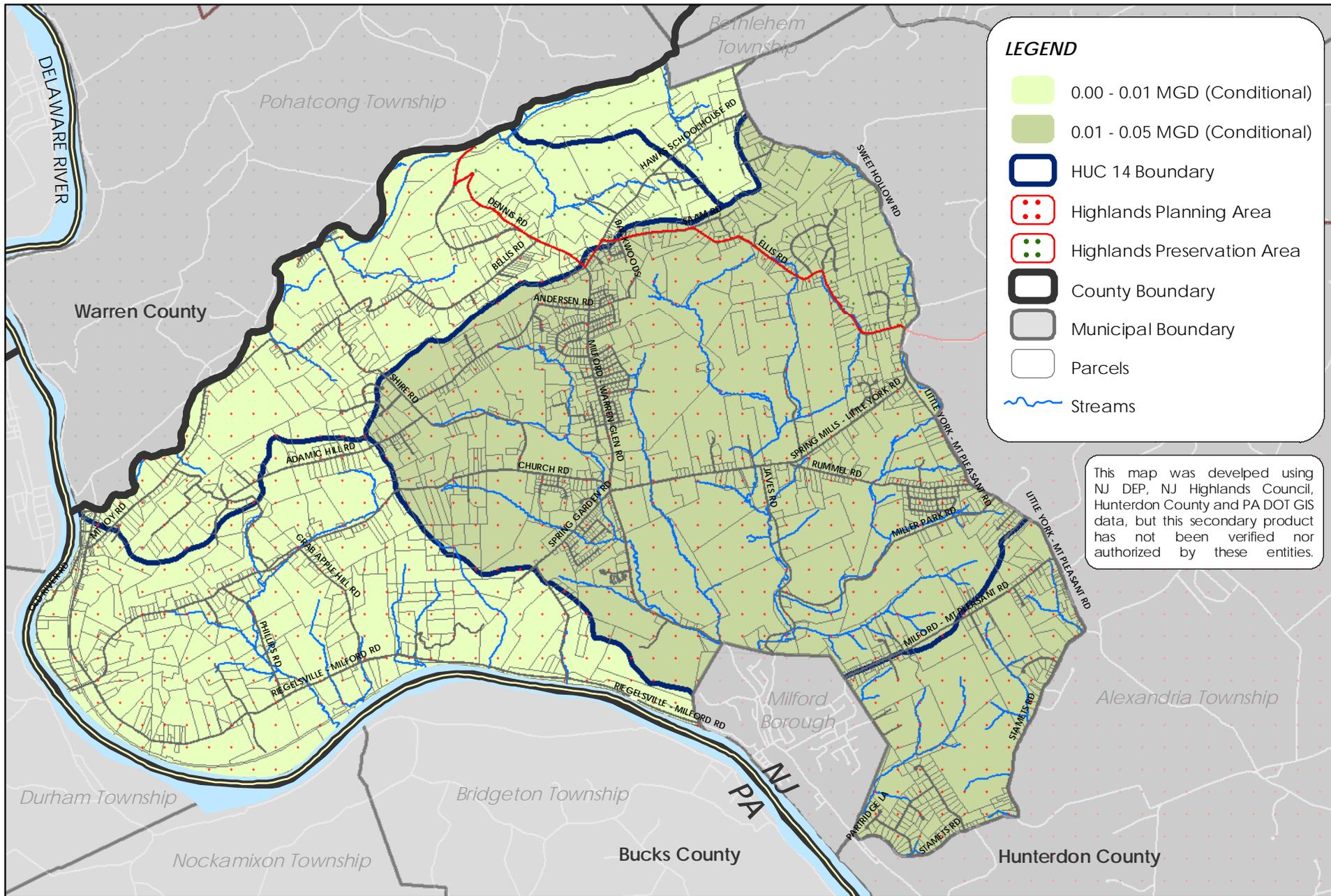




Holland Township
 Hunterdon County, New Jersey

NET WATER AVAILABILITY - DEFICIT AREAS

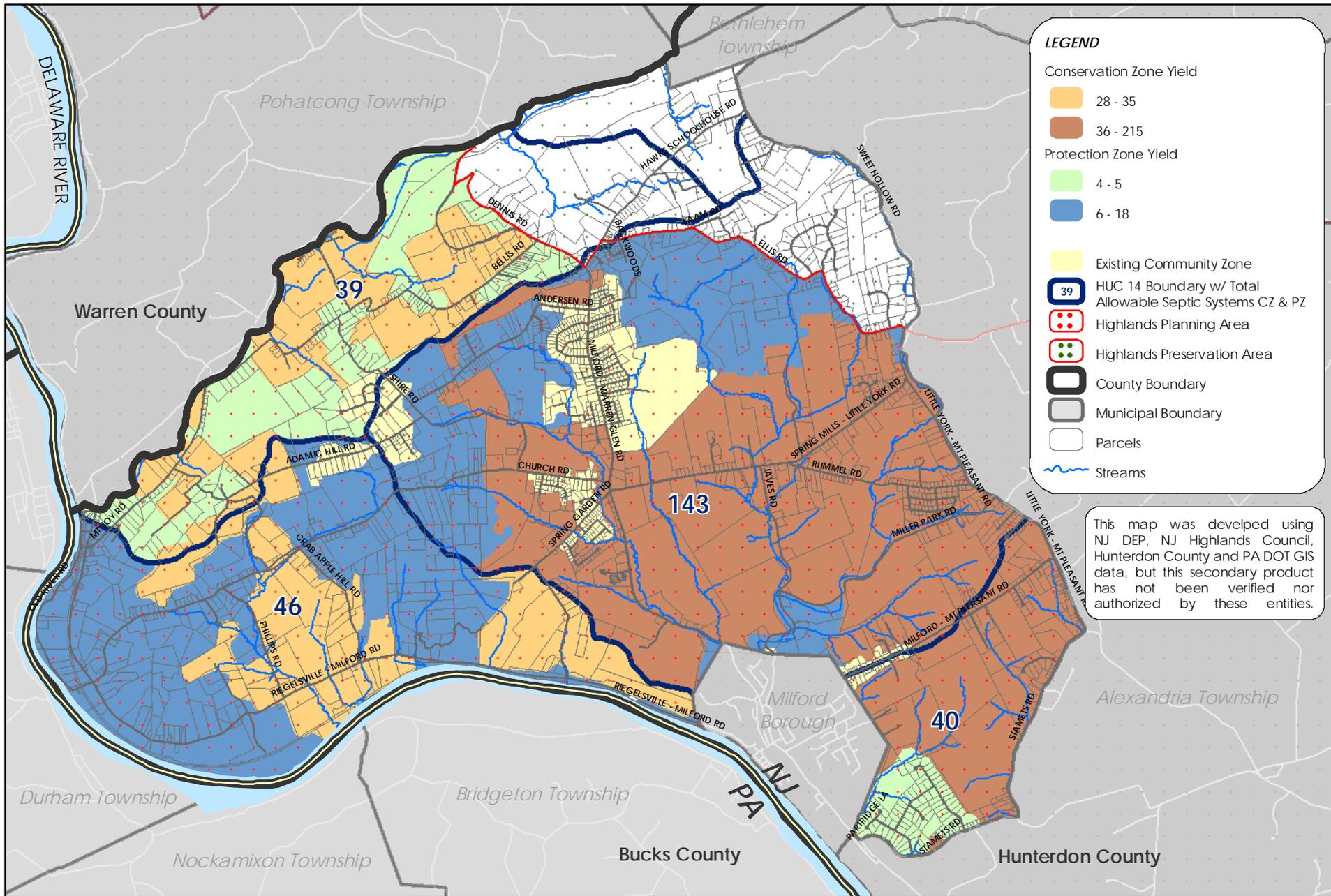




Holland Township
 Hunterdon County, New Jersey

LAND USE CAPABILITY - NET WATER AVAILABILITY





Holland Township
 Hunterdon County, New Jersey

LAND USE CAPABILITY - SEPTIC SYSTEM YIELD



APPENDIX A – HIGHLANDS REGIONAL MASTER PLAN - SELECT POLICIES & OBJECTIVES

HIGHLANDS RMP - SELECT POLICIES/OBJECTIVES			
POLICIES/OBJECTIVES	PRA*	PLA+	LAND USE CAPABILITY ZONE/S
1A2b: Implementation of regulations through Plan Conformance which limit permissible uses within the Forest Resource Area to maintenance of pre-existing uses and restoration of impaired forest areas; relief from strict adherence to these standards shall be permitted only upon approval of a forest mitigation plan and, for a major Highlands Development, approval of a Highlands Preservation Area Approval (HPAA) by NJDEP.	X		ALL
1A2c: To prohibit through local development review and Highlands Project Review the deforestation of lands within the Forest Resource Area of the Preservation Area for human development except where authorized as an exemption by the Highlands Act, or is an agricultural or horticultural development as defined at N.J.S.A. 13:20-31 and meets the requirement of that provision of the Highlands Act, or if qualifying as a major Highlands Development, the project must, at a minimum, be in conformance with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.9.	X		ALL
1A2d: To prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into forested areas of the Forest Resource Area within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1 and 2I1b.		X	ALL
1B2a: Implementation through Plan Conformance of regulations which limit permissible uses within forested lands in High and Moderate Integrity Forest Subwatersheds of the Planning Area to 1) maintenance of pre-existing uses, 2) the removal of woody vegetation from forested lands subject to an approved Forest Management Plan, 3) forest stewardship practices in accordance with a New Jersey Forest Stewardship Program's Forest Stewardship Plan, or 4) low impact residential development that utilizes Low Impact Development Best Management Practices and an approved forest mitigation plan.		X	PZ, CZ
1C3: To require that conforming municipalities adopt tree clearing ordinance consistent with an approved community forestry plan under the New Jersey Community Forestry Program as part of the municipal master plan and local development regulations.	X	X	ALL
1D4: Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the discernable bank of the Highlands Open Waters feature, or from the centerline where no discernable bank exists. With respect to wetlands and other Highlands Open Waters features (e.g., seeps, springs, etc), the features shall include a protection buffer of 300 feet from the delineated Letter of Interpretation (LOI) line issued by the NJDEP for wetlands, or from a field-delineated boundary for other features. In areas where existing development or land uses within the protection buffers have reduced or impaired the functional values of the buffers, the Council will seek opportunities to restore the buffer and its functions. Any proposed disturbance shall, through local development review and Highlands Project Review, comply with Highlands Open Waters buffer standards. The protection buffer width for Category 2 streams in the Planning Area may be modified through a Stream Corridor	X	X	ALL

Protection/Restoration Plan, as specified in Objective 1D4i. In approved Redevelopment Areas, the Council may, at its discretion, modify the required buffer, upon a showing of no alternatives, no impact to the functional value of the buffer, and provisions of alternative approaches to enhancing or protecting Highlands Open Waters and resources of the buffer area.			
1D4a: Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Open Waters.	X	X	ALL
1D4b: Preservation Area buffers for Highlands Open Waters shall comply with the Highlands Preservation Area rules at N.J.A.C. 7:38, which provide that all major Highlands developments are prohibited within Highlands Open Waters and its adjacent 300 foot buffer in the Preservation Area except for linear development, which may be permitted provided that there is no feasible alternative for the linear development outside Highlands Open Waters or its buffer. Structures or other land improvements existing within Highlands Open Waters buffer in the Preservation Area on August 10, 2004 may remain, provided that the area of disturbance is not increased other than through a HPAA [Highlands Preservation Area Approval]. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses."	X		ALL
1D4c: Require that proposed development within all Highlands Open Waters buffers (Preservation and Planning Areas) conforms through local development review and Highlands Project Review with the buffer requirements of N.J.A.C. 7:8 (Stormwater Management Rules), N.J.A.C. 7:13 (Flood Hazard Area Rules), and N.J.A.C. 7:7 (Freshwater Wetland Rules), and with any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).	X	X	ALL
1D4e: In the Protection and Conservation Zones of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses." Such proposed disturbances must demonstrate full utilization of the following performance standards in the listed order, to demonstrate the necessity of an encroachment into Highlands Open Waters buffers: 1) avoid the disturbance of Highlands Open Waters buffers; 2) minimize impacts to Highlands Open Waters buffers; and 3) mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h. Minimization and mitigation opportunities shall be considered only upon a clear and convincing demonstration by the applicant that the protection buffer cannot be avoided and in no case shall the remaining buffer be reduced to less than 150 feet from the edge of Highlands Open Waters, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c.		X	PZ, CZ
1D4f: In the Existing Community Zone of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be		X	ECZ

<p>considered "land improvements," "development," "land disturbances," or "land uses." Such disturbances shall employ performance standards such that all proposed disturbances of Highlands Open Waters buffers shall employ Low Impact Development Best Management Practices to mitigate all adverse modification to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h.</p>			
<p>1D4i: Develop through Plan Conformance and implement stream corridor or subwatershed-based Stream Corridor Protection/Restoration Plans which shall include Steps 1,2 and 3, and may include Steps 4 and 5:</p> <ol style="list-style-type: none"> 1. Identify areas where existing development, land disturbances, or land uses are within Highlands Open Waters buffers have removed or substantially impaired natural vegetation communities, and have significantly reduced or impaired the functional values of Highlands Open Waters buffers. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses"; 2. Identify and require opportunities for restoration of areas identified in Step 1 as part of mitigation requirements under a Highlands Act waiver or Objectives 1D4e and 1D4f, and public or nongovernmental restoration/stabilization projects; 3. Identify the extent of stream corridor features that are critical to supporting the functions of a healthy Highlands Open Waters buffer and that extend beyond the buffers required by Objectives 1D4b and 1D4c. The 300 foot buffer in these areas may be expanded to be most protective of these features which may include, but are not limited to, Critical Habitat, pollutant source areas identified through scientific techniques, and steep slopes; 4. Where Highlands Open Waters buffers include areas identified in Step 1, regarding Category 2 surface waters in the Planning Area only, the Stream Corridor Protection/Restoration Plan may identify where, based on scientific analysis of site-specific conditions (e.g. topography, vegetation cover type, habitat, soil type, upstream land uses and pollution inputs, width of floodplain, rate and volume of run-off), a buffer of less than the full 300 feet (but including the undisturbed buffer area at a minimum) is sufficient to maintain or improve the protection of Highlands Open Waters and Riparian Areas. The plan must identify alternative buffers that provide functional buffer values at least equivalent to existing conditions and are no less than 150 feet or no less than the extent allowed in State or municipal regulation (including Objectives 1D4b and 1D4c), whichever is greater. Further, the plan shall include a functional value assessment to ensure that there is no net loss in the overall functional value of the subwatershed's stream buffers. Buffers established through this process shall be determined based on site conditions rather than fixed distances, reflecting findings of the scientific analysis, and shall be used in the site design and development review process regarding determinations of restoration, continued use, or increased use of the disturbed buffer area. Buffer averaging for the purpose of accommodating development proposals is deemed not to meet the requirements of this provision; and 5. Where a proposed Highlands Redevelopment Area would not meet, in full, Objectives 1D4b through 	X	X	ALL

1D4h but affects an undisturbed buffer area determined to not be necessary for the protection of the functional values for Highlands Open Waters buffer (as determined through scientific analysis of site-specific conditions), modification of the undisturbed buffer may be allowed to no less than the extent allowed in State or municipal regulation. However the Council shall first determine that there is no alternative to the proposed reduction of the buffer, and require a showing of no impact to the functional values of the buffer and provision of alternative approaches to enhancing or protecting the Highlands Open Waters and resources of the buffer area. Restoration or enhancement of buffer functional values shall be provided on-site or within the same stream reach to achieve a net improvement of existing buffer functional values.			
1D5a: Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Riparian Areas, including those identified by the Highlands Council and by site-specific analysis.	X	X	ALL
1D5b: Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.	X	X	ALL
1D5c: Prohibit modifications to Riparian Areas in the Protection Zone except where a waiver is approved by the NJDEP or the Highlands Council under Policy 7G1 or 7G2.	X	X	PZ
1D5d: Restrict modifications to Riparian Areas in the Existing Community Zone, other than those addressed by Objective 1D5B, that would alter or be detrimental to the water quality and habitat value of a Riparian Area.	X	X	ECZ
1D5e: Implement Low Impact Development Best Management Practices for any development activity proposed within a Riparian Area, which minimize both alternations of natural vegetation and increases in impervious area, in compliance with Policies 6N3 and 6N4 and provide for mitigation through restoration of impaired Riparian Areas in the same HUC 14 subwatershed.	X	X	ALL
1E6: To require through local development review and Highlands Project Review that applications for development include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.	X	X	ALL
1E7: To require through local development review and Highlands Project Review that applications for development include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.	X	X	ALL
1E8: To prohibit through local development review and Highlands Project Review land disturbance within areas which are severely constrained slopes and moderately constrained slopes, except for linear development in both the Preservation and Planning Areas that meets the requirements of N.J.A.C. 7:38-3.8[c]1-4.	X	X	ALL
1E9: To require through local development review and Highlands Project Review the use of Low Impact Best Development Practices for any land disturbance or human development within areas which are constrained or limited constrained slopes, or that involves an approved disturbance of a severely constrained or moderately constrained slope.	X	X	ALL

1E10: To require that conforming municipalities and counties implement the steep slope protection provisions of Policies 1E2 through 1E9 through master plans and development regulations.	X	X	ALL
1F5a: Implement the Habitat Conservation and Management Program through a Critical Habitat and Management Plan to include performance standards to be required through local development review and Highlands Project Review.	X	X	ALL
1F5b: Establish performance standards such that all development shall employ Low Impact Development Best Management Practices to, in this order: 1) avoid the disturbance of Critical Habitat 2) minimize impacts to Critical Habitat and 3) mitigate all adverse modification to Critical Habitat so that there is no net loss of habitat value. Habitat value is determined by quantity (e.g. acreage), quality (e.g. core forest vs. edge forest), type (e.g. scrub-shrub), and function (e.g. winter hibernacula for timber rattlesnakes). The mitigation requirement of no net loss of habitat value shall ensure that all four elements are accounted for and included in the mitigation design. Mitigation must meet the habitat and life-cycle requirements of the specific impacted species.	X	X	ALL
1F5e: The Critical Habitat Conservation and Management Plan shall include a GIS or map-series Critical Overlay District for inclusion in municipal master plans to identify Critical Habitat that highlights: Habitat in need of protection from fragmentation and other anthropogenic impacts; habitat critical to maintaining wildlife and plant populations; and Habitat that serves other essential ecosystem functions, including but not limited to, carbon sequestration and ground water recharge.	X	X	ALL
1F5f: The Critical Habitat Conservation and Management Plan shall include guidelines for a municipal habitat stewardship program, including, but not limited to prevention of habitat fragmentation through open space preservation and corporate, non-profit, and community involvement in creating, protecting, and restoring habitat.	X	X	ALL
1F7: To require through local development review and Highlands Project Review that projects qualifying as major Highlands Developments, affecting or potentially affecting Critical Habitat in the Preservation Area, comply with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.11 and with the minimum standards and criteria outlined in the Critical Habitat Conservation and Management Plan. All projects in the Preservation Area that are not major Highlands Developments shall comply with Policies 1F1 through 1F6.	X		ALL
1G1: To require that conforming municipalities and counties identify Critical Habitat and management programs in their master plans and development regulations.	X	X	ALL
1G2: To require that conforming municipalities and counties include approved Habitat Conservation and Management Plans in master plans and development regulations.	X	X	ALL
1H3: To develop and maintain a confidential inventory of open space lands and farmland within Conservation Priority Areas and Agricultural Priority Areas which should be preserved.	X	X	ALL
1H7: To identify and designate a Special Environmental Zone in 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, fee simple acquisition, easement acquisition, transfer of development rights programs, and development regulations.	X		ALL
1I1: To require conforming municipalities and counties to include an open space preservation and land stewardship element in their master plans.	X	X	ALL

112: To require conforming municipalities and counties to: identify and delineate existing preserved open space, including fee simple and easements; maintain a current Recreation and Open Space Inventory (ROSI) where required by the NJDEP Green Acres Program; and identify lands subject to stewardship programs in their master plans and provide that information to the Highlands Council.	X	X	ALL
113: To require conforming municipalities and counties to require conservation or land stewardship easements, enforceable by the Highlands Council and at least one of the following: the appropriate municipality, the County Agriculture Development Board, the SADC, Green Acres, or a non-profit land trust organized pursuant to Section 501 [c](3) of the federal tax code and engaged in the protection of land for the purpose of providing long-term stewardship of important resources as a condition of development approval for lands within parcels proposed for development that are identified for preservation on a proposed site plan or subdivision plat.	X	X	ALL
1K4b: Applications for site plan or subdivision approval will include a multi-phased geotechnical site investigation (e.g. test borings, test pits) to locate any potential karst features and potential hazards to public health and safety, structures and ground water quality.	X	X	ALL
1K4c: Local development reviews and Highlands Project Reviews and requirements shall ensure that all potential hazards to public health and safety, structures and ground water quality, including but not limited to concentrated surface water flows that dissolve carbonate rock, are fully addressed and mitigated in the construction plans and subsequent approval process, with the maximum emphasis on nonstructural measures, including, but not limited to, avoidance of modifications to the karst features.	X	X	ALL
1K4e: Highlands Project Reviews and requirements and local development reviews (where applicable) shall prohibit new land uses and facilities that constitute unacceptable risks of discharge due to karst topography where karst features have been identified, including but not limited to: Underground storage tanks; Solid waste landfills; Hazardous waste storage and disposal; and Hazardous materials storage and handling.	X	X	ALL
2B3a: A Current Deficit Area subwatershed that is primarily within the Protection Zone or Conservation Zone shall be assigned Conditional Water Availability not to exceed an aggregate of 1% of Ground Water Capacity, and will be applied to consumptive and depletive water uses that comply with the mitigation requirement in Objective 2B8b.	X	X	PZ,CZ
2B3b: A Current Deficit Area subwatershed that is primarily within the Existing Community Zone shall be assigned Conditional Water Availability not to exceed an aggregate of 2% of Ground Water Capacity, and will be applied to consumptive and depletive water uses that comply with the mitigation requirement in Objective 2B8b.	X	X	ECZ
2B4a: Give highest priority for the use of non-agricultural Net Water Availability or Conditional Water Availability within Protection Zone and Conservation Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review, and Highlands Project Review: 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. Such needs shall have highest priority for Net Water Availability; 2. To serve a designated Highlands Redevelopment Area; 3. To serve a cluster development that complies with Objective 2J4b; and 4. To serve affordable housing projects where at least 10% of	X	X	PZ,CZ

the units are affordable.			
2B8b: Proposed new consumptive or depletive water uses within a Current Deficit Area shall only occur under the auspices of a Water Use and Conservation Management Plan approved under Objective 2B8c or through mitigation of the proposed consumptive or depletive use within the same HUC14 subwatershed through: a permanent reduction of existing consumptive and depletive water uses; ground water recharge in excess of the requirements of N.J.A.C. 7:8 (Stormwater Management Rules); or other permanent means. Where a Water Use and Conservation Management Plan has not been approved: 1. Each project shall achieve mitigation ranging from 125% to 200%, based on the severity of the Current Deficit and the amount of consumptive or depletive water use proposed; 2. Total consumptive and depletive water uses from any single project and all projects combined are not to exceed the Conditional Water Availability of Objectives 2B3a or 2B3b for any HUC 14 subwatershed; 3. Mitigation shall be successfully completed prior to initiation of the water use, except as required by #4, below. Mitigation may be phased in keeping with project development; 4. For water uses where the combination of proposed consumptive and depletive water uses and current subwatershed deficit is high, according to a schedule established by the Highlands Council, off-site mitigation shall be successfully completed prior to any on-site construction. On-site mitigation shall be successfully completed prior to initiation of the water use but may be implemented concurrent with on-site construction. Mitigation may be phased in keeping with the level of consumptive or depletive water uses; and mitigation plans for a project shall include: specific objectives for each mitigation component; monitoring and reporting requirements; methods by which shortfalls in meeting the mitigation objectives shall be addressed through additional action; and be guaranteed through performance bonds.	X	X	ALL
2B8c: Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e. in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.	X	X	ALL
2D3c: Implement master plans and development review ordinances through Plan Conformance that protect Prime Ground Water Recharge Areas and minimize the potential for disruption of recharge in such areas by development.	X	X	ALL
2D3d: Establish minimum site design guidelines and permissible uses within a Prime Ground Water Recharge Area, including identification of land use categories or other activities posing sufficient risk of contamination that are not allowed within Prime Ground Water Recharge Areas.	X	X	ALL

2D4a: Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Steep Slopes.	X	X	ALL
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 (HAD) or a HPAA with waiver pursuant to N.J.A.C.7:38 and Policy 7G1.	X		ALL
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 and Policy 7G1.	X		ALL
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 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters 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. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, 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 through a waiver under Policy 7G1 or 7G2 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. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waivers under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.		X	PZ, CZ, EC- SUB- ZONES
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 requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 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; and 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. TO the maximum extent feasible the developed portion (i.e. not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; 5. Where the preserved land in the cluster project area is preserved for agricultural purposes, the cluster development ordinance and an Agriculture		X	PZ, CZ, EC- SUB- ZONES

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 United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Farm Conservation Plan focused on protection of water resources.			
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.		X	ECZ
2J7c: Require that new residential development served by public community water systems, be except where also served by septic systems, at a minimum density of 1/2 acre per dwelling unit for the developed part of the site (e.g. not including wetlands, Highlands Open Waters buffers, recreational space), to ensure cost-effective utility service.	X	X	ALL
2J7d: Require that new non-residential development served by public community water systems, except where also served by septic systems, be designed to target a floor area ratio (FAR) of 0.84 for the developed part of the site (e.g. not including wetlands, Highlands Open Waters buffers, recreational space), to ensure cost-effective utility service.	X	X	ALL
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 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters 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. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Water buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, 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 through a waiver under Policy 7G1 or 7G2 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;		X	PZ, CZ, EC- SUB- ZONES

<p>2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or</p> <p>3. To serve a cluster development that meets all requirements of Objective 2K3d.</p>			
<p>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 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 of the initial cluster served; 4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g. not including wetlands, Highlands Open Water buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to 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 NRCS Farm Conservation Plan focused on protection of water resources.</p>		X	PZ, CZ, EC- SUB- ZONES
<p>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 area appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to those provided at 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 area.</p>		X	ECZ
<p>2K4a: Require that new residential development served by public wastewater collection and treatment systems be at a minimum density of 1/2 acre per dwelling unit for the developed part of the site (e.g. not including wetlands, Highlands Open Waters buffers, recreational space), to ensure cost-effective utility service.</p>	X	X	ALL
<p>2K4b: Require that new non-residential development served by public wastewater collection and treatment systems be designed to target a floor area ratio (FAR) of 0.84 for the developed part of the site (e.g. not including wetlands, Highlands Open Waters buffers, recreational space), to ensure cost-effective utility service.</p>	X	X	ALL

2L2a: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Protection Zone is predominant as the nitrate target for new development reliant on septic systems within the Protection Zone. The median is 0.72 mg/l.		X	PZ
2L2b: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Conservation Zone is predominant as the nitrate target for new development reliant on septic systems within the Conservation Zone. The median is 1.87 mg/l.		X	CZ
2L2c: Use the NJDEP Highlands Preservation Area Rules and nitrate thresholds for the Preservation Area.	X		ALL
2L2d: Use a nitrate target of 2 mg/L for the Existing Community Zone within Planning Area, on a project-by-project basis, where new development will rely on septic systems.		X	ECZ
2L2e: New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15.	X	X	ALL
3A4b: Implement through Plan Conformance Agriculture Retention/Farmland Preservation Plan elements and development regulations promoting preservation in the Agricultural Resource Areas (ARA) and limiting non-agricultural uses within the ARA to those uses that support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect important farmland soils, and meet resource management and protection requirements of the RMP.	X	X	ALL
3A5: Where it is not feasible to preserve agricultural lands within the ARA by such methods as fee simple acquisition, easement acquisition, or a TDR Program, require mandatory clustering through Municipal Plan Conformance, local development review and Highlands Project Review for residential development in an ARA. Cluster development within the Planning Area that incorporates public or community on-site wastewater utilities shall meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e and within the Preservation Area shall meet the requirements of Policy 2I1 and Objectives 2I1a and 2I1b, and where reliant on septic systems shall meet the requirements of Objective 6I1a.	X	X	ALL
3A5b: Implement regulations requiring that all cluster or conservation design development proposed in an Agricultural Resource Area be buffered appropriately with existing natural resources, such as hedgerows or trees, or with new buffers to avoid conflicts between non-agricultural development and agricultural activities, and to protect existing agricultural uses and sensitive environmental features.	X	X	ALL
3A5c: Implement regulations requiring that all land preserved in perpetuity for environmental protection or agricultural purposes as a result of clustering be subject to a conservation easement enforceable by the Highlands Council and at least one of the following: the appropriate municipality, for agricultural purposes the County Agriculture Development Board or the SADC and for environmental purposes Green Acres or a qualified land trust non-profit organization.	X	X	ALL

3A5d: Where the preserved land in the cluster project area is dedicated to agricultural purposes support continued agricultural viability of the agricultural land, encourage that the original or new farmstead remain attached to the preserved land wherever feasible, and require the implementation of best management practices through the cluster development ordinance and an Agricultural Retention/Farmland Preservation Plan, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA NRCS, Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).	X	X	ALL
3D4: To promote the use of alternative and innovative wastewater treatment systems to provide enhanced protection of surface and ground water quality in agricultural resource areas of the Conservation Zone.	X	X	CZ
6F6: To encourage new population growth, where desired by the municipality, and development in the Existing Community Zone is in the form of center based and mixed use development.	X	X	ECZ
6G4c: 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.	X	X	ALL
6I1a: Adopt municipal and county master plans and land development regulations that require that cluster developments preserve in perpetuity for environmental protection or agricultural purposes at least 80% of the cluster project area. To the maximum extent feasible the developed portion (i.e. not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system.	X	X	ALL
6J1: To encourage Preservation Area redevelopment of sites with 70% or greater impervious surfaces or a brownfield in areas designated by the Highlands Council as Highlands Redevelopment Areas in accordance with N.J.A.C 7:38-6.6 and 6.7.	X		ALL
6J2: To encourage redevelopment in the Existing Community Zone in the Planning Area of brownfields, grayfields, and other previously developed areas that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.		X	ECZ
6J3: To encourage redevelopment in the Conservation and Protection Zones in the Planning Area of brownfields and grayfields that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.		X	PZ, CZ
6L1: To require that conforming municipalities identify any development, redevelopment, and brownfield opportunities in the local land use plan element of their master plans, as appropriate.	X	X	ALL
6N4: To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.	X	X	ALL
6N5: To require through Plan Conformance that municipalities and counties incorporate programs for community and neighborhood design that support a variety of housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures, and infill development in their master plans and development regulations.	X	X	ALL

7B3: All lands within the Preservation Area, except for those in the Existing Community Zone and approved Highlands Redevelopment Areas, shall be eligible to serve as Sending Zones under the Highlands TDR Program.	X		PZ, CZ
7B4: Upon municipal conformance, all lands within the Planning Area, except for those in the Existing Community Zone and approved Highlands Redevelopment Areas, shall be eligible to serve as Sending Zones under the Highlands TDR Program.		X	PZ, CZ
7D1: Lands located within the Existing Community Zone or Highlands Redevelopment Areas may be designated as Receiving Zones by a Highlands municipality upon approval by the Highlands Council, provided that such Receiving Zones are consistent with the RMP.	X	X	ECZ
7D2: Lands located within the Conservation Zone may be designated as Receiving Zones by a Highlands municipality upon approval of the Highlands Council, provided that such Receiving Zones are consistent with the RMP and the development does not conflict with the maintenance of viable agriculture.	X	X	CZ
7G1: For the Preservation Area, coordinate with NJDEP during Highlands permit review for any major Highlands development including the review of waivers on a case-by-case basis: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation.	X		ALL
7G2: For both the Preservation Area and the Planning Area, a waiver may be issued by the Highlands Council on a case-by-case basis from the requirements of the RMP or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation. Any waiver issued shall be conditioned upon a determination that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible.	X	X	ALL
7H1a: Establish an intra-municipal TDR Program for landowners whose property is entitled to an exemption under Section 30 of the Highlands Act and who voluntarily apply for and receive transferable development rights under a municipal TDR program.	NA	NA	NA
7H1b: Establish municipal clustering programs which allow for the clustering of development rights from willing landowners whose property is entitled to an exemption under the Highlands Act, for both contiguous and non-contiguous properties, so as to minimize the impact of such exempted development on the ecological integrity of the Highlands Region.	NA	NA	NA

*PRA = Preservation Area; +PLA = Planning Area; PZ = Protection Zone; CZ = Conservation Zone; ECZ = Existing Community Zone; EC Sub-zones = Environmentally Sensitive Sub-zones; NA = Not Applicable.

APPENDIX B – PUBLIC WATER & SEWER AREAS (HOLLAND TOWNSHIP ENVIRONMENTAL RESOURCE INVENTORY)

Legend

 Holland Twp. Boundary

 Public Community Water Supplies

 Water Purveyor Areas

 Holland- Proposed Revisions Sewer Service Area

 Holland Sewer Service Areas

Wellhead Protection Areas

 Tier 1

 Tier 2

 Tier 3

 Streams and Rivers

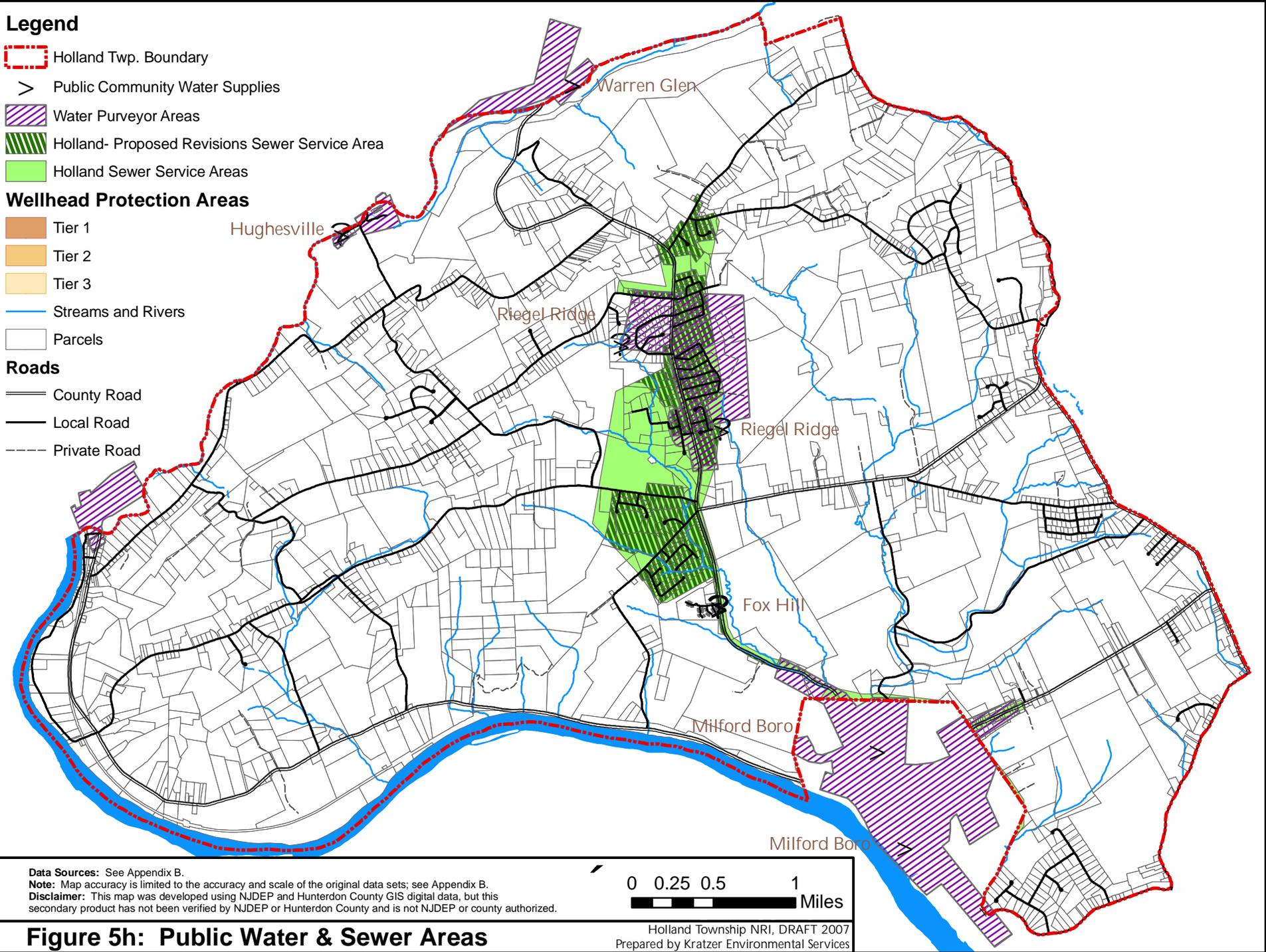
 Parcels

Roads

 County Road

 Local Road

 Private Road



Data Sources: See Appendix B.
Note: Map accuracy is limited to the accuracy and scale of the original data sets; see Appendix B.
Disclaimer: This map was developed using NJDEP and Hunterdon County GIS digital data, but this secondary product has not been verified by NJDEP or Hunterdon County and is not NJDEP or county authorized.

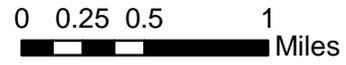


Figure 5h: Public Water & Sewer Areas

APPENDIX C –HIGHLANDS ACT EXEMPTIONS

The following activities are exempt from the provisions of the Highlands Act, Regional Master Plan, NJDEP rules or regulations adopted pursuant to the Highlands Act, and any amendments to a master plan, development regulations or other regulations adopted by a municipality specifically to conform them with the RMP.

1. Construction of a single family dwelling for one's own use or family use on a lot owned by the individual on August 10, 2004.
2. Construction of a single family dwelling on a lot in existence on August 10, 2004 provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by 1/4 acre or more.
3. Developments that received certain municipal or State permits or approvals on or before March 29, 2004 where construction beyond site preparation started on or before August 10, 2007:
 - (a) one of the following approvals pursuant to the "Municipal Land Use Law," P.L.1975, c. 291 (C.40:55D-1 et seq.):
 - (i) preliminary or final site plan approval;
 - (ii) final municipal building or construction permit;
 - (iii) minor subdivision approval where no subsequent site plan approval is required;
 - (iv) final subdivision approval where no subsequent site plan approval is required; or
 - (v) preliminary subdivision approval where no subsequent site plan approval is required; and
 - (b) at least one of the following permits from the Department of Environmental Protection, if applicable to the proposed major Highlands development:
 - (i) a permit or certification pursuant to the "Water Supply Management Act," P.L.1981, c. 262 (C.58:1A-1 et seq.);
 - (ii) a water extension permit or other approval or authorization pursuant to the "Safe Drinking Water Act," P.L.1977, c. 224 (C.58:12A-1 et seq.);
 - (iii) a certification or other approval or authorization issued pursuant to the "The Realty New Improvement Sewerage and Facilities Act (1954)," P.L.1954, c. 199 (C.58:11-23 et seq.); or
 - (iv) a treatment works approval pursuant to the "Water Pollution Control Act," P.L.1977, c. 74 (C.58:10A-1 et seq.); or
 - (c) one of the following permits from the Department of Environmental Protection, if applicable to the proposed major Highlands development, and if the proposed major Highlands development does not require one of the permits listed in subsubparagraphs (i) through (iv) of subparagraph (b) of this paragraph:
 - (i) a permit or other approval or authorization issued pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c. 156 (C.13:9B-1 et seq.); or
 - (ii) a permit or other approval or authorization issued pursuant to the "Flood Hazard Area Control Act," P.L.1962, c. 19 C.58:16A-50 et seq.).

4. Reconstruction of buildings or structures within 125% of the footprint of the lawfully existing impervious surfaces provided there is not an increase in impervious surface by one-quarter acre or more (not applicable to conversion of an agricultural or horticultural building or structure to a non-agricultural or non-horticultural use).
5. Improvement to a single family dwelling in existence on August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system.
6. Expansion of or improvement to any existing places of worship, schools, or hospitals for non-residential purposes.
7. Activities conducted pursuant to approved woodland and forest management plans.
8. Construction or extension of trails (with non-impervious surfaces) on public or private lands.
9. Public transportation or infrastructure systems – Routine maintenance and operations, rehabilitation, preservation, reconstruction, or repair, consistent with the goals and purposes of the Act without any new through-capacity travel lanes.
10. Transportation safety projects by a State entity or local government unit, provided that the activity does not result in the construction of any new through-capacity travel lanes.
11. Public utility lines, rights of way, or systems – Routine maintenance and operations rehabilitation, preservation, reconstruction, or repair, consistent with the goals and purposes of the Act.
12. Reactivation of rail lines and rail beds existing on August 10, 2004.
13. Public infrastructure projects approved by public referendum prior to January 1, 2005 or a capital project approved by public referendum prior to January 1, 2005.
14. Mining or quarrying on any mine, mine site, or construction materials facility existing on June 7, 2004.
15. Site remediation of contaminated sites.
16. Military lands existing on August 10, 2004.
17. Affordable housing pursuant to settlements in Planning Areas 1 or 2.

APPENDIX D – MUNICIPAL FARMLAND PRESERVATION PLAN TARGET AREAS

Municipal Farmland Preservation Plan Target Areas

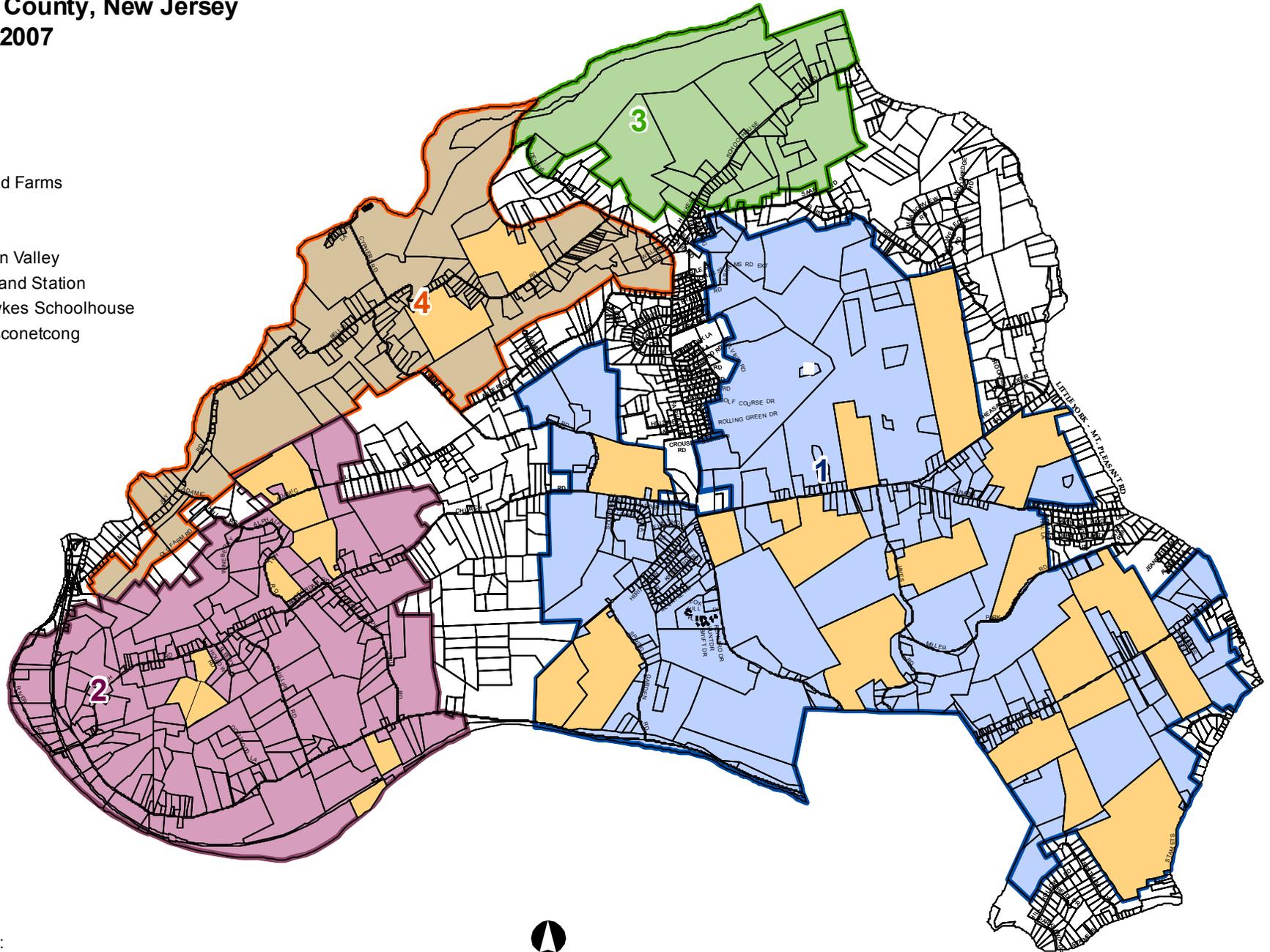
Township of Holland
Hunterdon County, New Jersey
December 2007

Legend

- Targeted Farms
- Parcel

Target Areas

- 1 - Bunn Valley
- 2 - Holland Station
- 3 - Hawkes Schoolhouse
- 4 - Musconetcong



Map Prepared by:
Elizabeth C. McKenzie, P.P., P.A.
Data Sources:
Hunterdon County Division of GIS

