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**CONSISTENCY REVIEW
AND RECOMMENDATIONS REPORT**

**INCORPORATED BY REFERENCE INTO HIGHLANDS COUNCIL
RESOLUTION 2021-07**

**PETITION FOR PLAN CONFORMANCE AND CENTER DESIGNATION
WASHINGTON BOROUGH, WARREN COUNTY**

Prepared by the State of New Jersey Highlands Water Protection and
Planning Council in Support of the Highlands Regional Master Plan

FEBRUARY 2021

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance –Consistency Review and Recommendations Report

PETITION SUMMARY

Municipality:	<u>Borough of Washington</u>
Date of Petition Submission:	<u>October 26, 2020</u>
Conformance Area:	<u>Planning Area</u>
Staff Recommendation:	<u>Approve Petition with Conditions</u>

Summary of Petition Submittal

1. Resolution: Intent to Revise Master Plan and Development Regulations for Highlands Plan Conformance for Land in the Planning Area. Adopted February 5, 2019.
2. Borough of Washington, Warren County, NJ – Highlands Council Plan Conformance Petition, dated October 2020.
 - Overview of Washington Borough Master Plan
 - Resource inventory of the Borough’s natural and cultural resources
 - Summary of developable and re-developable lands within the Borough
 - Land Use Capability Zone designations within the Borough
 - Proposed Center boundaries with Highlands Environmental Resource Zone depictions (HERZ)
 - Goals of the Highlands Center
 - Public outreach strategy
 - Summary of available infrastructure

The Borough of Washington, located in Warren County, has 1,259 acres in the Planning Area of the Highlands Region where Plan Conformance is voluntary. Washington Borough is a regional center in the midst of a rural agricultural landscape, providing access to many of the goods and services residents throughout the area rely on. The Borough is intersected by two major roadways, state highways 31, north/south, and 57 east/west, which intersect near the geographical center of the Borough. The Borough’s significant main street lies along Route 57 though both state highways are heavily commercialized.

In 1999 Washington Borough was designated a Center by the State Planning Commission and subsequently undertook multiple efforts to revitalize its downtown through Revitalization and Redevelopment plans. These plans, while more than ten years old, guide much of the future development goals of the Borough and will be updated as part of the Plan Conformance Implementation Strategy to reflect revised goals and strategies and current on the ground conditions.

In accordance with Section 15 of the Highlands Act (N.J.S.A. 13:20-15), the Borough has indicated its intent to revise its master plan and development regulations, as applicable to the development and use of land in the planning area, to conform with the goals, requirements, and provisions of the

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Regional Master Plan (RMP). The Borough shall proceed in revising its master plan and development regulations in accordance with the Highlands Council’s adopted Plan Conformance Procedures (RMP Addendum 2019-2). There will be additional opportunities to more firmly align the overall planning with specific regulations and policies of the RMP as noted in this Recommendations Report. These opportunities will be pursued as implementation of Plan Conformance proceeds. The Plan Conformance tasks outlined below facilitate these efforts.

On February 5, 2019, the Borough of Washington approved a resolution indicating the municipality’s intention “to revise its master plan and development regulations for Plan Conformance to the Highlands Council” and in October of 2020 the Borough completed their Initial Assessment including a Petition for Plan Conformance with an Implementation Plan and Schedule. These actions affirm the Borough’s commitment to engage in the Highlands Plan Conformance process.

In the process of completing its Initial Assessment for Plan Conformance, the Borough determined, that Highlands Center designation was in the best interest for the municipality. This initiative was completed with assistance from Highlands Council funding, as an eligible component of the Highlands Council Plan Conformance program. The resultant analyses propose designation of a Highlands Center within the Borough, which is intended to advance the goals and intents of both the Borough Master Plan and the Highlands Regional Master Plan (RMP).

Center Designation Review

Proposed Boundaries: The Borough is 100% Planning Area. The entirety of the Borough will be contained within the center boundaries with a portion of vacant land in the southwest corner of the Borough to be designated a Highlands Environmental Resource Zone (HERZ).

Highlands Environmental Resource Zones (Appendix B): *A Highlands Environmental Resource Zone (HERZ) is a land area within a designated center that contains environmentally sensitive resources. The delineation of the HERZ recognizes that a designated center, while generally suitable for future development and redevelopment, may contain areas of sensitive resources that may require additional protections. Each HERZ will be identified according to its features and be afforded appropriate planning and management as part of the comprehensive center planning.*

The majority of the proposed Washington Borough Center is currently developed and identified as Existing Community Zone. Undeveloped areas within the Borough are constrained by wetlands and steep slopes and are currently designated as Protection Zone. Highlands resources within the developed area are very limited. Where Highlands resources do exist within the proposed Highlands Center, they will be protected in the same manner as those resources existing in the Protection Zone of the Planning Area. The Borough, through its center planning process, will evaluate the need for additional HERZ boundaries as appropriate. As a condition of approval, the requirements of the Protection Zone septic density and the limitation of extension of public/community water and sewer to any area designated as a Highlands Environmental Resource Zone (HERZ) shall apply.

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Available Infrastructure:

Public Water Service: Washington Borough is serviced by New Jersey American Water as its potable water system. The system consists of 5 wells providing 1.3 million gallons per day to service four municipalities. The system has a permitted capacity of 4.535 MGD.

Wastewater Service: Washington Borough owns and operates a municipal sewer treatment plant. The treatment plant has a permitted flow of 1.16MGD. The current average flow is 0.753 MGD thus ensuring adequate capacity for future development of the Borough.

Staff Recommendation

On the basis of the components of the Conformance Petition, outlined above, Highlands Council Staff recommends that the Petition for Plan Conformance, including Center Designation and Implementation Plan and Schedule for the Borough of Washington, be approved with conditions as outlined below. These mandatory conditions (except as noted) will bring the Borough into alignment with the Highlands Plan Conformance Procedures, the Highlands Regional Master Plan (RMP) and the Highlands Act. Not all items below are funded in the current Implementation Plan and Schedule, these items are intended to be funded at a later date. Washington Borough will not be required to complete unfunded items until funding is provided.

The following items are intended to be completed consistent with the Borough’s center planning process to ensure continuity of the goals and objectives of the center.

- 1. Adoption of Approved Highlands Planning Area Petition Ordinance** – The Borough shall review the model Highlands Planning Area Petition Ordinance, adapt it to their standards, and formally adopt it after noticing and public hearing(s) in accordance with the municipality’s standards for ordinance adoption.
- 2. Adoption of Approved Highlands ERI** – The Borough shall review the Highlands Interactive Environmental Resource Inventory (ERI) as it relates to municipal resources and notify the Council of any necessary updates. Upon conclusion that the ERI is accurate, the municipal Land Use Board shall provide for and complete the required process of formal adoption of the ERI. At the conclusion of the process, a copy of the minutes of the meeting(s) shall be provided to the Highlands Council.
- 3. Adoption of Approved Master Plan Highlands Element** – The municipality shall prepare the Master Plan Highlands Element and submit it to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Element by the municipal Land Use Board. At the

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conclusion of the process, a certified copy of the adopted Highlands Element shall be provided to the Highlands Council.

4. **Adoption of Approved Highlands Area Land Use Ordinance** – The municipality shall prepare the Highlands Area Land Use Ordinance in accordance with the procedures set forth for Center Designation and submit it to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the municipal Governing Body shall arrange for the required process of scheduling, notice, public hearing(s), consideration, and formal adoption of the Highlands Area Land Use Ordinance by the municipal Governing Body. At the conclusion of the process, a certified copy of the adopted Highlands Area Land Use Ordinance shall be provided to the Highlands Council with notice of its effective date.
 - a. **Adoption of Updated Zoning Map** – The municipality shall prepare an updated Municipal Zoning Map which shall be adopted immediately following or at the time of adoption of the Highlands Area Land Use Ordinance, to reflect the new overlay Highlands Zones and Sub-Zones, including the Highlands Designated Center and approved Highlands Environmental Resource Zones (HERZ). The adoption process shall mirror that outlined above for the Highlands Area Land Use Ordinance.
5. **Stormwater Management Plan** – The municipality shall prepare an updated Stormwater Management Program to include, at a minimum, three components: 1) GIS mapping of stormwater outfalls; 2) Amend municipal stormwater control ordinance; and 3) Adopt a stormwater mitigation plan.
6. **Water Use and Conservation Management Plan** – The municipality shall prepare a Water Use and Conservation Management Plan to include four components: 1) Update/revise net water availability calculations for relevant subwatersheds; 2) Develop a municipal-wide Water Use and Conservation Management Plan; 3) Implement water conservation/deficit mitigation strategies identified in the Plan; and 4) Monitor, review and update Plan as necessary.
7. **Municipal Exemption Determination Ordinance (optional)** – Adopt the Highlands Municipal Exemption Determination Ordinance and designate municipal officials to serve as exemption designee(s).
8. **Land Use Plan Element** – Update existing Land Use Plan element of the Master Plan.
9. **Circulation Plan Element**- Update existing Circulation Plan Element of the Master Plan

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- 10. Downtown Redevelopment Plan Amendments** – Update the Downtown Redevelopment Plan to reflect the current goals of the Borough, Highlands Center Designation, and on the ground conditions.
- 11. Wastewater Management Planning** – Complete the wastewater management planning process consistent with the Highlands Regional Master Plan and the Borough’s Center planning goals.
- 12. Highlands Center Planning** – Conduct a robust Center Planning process to guide the future development of the Borough in accordance with RMP Amendment 2019-2 Appendix B: Center Designation Procedures.
- 13. Transfer of Development Rights** – Conduct a phase 1 Transfer of Development Rights (TDR) feasibility analysis. If warranted, phases 2-4 will follow.

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APPENDIX A

HIGHLANDS IMPLEMENTATION PLAN AND SCHEDULE
Washington Borough, Warren County, New Jersey

Amended Grant Agreement Task #	PLAN CONFORMANCE TASK	Proposed Cost Fiscal Year 2021	Status and Comments
1	Housing Element & Fair Share Plan (Module 3)		
	a. Update Module 2, 3 & 7 - 3rd Round Fair Share Plan		
	b. Housing Element and Fair Share Plan		
2	Highlands Environmental Resource Inventory (Module 4)	\$2,000	Review Highlands Interactive ERI, propose amendments as necessary and adopt.
3	Highlands Element of Municipal Master Plan (Module 5)		
	a. Master Plan Reexamination Report - Prepared and Adopted	\$12,000	Adoption of the Highlands element and reexamination report
	b. Highlands Element of the Municipal Master Plan		
4	Municipal Master Plan Elements		
	a. Land Use Plan Element		
	b. Conservation Plan Element		
	c. Circulation Plan Element		
	d. Land Preservation and Land Stewardship Plan Element		
	e. Agricultural Retention/Farmland Preservation Plan		
	f. Sustainable Economic Development Plan Element/ Implementation Actions		
	g. Community Facilities Plan Element		
	h. Historic Preservation Plan Element		
	i. TDR Plan Element		
	j. Septic System Yield Allocation		
5	Highlands Land Use Ordinances (Module 6)		
	a. Adopt Planning Area Petition Ordinance	\$500	Adoption of the Highlands Planning Area Petition Ordinance as required by the Highlands Act.
	b. Adopt Highlands Municipal Referral Ordinance		
	c. Adopt Delegated Exemption Ordinance		
	Highlands Center Ordinance		
6	Zoning Map Update (Update to reflect Highlands Overlay Zones, Districts)		
7	Resource Management Plans and Programs		
	a. Water Use and Conservation Management Plan		
	b. Habitat Conservation and Management Plan		
	c. Stream Corridor Protection/Restoration Plan		
	d. Wastewater Management Plan	\$55,000	Complete the Wastewater Management Planning process consistent with the Highlands Regional Master Plan.
	e. Septic Management/Maintenance Plan		
	f. Lake Restoration Management Plan		
	g. Scenic Resource Management Plan		
	h. Municipal Stormwater Management Plan		
	i. Land Preservation and Stewardship Program		
	j. Forest Stewardship Plan		
8	Implementing Ordinance for Management Plans		
	a. Septic System Maintenance		
	b. Potential Contaminant Source Management		
	c. Water Use and Conservation Management Plan Ordinances		
	d. Habitat Conservation and Management Ordinance		
	e. Stream Corridor Ordinance		
	f. Lake Restoration Ordinances		
	g. Tree Clearing Ordinances		
	h. Right to Farm Ordinance		
	i. Scenic Resource Management Ordinance		
	j. Wellhead Protection Ordinance		
	k. Steep slope protection ordinance		
9	Highlands Center and Highlands Redevelopment Areas		
	a. Highlands Center Planning Petition Study		
	b. Highlands Center Planning	\$16,000	Complete Highlands Center Planning consistent with the Regional Master Plan and Plan Conformance procedures including investigation of other areas appropriate for HERZ designation.
	c. Phase 1 TDR Assessment	\$10,000	Phase 1 Transfer of Development Rights (TDR) feasibility analysis. Future Phases 2-4 to be funded as necessary.
	d. Highlands Redevelopment Area Planning		
10	Other		
	a. Existing Land Use Inventory	\$3,500	Update the Borough's Existing Land Use Inventory
	b. Downtown Redevelopment Plan Amendments	\$22,000	Amend the Downtown Redevelopment Plan consistent with the goals of the Center and Regional Master Plan.
	c. Comprehensive Borough Ordinance Revisions		
Totals		\$101,000	

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APPENDIX B

**INITIAL ASSESSMENT FOR HIGHLANDS PLAN CONFORMANCE
Washington Borough, Warren County, New Jersey**

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APPENDIX C

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES
Petition for Plan Conformance
Washington Borough, Warren County, New Jersey

A Public Comment Period was held from November 23, 2020 to December 23, 2020. Notice of the public comment period was sent to the Highlands Council's e-mail list, newspapers of record, and posted on the Highlands Council's website. No public comments were received.