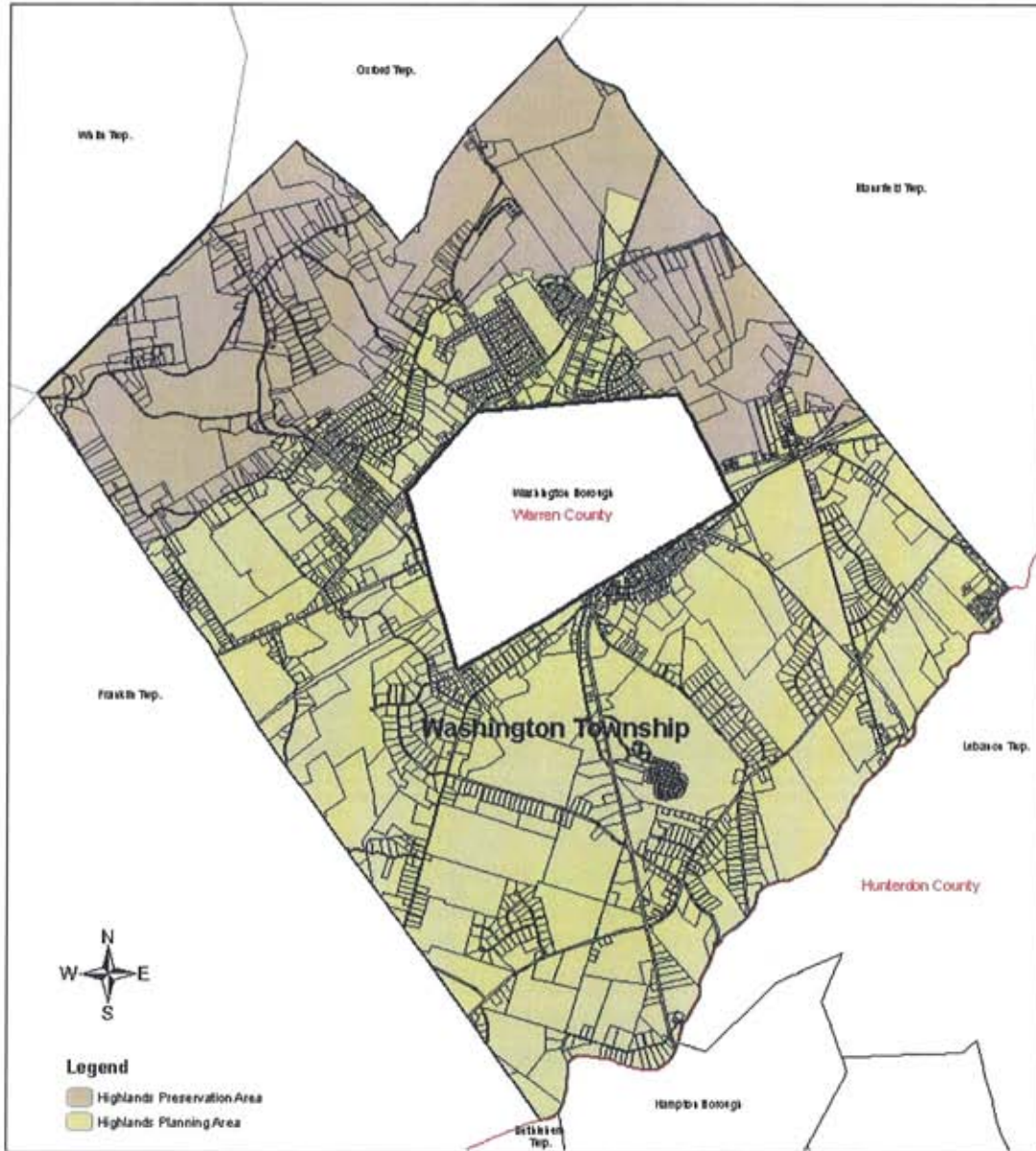


# NEW JERSEY HIGHLANDS AND WASHINGTON TOWNSHIP INITIAL ASSESSMENT REPORT



Prepared for Washington Township by  
*Scarlett Doyle, P.P.*  
Washington Township Planning Consultant  
*John Cilo, Jr. Associates, Inc.*  
198 West High Street, Somerville, NJ 08876

April 10, 2009

## **Washington Township Committee**

Honorable Samir Elbassiouny, Mayor  
Barry Mueller, Deputy Mayor  
John Horensky, Committee Member  
Michael A. Kovacs, Committee Member  
Jeff Strunk, Committee Member

Peter H. deBoer, Jr., Acting Administrator  
Mary Ann O'Neil, Township Clerk

Michael B. Lavery, Township Attorney  
Finelli Consulting Engineers, Township Engineer

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Gordon Wallace, Alt. #2

Alice Oldford, Board Secretary

Steven P. Gruenberg, Board Attorney  
William Gleba, Board Engineer  
Scarlett Doyle, Board Planner  
Joseph Fischer, Geotech

## **Acknowledgement**

This report was funded through an Initial Assessment Grant from the New Jersey Highlands Council.

Unless so noted, elected portions of this document have relied upon report entitled, "New Jersey Highlands and Holland Township Initial Assessment Grant Report, prepared by Caroline Armstrong, PP/AICP, GROUP melvinDESIGN, dated March 3, 2009. The text may have been modified for specific application to Washington Township, but the informational source is to be credited to the above. Where used, these portions are identified by *italics* throughout the body of the document.

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# **INITIAL ASSESSMENT REPORT**

## **Summary of Regulations – Washington Township**

The initial assessment of Washington Township's Environmental Resources Inventory (ERI), Master Plan and Land Use Ordinances is to identify matters of consistency with the Highlands Regional Master Plan and highlight those areas where there is a lack of consistency. The importance of the initial assessment of the Township's Master Plan documents is to define the areas that are not covered by these documents as compared with the Highlands Master Plan. Once the areas that are not covered are defined, a plan to update certain elements of the Environmental Resources Inventory, Re-examination of the Master Plan and Land Use Ordinances can then be made. One example would be to discuss the need to update the Environmental Resource Inventory to define the water quality of the Township streams and the groundwater, which is contained in the limestone formation from surface pollution which is caused by chemical by-products from motor vehicles, lawn chemicals, farming herbicides and pesticides, industrial wastes, and lack of good construction techniques in the construction of septic systems, detention/retention basins and roads.

## **Environmental Resource Inventory**

Since the 1970's, the Township Committee has developed Master Plans, Re-examination Reports, and Land Use Ordinances to minimize the effect of residential, industrial and commercial development on carbonate rock formations that underlie much of the Township. Many of the techniques that the Township has developed over the years are included in the Regional Highlands Master Plan and Development Regulations, e.g. increased lot sizes from one acre to four and five acres in the Valley

Residential and Mountain Residential Districts. The increase in lot areas was the result of the 1991 Environmental Resource Inventory that was prepared by the Washington Township Environmental Commission. Many of the ERI findings were incorporated into the Master Plan update of November 1994.

In 1974 the Planning Board (now Land Use Board) adopted the report entitled, *Background Studies and Development Plan* which served as a foundation for the Environmental Resource Inventory. The ERI of 1991 expanded on the 1974 background studies which, in turn, served as the basis to increase the lot areas to four and five acres in most of the Township. The districts for smaller-sized lots (less than one acre) are clustered around Washington Borough. Sanitary sewers were extended from Washington Borough into the Township to service the area of small-sized lots, which are not able to handle both on-site well and subsurface disposal areas.

The ERI included a map for karst formations, which identified that a large portion of the Township was underlain with various types of limestone. Experience with large-sized subdivisions showed that the limestone formations were affected by intrusion of detention basins into the limestone formations, causing problems with the stability of the soils. This resulted in the collapse of the bottom of the basins and provided a major source of pollution of the ground water.

Since the 1994 Master Plan update, there have been five major changes in how the Township handles subdivisions and site plans:

- The adoption of Residential Site Improvement Standards
- The Highlands Water Protection and Planning Act
- Council on Affordable Housing Regulations
- Carbonate Rock (karst) Regulations
- Stormwater Management Rules Promulgated by the State of NJ

In 1997 the Township Committee adopted an ordinance to control development in the Carbonate Rock District to (a) prevent collapsing of the soil; (b) protect the carbonate (limestone) aquifers as potable water source from pollution; and (c) reduce the frequency of structural damage to public and private improvements. The Land Use regulations require a Geotechnical Investigation Program for all major subdivisions and site plans. The Land Use Board has required that the services of a professional engineer or geologist will be utilized to review the data submitted and advise the Board on karst issues. The Board has also required that excavation for subdivisions and site plans is to be done in limestone areas under the observation of an on-site Township representative.

## **Zoning Ordinance**

The Township Land Use and Zoning Ordinances have evolved, since 1953, into the document that is currently in use by the Board. The current elements of the Land Use Ordinance are:

- Carbonate Rock District, Chapter 55
- Development Regulations, Chapter 64
- General Development Plan, Chapter 64, Attachment 1
- Driveways, Chapter 70
- Flood Damage Prevention, Chapter 74
- Soil Removal, Chapter 104
- Street and Sidewalks, Chapter 106
- Zoning, Chapter 123
- The ordinance provides for five checklists for the Board's use in administering the Land Use Ordinance, as follows:
  - Checklist A – Minor Subdivision Plat and Minor Site Plat
  - Checklist B – Preliminary Major Subdivision and Preliminary Major Site Plan or Conditional Use
  - Checklist C – Determining Completeness of Applications for Development
  - Checklist D – Final Major Subdivision Plat, Final Major Site Plan
  - Checklist E – Zoning Variance and/or Direction for the Issuance
  - Checklist for the General Development Plan

Over the years, there have been a number of individual ordinances adopted by the Township Committee to update the Land Use Ordinances to control growth.

### **Master Plan**

The earliest Master Plan, entitled Background Studies and Development Plan, appears to have been prepared circa 1974 and was updated as to the physical features of the Township by the 1991 Environmental Resource Inventory. The 1994 Master Plan Update used the 1991 Environmental Resource Inventory as a base document for the updating. The 1994 Master Plan proposed increasing the lot areas from 80,000 s.f. and 120,000 s.f., to four acres and five acres, in most of the Township. Sewer service areas within the Township were defined in an attempt to control development as it relates to developing on carbonate rock formation.

In its mission statement (page 10), the 1994 Master Plan places "emphasis on allowing reasonable growth in appropriate areas while preserving the rural atmosphere of the Township and protecting sensitive environmental resources and property owner's general welfare. Additional growth should include commercial and industrial ratables. At the same time the need for additional active recreation areas and preservation of historic resources is recognized."

The Master Plan update further defines the areas of environmental resources constraints as:

- Areas of steep slopes
- Floodplains
- Wetlands
- Unsuitable soils for development
- Prime agricultural soils
- Sensitive geological formations
- Scenic features



There is a cost factor in requiring resource constraints which result in reduction of the number of lots that may be generated from a property by applying zoning requirements to the property. By not reacting to the environmental resources constraints listed above, there will be an "environmental degradation in soil erosion, siltation, and water quality," which can be avoided by proper techniques.

The use of the subsurface septic disposal fields can lead to the pollution of the carbonate rock aquifers which will impact the quality of potable water in the aquifer(s) if not properly designed.

A detention and/or retention basin is an integral feature of the Stormwater Management Plan, which is used to control quantity, quality and rate of release of the effluent from the basin. It is the depth of the basin that is of primary concern as a potential problem area. The over-burden on the carbonate rock formation may not have sufficient permeability depth to regulate the stored runoff from creating solution holes, which may cause collapse of the bottom of the basin. The current practice is to provide a neoprene membrane on the bottom and sides of the basin to prevent any permeability from the basin, thereby creating solution holes.

The control of runoff from subdivisions and site plans is reviewed by the Land Use Board to insure that any water intrusion into the carbonate rock formation is held to an irreducible amount by using best management practices.

In many respects the Highlands regulations parallel the Township standards in dealing with environmental resource constraints. In April 1997 and March 31, 1999, an amendment to the Housing Plan Element and Fair Share Plan were incorporated as an element to the 1994 Master Plan Update in response to the NJ Fair Housing Act of 1985 and the Municipal Land Use Law. Included in the Housing Plan and Fair Share Plan

were the statistics from the Council on Affordable Housing (COAH) for the number of low and moderate housing units that are designated for the Township. It should be noted that in 1985 Township Ordinances 85-9 and 85-10 were adopted to establish Apartment/Townhouse Zoning Districts in recognition of the need for low and moderate-income housing and subsequently were removed from the Zoning Ordinance in favor of more recent strategies to provide affordable housing.

The Master Plan Re-examination Report adopted on January 28, 1998, by the then-Planning Board (now Land Use Board) concluded that objectives for the future development of the Township, as identified in the 1994 Master Plan Update, had not been reduced or increased to any significant degree since the adoption of the prior Master Plan Update. The 1998 Re-examination Report recommended that the "Land Use Plan Element of the 1994 Master Plan Update be amended so as to incorporate the establishment of a Planned Village District on Route 31 South to (Block 65, Lots 2, 2.02, 3, 3.03 and 3.04). The intent of the Planned Village District is to create a planned residential community with a mixed use Village Center, which emphasized pedestrian circulation, attractive civic spaces, greens and parks with a sense of community and neighborhood identity. It is also intended that the Planned Village District will allow for a golf course, club house and ancillary facilities, a hotel, conference center, and both village-oriented and highway-oriented retail and office uses." (Refer to page 6 of the Master Plan Update report.)

The *Center Designation Report*, prepared in December 1995 and revised March 1999, was prepared to petition to the Office of State Planning to have an area designated as a Town Center. As a result, the Township and the Borough received Town Center designation from the Office of Smart Growth.

On page 10 of the November 14, 2007 Re-examination Report of the Master Plan adopted by the Land Use Board, is a recommendation that "the existing Joint Center with Washington Borough should be abandoned. The Highlands legislation has altered the vision for a Center in its current location. This is not to suggest that Washington [Township] should abandon the Center, however, the Town Center should be located along corridors which offer state highway access, public water and public sewer and an existing condition of higher residential, recreation and commercial density. This area should be studied and boundaries established during the cross-acceptance process."

In November 1999, the Washington Township Planning Board (now Land Use Board) adopted a Master Plan Farmland Preservation Plan Element to the 1994 Master Plan Update. The Farmland Preservation Plan Element has the following statement of objectives which were included in the Master Plan Element:

- To provide a reasonable balance among housing, retail, industrial, agricultural and open space uses
- To retain the rural atmosphere of the Township while allowing for appropriate levels of growth and development
- To protect the unique environmental features of the Township including steep slopes, wetlands, stream courses, prime agricultural soils, aquifer recharge areas, threatened and endangered vegetation and wildlife habitat and scenic vistas.
- To encourage the preservation of farmland and open space while maintaining the equity of property owners.

To emphasize the Township's commitment to a Farmland Preservation Plan, the Township Committee adopted an ordinance entitled, "Open Space/Farmland Preservation" dedicated tax of \$0.02 per \$100. of assessed value on February 17, 1998. Further, a Farmland Preservation Committee was appointed to contact the Township

farmers for their interest in preserving their farms. The Township Committee adopted a Right to Farm Ordinance (No. 99-14) on December 21, 1999. The intent of subsection (98-1) of the ordinance states:

*The intent of this chapter is to recognize state law regarding the right to farm [such as the Right to Farm Act (N.J.S.A. 4:1C-1 et seq.)], and to assure the continuation and expansion of commercial and home agricultural pursuits by encouraging a positive agricultural business climate and protecting the farmer against inappropriate municipal regulations and private nuisance suits, where best management practices are applied and are consistent with relevant federal and state law and non-threatening to the public health and safety.*

The Township has been proactive in preserving farms within the Township by providing funds for farm preservation through a dedicated tax and by ordinance which defines farming and provides to the farmer the right to farm irrespective of the zoning that is in place.

The October 31, 2001 Master Plan and Re-examination and Amendment recommended the following revisions to the 1994 Master Plan Update, as amended, and Development Regulations:

(1) The sanitary sewer service to the Pohatcong Creek drainage basin should be abandoned and residential densities in the areas previously proposed for sewers now need to be re-evaluated.

(2) The "carrying capacity" for an individual subsurface disposal field should be in accordance with the "Nitrate Dilution Model for Land Use Planning in the State of New Jersey," dated January 1988, revised December 1988. The dilution model selected for use in conjunction with the State Development and Redevelopment Plan was a model originally developed by Trella and Douglass for the New Jersey Pine Barrens (Trella, John J. and Douglass, Lowell A., *Soils, Septic Systems and Carrying*

*Capacity in the Pine Barrens, NJ, 1978*). The model was later modified slightly by Rogers, Golden & Halpern to make it more useful for planning purposes.

The assumption made for the dilution models by Trella and Douglass, and Rogers, Golden & Halpern, and Rutgers University model should be re-evaluated as to how these models respond to carbonate rock formation. The problem with any model is how much residual water there is in the rock formation.

The allowable water quality standard for nitrate is 5 mg/l used in the Rogers, Golden & Halpern model was used to develop lot sizes within the Township.

The dilution model developed by Rogers, Golden & Halpern was used in the development of the Mountain Residential District and Valley Residential District. The Mountain Residential District lot area was established to be five acres on the gneiss ridges, and in the carbonate rock formation (limestone) Valley Residential District, lot area was established at four acres. The minimum lot areas in the Preservation zones should be revised to meet the Highlands Regional Criteria. The Mountain Residential District will be most affected since it is the predominant zoning in the Preservation zone.

The Highlands Council has established the following nitrate concentration levels to be used in the Trella & Douglass nitration dilution model for:

- Conservation zone 1.87 mg/l
- Existing Community zone 1.17 mg/l
- Protection zone 0.72 mg/l

These Highlands standards of nitrate level should be used to develop the minimum lot area for the Protection zone using the Trella & Douglass model.

The 1991 Re-examination Report includes the results of a community forum that was held and from which a list of objectives was developed. As a result of public input on the desired future land use pattern of the Township and the social and economic

needs of its residents, the Washington Township Planning Board (now Land Use Board) established the following objectives upon which the 1994 Master Plan Update was based:

- To advance the purposes of the Municipal Land Use Law as contained in 40:55D-2
- To provide a reasonable balance among housing, retail, industrial, agricultural and open space uses
- To establish a development mix that will not result in an undue burden upon Township residents
- To retain the rural atmosphere of the Township while allowing for appropriate levels of growth and development
- To protect the historic resources of the Township
- To protect the unique environmental features of the Township, including steep slopes, wetlands, stream courses, prime agricultural soils, aquifer recharge areas, threatened and endangered vegetation and wildlife habitat, and scenic vistas
- To plan appropriately so that new development does not overload existing or planned infrastructure including municipal services, schools, roadways, water supply and wastewater treatment systems
- To provide appropriate areas to encourage commercial and industrial development to spread the Township's tax ratable base
- To discourage strip commercial development and other forms of poorly-planned development
- To control traffic flow and improve safety by limiting points of access to area roadways, especially along Routes 31 and 57.
- To provide adequate recreation facilities for Township residents of all ages
- To plan for development in appropriate areas so that new development does not adversely affect ground and surface water quality
- To encourage the preservation of farmland and open space while maintaining the equity of property owners

These objectives were used in the preparation of the 1994 Master Plan Update (refer to page 2 of the October 31, 2001 Re-examination Report).

The Re-examination Report of the Master Plan adopted November 14, 2007 by the Land Use Board recommended that the nitrate levels in limestone formation areas for pre- and post-development should be established. Also, pre-testing at the site to determine on-site background ground levels for nitrates should be used in evaluating the acceptable nitrate levels for the site. The report recommends that a 2 ppm nitrate standard should be established to keep with anti-degradation policy contained within the State's water pollution act.

As to Center Designation, Washington Township chose not to extend the effectiveness of the Town Center designation currently depicted on plans and reports. The Township would consider studying a possible Town Center designation along Highway Route 31.

In the 2007 Re-examination Report, revised application forms are proposed and the checklist should be amended to include compliance with Highland regulations.

This review of the Master Plan since the 1974 Development Plan shows that the Township of Washington has developed zoning ordinances to deal with the issues of subsurface disposal systems, carbonate rock formations, lot area, drainage, lighting, commercial signage and zoning responsive to the public input as provided in the October 31, 2001 Master Plan Re-examination Report.

The Master Plan and ordinances of the Township were developed within the requirements of the Municipal Land Use Law over the years.

In many respects, the Master Plan and the Re-examination Report amendments parallel the Highlands Regional Master Plan. Some modification in the language is required, however.

### **CONSISTENCY REVIEW**

At the outset it should be noted that Washington Township is located in both the Preservation Area and Planning Area as promulgated by the Highlands Regional Master Plan. The responses to the twenty-one items may have two response components, one for the Preservation Area and the second for the Planning Area. This report will use the Initial Assessment Report Addendum as an outline.



## **FOREST RESOURCES**

### ***Environmental Resources Inventory***

The Environmental Resource Inventory does not provide text on forest resources except to note in Section 12 (Land Use) that there are 2,641 acres of wooded sites and that there was a reduction of 780 acres of wooded land from 1982 to 1988. The ERI does not address forest resources as provided in the Highlands Regional Master Plan. The Regional Master Plan has three classes for the Highlands forest sub-water sheds. The 1994 Master Plan Update does address the protection of forest resources in the Conservation Plan Element, Number IV of the Master Plan. In particular, public owned or preserved farmland is noted as having regulatory forest protection.

The 1994 Master Plan Update does not address the forest resources to the degree provided in the Highlands Regional Master Plan. The Highlands Master Plan distinguishes this into three classes of forest sub-water sheds.

### ***Current Land Use Ordinance***

The current Land Use Ordinance does not provide for the protection of forest resources in general. The Township ordinances do not comply with the Highlands Regional Master Plan.

## **ACTION REQUIRED FOR CONSISTENCY**

1. Major revisions to the Environmental Resource Inventory, Township Master Plan and Land Use Ordinances are necessary to comply with the Highlands Regional Master Plan for Forest Resources.
2. *Revise the Environmental Resource Inventory to discuss and map forested areas in terms of forest resource areas and forest integrity by subwatershed.*
3. *Develop a Conservation Plan element of the Master Plan that addresses goals, policies and objectives of the RMP.*

4. *Amend Master Plan to include a Community Forest Plan element. Perhaps this could be folded into the Conservation Plan.*
5. *Develop 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.*
6. *Develop 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.*
7. *Amend 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.*
8. *Amend 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.*
9. *Amend tree clearing ordinance.*
10. It is noted that some of these provisions redate to Planning Areas. This opt-in has not yet occurred and not an affirmation that the Township desires to opt-in, but is noted to be a future discussion.
11. Prohibit deforestation in Forest Resource Area.
12. Encourage farmers with woodlots to obtain Forest Mgmt. or Forest Stewardship Plans.
13. Preserve, protect rare, threatened and endangered wildlife and habitats.
14. Limit human development through local and Highlands review by requiring maintenance of pre-existing uses, prohibition of woody vegetation and application of Forest Management and Stewardship Plans.
15. Limit clearing of trees.
16. Provide guidelines for community forestry plans.
17. Provide a model tree ordinance that allows active forest management.
18. Adopt a tree-clearing ordinance consistent with an approved community forestry plan.

19. Standardize municipal tree protection ordinances within the HIGHLANDS REGION, if possible.
20. Limit human development in Forest Resource Area to maintenance of pre-existing uses and restoration of impaired forest areas.

## **HIGHLANDS OPEN WATERS RIPARIAN AREAS**

### ***Environmental Resource Inventory***

The Washington Township ERI does not classify streams and riparian areas but instead uses the term "hydrology" to cover most types of surface water bodies. Major streams are shown on a map entitled, "Floodplains, Hydric Soils, Trout Streams and Watershed Boundaries, and Wetlands."

Riparian areas were not considered in the 1991 ERI, although the map entitled, "Floodplains" does show the 100 and 500-year boundaries on the Township's major streams—Pohatcong Creek, Brass Castle Creek, Musconetcong River and the Changewater tributary. The ERI does not comply with the Highlands Regional Master Plan for riparian areas.

### ***1994 Master Plan Update***

The 1994 Master Plan Update does not provide a map or text for the regulation of riparian areas along streams. The 1994 Master Plan Update does not address the provisions promoted in the Highlands Regional Master Plan.

### ***Current Land Use Ordinances***

The Land Use Ordinances do not address the requirements of the Highlands Regional Master Plan but rather rely on the rules and regulations of the NJ Department of Environmental Protection to assure compliance with riparian area requirements.

## **ACTION REQUIRED FOR CONSISTENCY**

1. Major revisions to the Environmental Resource Inventory, Master Plan and Land Use Ordinances are needed and require a map, text and development for Open Water Riparian Areas.
2. Limit disturbance of vegetation or disturbance of impervious areas with High and Mod. Integrity Areas.
3. Prohibit developer modification of Riparian Areas in Protection Zones without NJDEP or Highlands approval.
4. Identify areas for restoration projects on public and private lands.

## **STEEP SLOPES**

### ***Environmental Resource Inventory***

Steep slopes are extensively discussed in Section 5 of the ERI and a map (refer to 5.6 of the ERI) showing the steep slopes areas from 0% to 8%; 8% to 15%; and greater than 15% for the entire Township. The ERI advises that "residential development on steep slopes creates problems with soil erosion, particularly in association with driveways" (refer to page 5-4 of the ERI, Steep Slopes).

The Environmental Resource Inventory does concur with the Highlands Regional Master Plan concern that steep slopes require protection measures. Neither the Environmental Resource Inventory nor the Highlands Regional Master Plan specifies what course of action should be followed when development takes place on slopes that exceed the maximum slopes.

### ***1994 Master Plan Update***

The 1994 Master Plan Update maps identify steep slopes as follows:

0% to 8%.....	Moderate
8% to 15%.....	Severe
15% and greater.....	Critical

The 1994 Master Plan Update states that "to curtail non-point source pollution through best management practices which aim to control stormwater runoff and soil erosion." Best management practices could be any or all of the following: a Greenways Plan to establish buffers adjacent to perennial streams to protect the water quality of the streams and serve as wildlife corridors, offer flood protection, preserve the landscape and offer an opportunity to primarily passive recreation. By providing stream-side buffers, a natural method is created to control non-point source pollutants, including discharge from pipes, soil erosion and sediment control measures and reducing the nutrients in the form of phosphorous nitrogen from lawns, agriculture fertilizers, malfunctioning septic systems, and pastures adjacent to streams.

The 1994 Master Plan Update suggests the following buffer width for surface water resources:

<u>Function</u>	<u>Buffer</u>
Streambank Stabilization	25-50 feet
Sediment Control	65-150 feet
Nutrient Removal	65-150 feet
Temperature Control	50-80 feet
Fish Cover	25-50 feet
Wildlife Habitat	100-330 feet

Source: Rogers, Golden & Halpern

The Highlands Regional Master Plan establishes that 15% to 20%, and slopes 20% or greater require steep slope protection areas. The Highlands Regional Master Plan also defines slopes between 10% to 15% within the riparian areas as being steep. Riparian areas are not discussed for in the 1994 Master Plan Update.

### ***Land Use Ordinance***

The Land Use Ordinance does not specify a critical slope percentage but uses modification factors to establish a minimum lot area in steep slopes areas.

<u>Slope Percent</u>	<u>Factor</u>
30 or greater	0.0
20 to 29	0.2
11 to 19	0.5
0 to 10	1.0

The Land Use Ordinance does not directly comply with the Highlands Regional Master Plan to achieve the same environmental results, i.e. the actual lot density is based on the slope factors noted above.

### **ACTION REQUIRED FOR CONSISTENCY**

1. Some revision of the Environmental Resource Inventory, Master Plan and Land Use Ordinance is necessary to comply with the Highlands Regional Master Plan requirements for steep slopes.
2. *Revise the latest Environmental Resource Inventory regarding steep slope protection areas. Bring Township regulations for constrained slope categories as those defined in the RMP.*
3. *Conservation Plan goals and policies for steep slope protection to be consistent with the RMP.*
4. *Slightly revise 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; regulations for 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 slopes.*
5. There is notation that Planning Areas are mentioned in the RPM consisting; however, this must be specifically addressed during the Plan Conformance process and determination of opt-in.

## **CRITICAL HABITAT**

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### ***Environmental Resource Inventory***

The Critical Habitat Resource is not included in the Environmental Resource Inventory, except in the Wildlife section as sources of environmental information. The Environmental Resource Inventory does not address requirements found in the Highlands Regional Master Plan.

### ***1994 Master Plan Update***

The 1994 Master Plan Update addresses critical habitat in the proposed Conservation Plan section to "provide wildlife habitat" by the preservation of stream corridors. The 1994 Master Plan Update does not address critical habitat in the manner as provided for by the Highlands Regional Master Plan.

### ***Land Use Ordinance***

The Land Use Ordinance does not address critical habitat resources and does not address the Highlands Regional requirements. At the present time, reliance is on the regulations of the NJ Department of Environmental Protection as the agency controlling development.

## **ACTION REQUIRED FOR CONSISTENCY**

1. The Environmental Resource Inventory, Master Plan, and Ordinances require major revisions to bring them in compliance with the Highlands Master Plan goals and restrictions related to Critical Habitat.
2. *Develop maps and written descriptions of critical habitat areas.*
3. *Revise the conservation plan element to meet objectives consistent with RMP, including required components.*
4. *Critical habitat overlay district ordinance with standards and regulations consistent with RMP policies and objectives. Would include low impact development, best management practices, criteria to keep critical habitat intact including historically disturbed habitat. The RMP requires prohibition of direct*

*impacts from development and indirect impacts from off site, adjacent or on site activities that adversely impact critical habitat unless a waiver is secured. Develop regulations so that development applicants must comply with the minimum standards and criteria in Washington Township, habitat conservation and management plan. Develop regulations governing reduction of vernal pool buffers.*

5. *Develop regulations requiring that major Highlands developments must comply with the Highlands Rules governing critical habitats.*
6. Implement a habitat Conservation and Management Program.
7. Develop performance standards such that all development shall employ Low Impact.
8. Development Best Management Practices with mitigation requirement of no net loss of habitat for entire life cycle.
9. Establish standards for enhancement of or restoration of historically disturbed Critical Habitats (animal and plant).
10. Prohibit any development that will jeopardize the continued existence or is likely to destroy a critical habitat.
11. Prohibit activity that is off-site, adjacent to or within Critical Habitat that has a likelihood of adverse effects on Critical Habitat.
12. Prohibit reduction of vernal pools unless waived by NJDEP or Highlands

## **CARBONATE ROCK**

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### ***Environmental Resource Inventory***

The Environmental Resource Inventory lists all the limestone formations within the Township. The formations are shown on a map entitled, "Geology and Stratigraphic Table Describing the Rocks of Warren County." The information provided in the ERI meets and exceeds the information provided in the Highlands Regional Master Plan.



### ***1994 Master Plan Update***

The 1994 Master Plan Update provides information on carbonate rock formations within the Township. The Master Plan goes into depth on the importance of best management practices that should be followed in the development of karst formations. The 1994 Master Plan Update complies with the goals of the Highlands Regional Master Plan.

### ***Land Use Ordinance***

Chapter 55 of the Land Use Ordinance, entitled, "Carbonate Rock District," covers development in the Carbonate Rock District in depth and mandates on-site testing to determine existing and potential limestone cavity sites which are incorporated into the design of the site plan and subdivision. The Carbonate Rock District meets and exceeds the requirements of the Highlands Regional Master Plan.

### **ACTION REQUIRED FOR CONSISTENCY**

1. The Township Carbonate Rock District will require very minor adjustments to fully comply with the Highlands Park Regional Master Plan.
2. *Develop a Conservation Plan containing policies and strategies addressing protection of carbonate rock areas, consistent with the RMP.*
3. *Re-visit existing regulations requiring applicants to identify lands draining surface water into the carbonate rock area to include all developments, even of a minor nature; address and mitigate said hazards with a maximum emphasis on nonstructural measures; 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.*
4. Maintain inventories of karst and sub watersheds that drain directly to these areas.
5. Require karst investigations for all development in Carbonate Rock Areas.
6. Public works projects should conform to requirements for development in Carbonate Rock Areas.

7. Projects that require karst review also include: Underground storage tanks, solid waste landfills, septic systems.

## **LAKE MANAGEMENT**

Lake Management resource is not covered in the Township's Environmental Resource Inventory or the 1994 Master Plan Update and Land Use Ordinance. They do not address Lake Management as defined in the Highlands Regional Master Plan since there are no lakes located in the Township (refer to Figure 3.14, Lake Management Area of the Highlands Regional Master Plan).

### **ACTION REQUIRED FOR CONSISTENCY**

No revisions are required to comply with the Highlands Regional Master Plan.

## **WATER RESOURCES AVAILABILITY**

### ***Environmental Resource Inventory***

The Environmental Resource Inventory list of prime aquifers, the Kittatinny Limestone Formations, which has a yield of 350 gpd/sq. mi. to 150,000 gpd/sq. mi. The inventory also states that although the limestone formations are an excellent source of water supply, there is an inherent problem of pumping a limestone formation in that any pollution entering the formation will be accelerated from the solution holes and the interconnection of the natural cavities and the large cracks or fissures in the limestone formations as pointed out by the Environmental Resource Inventory.

The Inventory does not go into the depth that the Highlands Regional Master Plan does to respond to the question of using limestone as a water resource availability and protection.

### ***1994 Master Plan Update***

The 1994 Master Plan Update provides information on the number of commercial wells in the Township and abutting Washington Borough and their monthly yield. It also advises that the purveyor, New Jersey American Water, will provide water service to new areas on an as-needed basis. The 1994 Master Plan update does not go into the scope of water resources availability that the Highlands Regional Master Plan does.

### ***Land Use Ordinance***

The Land Use Ordinance deals with granting a water franchise to New Jersey American Water Company and relies on State regulations for individual well development and protection. Chapter 121 of the Land Use Ordinance requires new construction of buildings or structures to connect to the water supply system if residence is within 100 feet and that commercial or industrial uses are within 400 feet of the main.

### **ACTION REQUIRED FOR CONSISTENCY**

1. The current Township regulations, and reliance on State of New Jersey regulations for water supply, are working within the spirit of the Highlands Regional Master Plan. However, additional ordinances may be needed to control pollution from subsurface disposal systems and over-development. Additions to the Environmental Resource Inventory, Master Plan, and Ordinances are necessary. It will be a major undertaking to have compliance with the Highlands Regional Master Plan goals.
2. Require mandatory stormwater re-use for recreational and non-agricultural uses.
3. Regulate water transfers between or from Highlands sub watersheds only when there is no viable alternative.
4. Prohibit land uses that increase pollutant loading to waters for which Total Maximum Daily Load (TMDL) have been adopted.
5. Limit the use of land within the Conservation Zone to agriculture use, redevelopment of existing developed land, and low density land uses.

## **PRIME GROUNDWATER RECHARGE**

### ***Environmental Resource Inventory***

The Environmental Resource Inventory does not provide for a Prime Groundwater Recharge area due in large part to the fact that much of the Township is underlain by limestone formations which are highly susceptible to pollution due to the interconnecting fissures, cracks and cavities in the limestone formation from solution holes.

### ***1994 Master Plan Update and Land Use Ordinance***

Neither the 1994 Master Plan Update nor the Land Use Ordinance provide for Prime Groundwater Recharge regulations.

## **ACTION REQUIRED FOR CONSISTENCY**

Compliance with the Highlands Regional Master Plan for Prime Groundwater Recharge would potentially create serious concern in dealing with the karst formations, i.e. creating a potential for solution holes, thereby creating a potential for pollution of the aquifer and subsidence craters. Special treatment is needed for karst areas in developing prime wells.

## **WATER QUALITY**

### ***Environmental Resource Inventory***

The Environmental Resource Inventory section on Water Quality deals with both surface water and ground water quality. Surface water quality is affected by nitrates from a variety of sources, e.g. fertilizer, sewerage or animal refuse, road salts and road oils. There is no practical method to remove the surface pollutants at this time other than using land disposal to remove the pollutants from the surface water runoff. The existing soil in itself removes pollutants from the surface water by percolation. The

problem with land disposal is that the polluted effluent may find karst solution holes and enter the groundwater located in the limestone formations and degrade the water quality before the soil can do its pollution filtration and removal.

Groundwater quality in the limestone formation is affected by fast percolation through the surface soil. In addition, other potential sources of pollution are:

- solution holes as a result of disturbance of the over-burden on the limestone formation
- excavation for subsurface disposal areas in shallow depth over-burden
- open pipe joints in stormwater pipes
- detention basins
- road excavations and foundation excavations

#### ***1994 Master Plan Update***

The 1994 Master Plan Update does not deal with water quality directly.

#### ***Land Use Ordinance***

The Land Use Ordinance deals with surface water quality by the use of structural devices or detention basins in order to meet State standards. Neoprene liners for detention basins are being required by the subdivision process and the State Stormwater Management Plan regulations, which the Township has adopted by ordinance and which provide for water quality and quantity control.

#### **ACTION REQUIRED FOR CONSISTENCY**

See actions for Stormwater Management and Water Resources Availability.

## **WATER WELLHEAD PROTECTION**

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### ***Environmental Resource Inventory***

Wellhead Protection area is not dealt with by the Environmental Resource Inventory.

### ***1994 Master Plan Update and Land Use Ordinance***

The Township relies on the Septic System Code for residential wellhead protection. Production wells are regulated by the NJ Department of Environmental Protection by requiring a clear zone around the well and regulating the pumping rate from the well.

### **ACTION REQUIRED FOR CONSISTENCY**

1. The changes in the ordinance required to address the Highlands Regional Master Plan are minor in nature. The technical basis for the Master Plan and resulting Land Use Ordinance will rely on the *Water Resource Assessment Technical Report*.
2. *Update the Environmental Resource Inventory to include mapping of water deficit areas and net water availability by subwatershed and mapping of prime ground water recharge areas.*
3. *Develop a 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.*
4. *Develop regulations and/or stormwater management regulations that are consistent with RMP policies and objectives governing wellhead protection.*
5. *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, which must be supported by sound engineering design in the Carbonate Rock District.*
6. *Amended 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.*

7. *Amended regulations reflecting provisions in the municipal water use and conservation management plan, including prioritization criteria for assigning conditional water availability.*
8. *Develop Wellhead Protection Management Plan.*

## **STORMWATER MANAGEMENT**

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The Stormwater Management regulations, as promulgated by the State of New Jersey, have been adopted by the Township. The Stormwater Management regulations become operative where land disturbance exceeds one acre in area or the new impervious surface exceeds a quarter of an acre in area.

The Residential Site Improvement Standard is used for residential development, and the existing ordinance Stormwater Management Plan is used for commercial development when criteria for the State's Stormwater Management regulations are not exceeded.

The Highlands Regional Master Plan does not address stormwater directly but sets standards for the quantity and quality. The standards are for the end result, i.e. quality and quantity of the stormwater effluent.

### **ACTION REQUIRED FOR CONSISTENCY**

1. No action is required at the present time since the State of New Jersey, through the Department of Environmental Protection and the Department of Community Affairs, has preempted local standards for Stormwater Management Plan design and the design of residential subdivisions and site plans. It should be noted that commercial designs that do not exceed NJDEP or DCA requirements are being regulated by using the NJDEP standards.
2. *Update the Environmental Resource Inventory with maps and written discussion of open waters.*
3. *Develop a Conservation Plan Element relating information from the ERI to RMP goals, policies and objectives.*

4. *Develop a Stream Corridor Protection/Conservation Plan.*
5. *Revise 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.*
6. *Develop land use regulations to include low impact development best management practices for development activity proposed within open waters buffers and riparian areas.*
7. It is noted that controls in the Planning Area occur only if the Township desires to opt-in.

## **WATER/WASTEWATER UTILITIES**

At this time there are three wastewater utilities within Washington Township and one water utility which have the entire Township as its franchise area.

### ***Environmental Resource Inventory***

The Environmental Resource Inventory does not list either the water utility or the wastewater utilities as a resource.



### ***1994 Master Plan Update***

The wastewater service area provided in the 1994 Master Plan Update does not reflect the actual areas currently sewered and the abandonment of the Pohatcong Creek Treatment Plant. The sewer service areas for the Asbury Farms development are shown on the "Recommended Proposed Municipal Public Sewer Service Area Map." A sewer service area along Route 31 from the Musconetcong River to the Washington Borough line should be re-evaluated as a sewer service area should be considered for sustainability economic development.

### ***Land Use Ordinance***

The Land Use Ordinance deals primarily with franchises for the utilities.

### **ACTION REQUIRED FOR CONSISTENCY**

1. The Highlands Regional Master Plan goals are to identify areas currently serviced by existing wastewater facilities:
2. Identify areas that are inappropriate for future expansion of infrastructure.
3. Determine available wastewater system capacity and ability to support additional development with the goals of the Highlands Regional Master Plan. The Township Master Plan Element dealing with utilities should be updated and pursued to provide the basic elements for reasonable development in Planning Area of the Highlands.
4. The water utility has been chosen and a franchise granted to service the Township needs for potable water and fire protection.
5. Designate Current Deficit Areas.
6. Prevent water consumption increases in Current Water Deficit Areas, except as approved by the Highlands or other agency having authority.
7. All water users shall seek funding to meet Objective 2B4b (gives the highest priority to documented threats from TDR, infill development, designated Highlands Redevelopment areas, affordable housing where of least 10% units affordable).

8. Require maximum feasible water conservation for all development, redevelopment including single family/commercial/industrial uses.
9. Require consideration of conservation measures in site layout and structures.
10. Develop an estimate of remaining available capacity and an inventory of existing areas served.
11. Limit future water system demands to levels that will not create a Current Deficit Area.
12. Clusters will only be permitted if it is mandatory and consistent with the RMP; immediately adjacent to an existing area served; preserves 80% unconstrained land; BMP for residual farm is imposed.
13. Require recycled or re-used water for non-residential uses.
14. Prohibit expanded or new collection within the Protection Zone, Conservation zone and environmentally-Constrained Sub-zones of the PLANNING AREA (some exceptions apply).
15. Clusters within the Protection Zone, Conservation zone and environmentally-Constrained Sub-zones of the PLANNING AREA shall be approved only if 5 conditions are met -Pg 267 of RMP.
16. Allow expansion of wastewater collection systems with the Existing Community Zone (ECZ) of the PLANNING AREA, other than Environmentally Constrained, for TDR receiving purposes.
17. Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone and environmentally constrained sub-zones of the PLANNING AREA (exceptions apply).
18. Require that new residential development on public wastewater collection has a minimum density of 1/2 acre per dwelling.
19. All development in the HIGHLANDS REGION in areas not served by public sewer shall be at a density compatible with septic systems.
20. Prohibit development of additional water and wastewater infrastructure in the Agricultural Resource Area (ARA) within the Conservation and Protection zones of the PLANNING AREA (exceptions apply).

## **SEPTIC DENSITIES**

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### ***Environmental Resource Inventory***

The Environmental Resource Inventory presents extensive information on the ability of the soils to sustain subsurface disposal system by providing maps on soil survey, depth to bedrock, soil limitations for septic absorption, seasonal high water table and prime agricultural soils. The information presented in the Environmental Resource Inventory is a good aid as to where to conduct on-site permeability test and dig soil logs to determine soil characteristics.

### ***1994 Master Plan Update***

The 1994 Master Plan update deals with "existing and proposed public water supply service areas and existing and proposed public wastewater collection and treatment system." The Master Plan Update used a nitrate dilution model with the target water quality single and 3 mg/l to determine the lot sizes in the Village Residential and Mountain Residential Districts. Using the Rogers, Golden & Halpern report, the following table was developed:

**Minimum Recommended Lot Size (Acre/lot)  
Based on Nitrate Dilution Model**

<u>Geological Formation</u>	<u>Normal</u>	<u>Conservative</u>
L	5 mg/l	Standard
Limestone	2/.9	3.5
Gneiss	4.1	8.8
	3 mg/l standard	
Limestone	5.2	6.2
Gneiss	7.8	15.5

The 1994 Master Plan Update concludes that:

*Application of a similar nitrate dilution model used by Rutgers University and presented as part of a course on Current Planning Capacity (Office of Continuing Professional Education, Cook College) yields recommended minimum lot sizes*

*in the same general ranges as the Rogers, Golden & Halpern model for the 5mg/L Nitrate Standard for Washington Township.*

*The minimum lot sizes proposed in non-sewered areas of the Township are consistent with those recommended through use of the Nitrate Dilution model when one takes into consideration that ultimately average lot sizes in the Musconetcong Valley will be larger than the 4 acre minimum called for due to the inclusion of properties set aside for farmland preservation. In the Mountain Conservation Zone average lot sizes will be larger than the 5 acre minimum called for due to large land holdings including the New Jersey American Water Company property which is recommended for conservation in this Master Plan.*

### **Land Use Ordinance**

The Land Use Ordinance deals primarily with the administration of the Standards for Individual Subsurface Sewage Disposal Systems. The Township added amendments to Standards (N.J.A.C. 7:9.2.1 et. seq.) to incorporate reserve areas that are to be used in the entire Township. The regulations do not specify the median nitrate concentration for Nitrate Dilution model as found in the RMP:

<u>Subwater Shed</u>	<u>Standard Nitrate Concentration</u>
Conservative	187 mg/l
Existing Community	1.47 mg/l
Protection Zone	0.72 mg/l

Ordinance amendments would be required so that these nitrate concentration values would be used to develop the lot area after applying the Nitrate Dilution model prepared by Trella and Douglass.

### **ACTION REQUIRED FOR CONSISTENCY**

1. Changes to the Environmental Resource Inventory, Master Plan Update and Land Use Ordinance will be a major undertaking. A public hearing will be necessary to implement the changes in the lot areas. No changes or amendments to the subsurface disposal system are proposed by following the Highlands Regional Master Plan.
2. *Revise wastewater management plan to respond to NJDEP determinations.*
3. *Utility services plan must be revised for water and wastewater data, and all correlated to the build-out analysis.*

4. *Revise land use regulations specifying the conditions when new or expanded water and wastewater facilities can be provided, including cluster development where there are instances that public water and public or community wastewater connections can be used.*
5. *Develop land use plan element to provide the underpinnings for revised zoning densities and intensities based on utility capacity and maximum septic system yield as determined by the build-out analysis*
6. *Develop a Septic System Management/Maintenance Plan and associated ordinances addressing long term maintenance needs of new development relying on septic systems.*
7. In order to regulate all new development, ordinances may have to go beyond the section for Land Development Ordinances.
8. Clusters using on-site septic systems will be limited by the nitrate dilution target appropriate for the Land Use Capability Zone.
9. All development in the HIGHLANDS REGION in areas not served by public sewer shall be at a density compatible with septic systems.
10. Projects that require karst review also include: Underground storage tanks, solid waste landfills, septic systems.

## **LOW IMPACT DEVELOPMENT**

### ***Environmental Resource Inventory and 1994 Master Plan Update***

Neither the Environmental Resource Inventory nor the 1994 Master Plan Update mentions Low Impact Development. The Environmental Resource Inventory provided background material, e.g. the limitation of the soils, high water table, wetlands, slopes, groundwater table, and stream encroachment, all of which have an effect on the lot yield from a given site. The most dynamic factor on lot yield is the area of the lot as established by using the allowable nitrate factor. Low Impact Development is dependent on a number of environmental constraint factors that affect the result of lot size. In particular, the Nitrate Dilution model will have to be used.

## **ACTION REQUIRED FOR CONSISTENCY**

1. Revise Master Plan and adopt ordinances which control the intensity of development based on the ability of the land to support such intensities.
2. Develop regulations to protect forest and environmentally critical features.
3. In the Existing Community Zone (ECZ) of the PLANNING AREA, prohibit proposed disturbances of the Highlands Open Water buffers unless Highlands waiver is granted.
4. Develop regulations to restore Prime Groundwater Recharge Areas.
5. Require Low Impact Development standards and BMP for stormwater management.

## **TRANSPORTATION**

### ***1994 Master Plan Update***

The 1994 Master Plan Update includes improvements to various intersections by increasing the number of lanes for turning movements, and increasing the number of thru-lanes on NJ State Highway Route 31 from Flemington to the intersection of Route 46 and Route 31.

## **ACTION REQUIRED FOR CONSISTENCY**

1. The Highlands Regional Council will have to take a proactive role with the NJ Department of Transportation in upgrading mass transportation to the Highlands region.
2. Evaluate opportunities to increase freight service through reactivation of abandoned freight lines.

## **LAND PRESERVATION STEWARDSHIP**

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### ***1994 Master Plan Update***

The Washington Township Master Plan has provided a blueprint on retaining the rural atmosphere of the Township by increasing the area of lots and restricting the extension of sanitary sewer within the Township to solve existing pollution problems from malfunctioning subsurface sanitary disposal fields. The outright purchase of lands that were considered for development, e.g. the Morel Segal site, eliminated the need for the Pohatcong Creek Wastewater Treatment Plant.

The development of Asbury Farms into a golf course, which is in existence today along with a residential component, is rapidly being completed. The commercial component of Asbury Farms has begun with the construction of a Shop-Rite, which is the anchor for further commercial development.

### **ACTION REQUIRED FOR CONSISTENCY**

1. The Highlands Council should consider purchasing either in fee or by easement a 300' to 500' wide strip of land along the Musconetcong River to preserve the wildlife atmosphere of the river.
2. *Amend Open Space Plan to address measures to assure responsible land use and maintenance regulations for parcels proposed for development and identified for preservation or conservation. Easements must be in place that are enforceable by Washington Township and the Highlands Council, County Agriculture Development Board, State Agriculture Development Committee, or Green Acres, as applicable.*
3. *Develop cluster regulations for mandatory buffers, set-asides, easement enforcement provisions, and situations when clustering is required.*
4. Limit human development in Forest Resource Area to maintenance of pre-existing uses and restoration of impaired forest areas.
5. Update open space database to include preserved lands and stewardship activities.

6. Create landowner assistance program with technical assistance to protect water resources and environmentally sensitive resources.
7. Develop a confidential inventory for a 5 to 10 year land acquisition.
8. Designate Special Environmental Zone where development should not occur based on Highlands ranking.
9. Prohibit development in the designated Special Environmental Zone.
10. Implement the TDR regulations in the Special Environmental Zone to permanently preserve these lands.
11. Require mandatory cluster development or conservation design development within the Agricultural Resource Area if other options are not feasible.

## **AGRICULTURAL RESOURCES**

### ***Environmental Resource Inventory***

The Environmental Resource Inventory defines the prime agricultural soils and locates the soils on a map entitled, "Prime Agricultural Soils," as Class I and Class II soils. The soils that exhibit severe limitations are also located on the map. The right to farm was incorporated into the Land Use Ordinance as Chapter 98, and defines Agriculture as it pertains to Washington Township and to advise the non-farming public that farms have the right to farm.

Chapter 98 of the Washington Township Ordinance entitled, "Right to Farm" has a section (98.1), which defines the goals and aims as follows:

"The intent of this chapter is to recognize state law regarding the right to farm (such as the Right to Farm Act (N.J.S.A. 4:1C-1 et seq.), and to assure the continuation and expansion of commercial and home agriculture pursuits by encouraging a positive agricultural business climate and protecting the farmer against inappropriate municipal regulations and private nuisance suits, where best management practices are applied



and are consistent with relevant federal and state law and non-threatening to the public health and safety."

Chapter 26, Open Space Trust Fund (Section 2-B) provides for funding for Farmland Preservation as follows:

"To assist in the preservation of farmland within the Township wherein there is a funding necessity, either through matching grants for farmland preservation/acquisition or through funding for the reservation of farming privileges and/or the acquisition of development rights as established by state law or the Warren County Board of Chosen Freeholders or their designees."

Washington Township has also adopted an ordinance to fund the purchase of development rights of a farm.

#### **ACTION REQUIRED FOR CONSISTENCY**

1. The Highlands Council should use its influence with the State to develop funding to preserve farms, in particular farms having Class I and II ratings. A Best Farming Management Practices Program should be developed to minimize the use of fertilizers and to encourage the use of organic farming procedures.
2. Over the years, the Township Committee has developed a multi-faceted program to preserve the rural atmosphere of Washington Township and encouraged farms to sign up for all Farm Preservation Programs.
3. *Develop a Farmland Preservation Plan Element of the Washington Township Master Plan that acknowledges agricultural resource areas, BMP's, and RMP policies regarding clustering with 80% set-asides for open space.*
4. *Clustered developments should include preservation, buffering, and easement enforcement.*
5. *Access to public water and sewers should be incorporated into certain agricultural land use if clusters are viewed as an option for these areas.*
6. Limit the use of land within the Conservation Zone to agriculture use, redevelopment of existing developed land, and low density land uses.
7. Create a mandatory confidential inventory of lands worth purchase.

8. Limit non-agricultural uses within the Agricultural Resource Area (ARA).
9. Implement regulations to require cluster in the Agricultural Resource Area (ARA).
10. Regulations that state that all Agricultural Resource Area (ARA) clusters must have buffers.
11. All land preserved by cluster is subject to a permanent conservation easement enforceable by Highlands and one other public entity (i.d. in RMP).
12. Require coordination with the State Historic Preservation office and SADC to preserve assets.
13. Develop specific agricultural management practices that address protection strategies.

## **CLUSTER DEVELOPMENT**

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### ***Environmental Resource Inventory***

The Environmental Resource Inventory includes a copy of the 1976 Zoning Map as part of its Land Use section. This map shows two areas for Apartment/Townhouse zones. The R-40 zone permits Cluster Single-Family Residential Development contingent on city water and sanitary sewers being available.

The present ordinance does not include Cluster Development areas as a district. The only exception is the PVD, Planned Village District, Asbury Farms, which has residential, commercial and recreational components. Asbury Farms is located on the east side of Route 31, approximately opposite the intersection of South Lincoln Avenue and Route 31.

### ***1994 Master Plan Update***

The 1994 Master Plan Update does not contain any recommendations for Cluster Development zoning.

## **Zoning Ordinance**

Section 123-2 of the Zoning Ordinance (Chapter 123), contains the following definition: "Cluster Single-Family Residential Development – A development whose only principal uses are detached dwellings, based on a gross dwelling unit density for the entire tract in the zoning district in which it is located and allowing the lot sizes for detached dwellings to be reduced or individual segments to have higher densities so long as the gross density is not exceeded."

### **ACTION REQUIRED FOR CONSISTENCY**

1. Although "clustering" may result in an open space component, public water and sewers are required to support this type of development, which, under the present state of infrastructure, is not readily available.
2. The Township must revise its regulation to include Clusters in appropriate locations (i.e., sewer and water are readily available).
3. Low Impact Development is dependent on a number of environmental constraint factors that affect the result of lot size. These must be correlated to the dilution model, steep slopes, wetlands, and other critical areas.
4. Clusters will only be permitted if it is mandatory and consistent with the RMP; immediately adjacent to an existing area served; preserves 80% unconstrained land; BMP for residual farm is imposed.
5. Require mandatory cluster development or conservation design development within the Agricultural Resource Area if other options are not feasible.
6. Sewers: Clusters within the Protection Zone, Conservation zone and environmentally-Constrained Sub-zones of the PLANNING AREA shall be approved only if 5 conditions are met -Pg 267 of RMP.
7. Implement regulations to require cluster in the Agricultural Resource Area (ARA).
8. Regulations that state that all Agricultural Resource Area (ARA) clusters must have buffers.
9. All land preserved by cluster is subject to a permanent conservation easement enforceable by Highlands and one other public entity (I.D. in RMP).

10. Prohibit extension of sewer and water within the Protection Zone, the Conservation Zone, and the Environmentally Constrained Sub-zones of the PLANNING AREA.
11. All development within the HIGHLANDS REGION in areas not served by public water systems shall be at a density that can be supported by on-site wells, except for the Agricultural Resource Area (ARA) which has other provisions.
12. Clusters using on-site septic systems will be limited by the nitrate dilution target appropriate for the Land Use Capability Zone.
13. Require Low Impact Development standards and BMP for stormwater management.
14. Restore or enhance environmental resources of the HIGHLANDS REGION, incl. Forests, Critical Habitat, Highlands Open Waters, Buffers, Riparian Areas, Steep Slopes, Prime Groundwater Recharge, Wellhead Protection, ARAs.

## **SUSTAINABLE ECONOMIC DEVELOPMENT**

Part 8 of the Highlands Regional Master Plan (page 126), states that "appropriate patterns of compatible residential, commercial, and industrial development, redevelopment and economic growth" should be encouraged in certain areas of the Highlands, specifically "in or adjacent to areas already utilized for such purposes." The Highlands Act further states that this form of development is intended to "accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment." Thus economic growth must be accommodated in a sustainable manner; taking careful advantage of the unique and valuable built and natural resources of the Region.

The areas bordering both sides of NJ State Highway 31 from the Musconetcong River to the Washington Borough lines should be considered for commercial development and redevelopment to provide the goods and services that are needed by the residents of the Township and adjacent municipalities.

At the present time the area is zoned for commercial uses. The Planned Village District development is currently being built. There is a water main in Route 31. The Asbury Farms Planned Village District is serviced by a sewer treatment plant which has capacity or the ability to expand to handle the commercial growth. Further, the area on the west side of Route 31 is in the sewer service area from Rymon Road to West Asbury-Anderson Road and along Bryans Road and the area south of West Asbury. Anderson Road along Route 31 to Tax Lot 1.01 in Block 75 and on the side of the NJ P & L Company right of way and on the east side of Route 31 designated as Block 79, Lots 2, 4, 5, 6, 7.03, 7.04, 7.05, 7.06 and Lot 7 are the sewer service areas. There are a number of sewer service areas that should be evaluated as to whether the service area is needed or should be eliminated from the Wastewater Management Plan. Also, there are individual sewer treatment plants that service a particular site or use.

#### **ACTION REQUIRED FOR CONSISTENCY**

1. The Washington Township Selected Wastewater Management Plan, as amended June 1996, should be updated. Also, the sewer service area in the Township that is part of the Oxford collection sewer main should be clearly defined with emphasis on the service areas that are actually located in the Township.
2. The Township and the Highlands Council should actively pursue the recommendation that the adjacent areas to Route 31 should be incorporated into a comprehensive Wastewater Management Plan. The need for individual sewer plants should be evaluated, particularly if they can serve a larger area. Of course, the economic strength of the sewer plant must be sufficient to provide upgrades and repairs over time.
3. The future use of vacant building sites (malls) should be reviewed for adaptive re-use options. Uses these vacant malls can be put to are the package plants required for the development.
4. Develop regulations to promote home businesses and small business incubator programs.

## **HISTORIC, CULTURAL, ARCHAEOLOGICAL RESOURCES**

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### ***Environmental Resource Inventory***

The Environmental Resource Inventory includes a Historical Sites list and a Historic Sites map showing the site, and a copy of 1874 Beer's Map of the Township as Exhibit "A".

### ***1994 Master Plan Update***

The 1994 Master Plan Update has a section entitled, "Historic Preservation Plan Element." The Historic Preservation provides a brief history of the various historic areas within the Township and the criteria for a site or neighborhood to be placed on the National Register of Historic Places.

### **ACTION REQUIRED FOR CONSISTENCY**

1. The Highlands Regional Master Plan is very concerned as to the preservation of Historic sites. Also, the archaeological aspect of a site is of vital concern. Selected sites should be the subject of an archaeological dig to determine the physical features and artifacts of the site from an historical perspective.
2. As a minimum, the listed historic site and neighborhoods should be photographed along with the known history, data and maps if these can be obtained.
3. As part of the subdivision, site plan review, the Environmental Resource Inventory and Master Plan, as supplemented by the Highlands Council data, should be consulted with the aim to preserve historic elements of the site as much as possible.
4. Include historic, cultural and archaeological survey in the Master Plan.
5. Identify cultural sites as Sites of Regional Significance.
6. Develop regulations that require all development include identification of historic/cultural/archaeological resources in the area of the development, including impacts thereof.
7. Regulations that all site plans and subdivision indicate whether land is identified on the Highlands Historic and Cultural Resource Inventory.

# EXHIBIT A

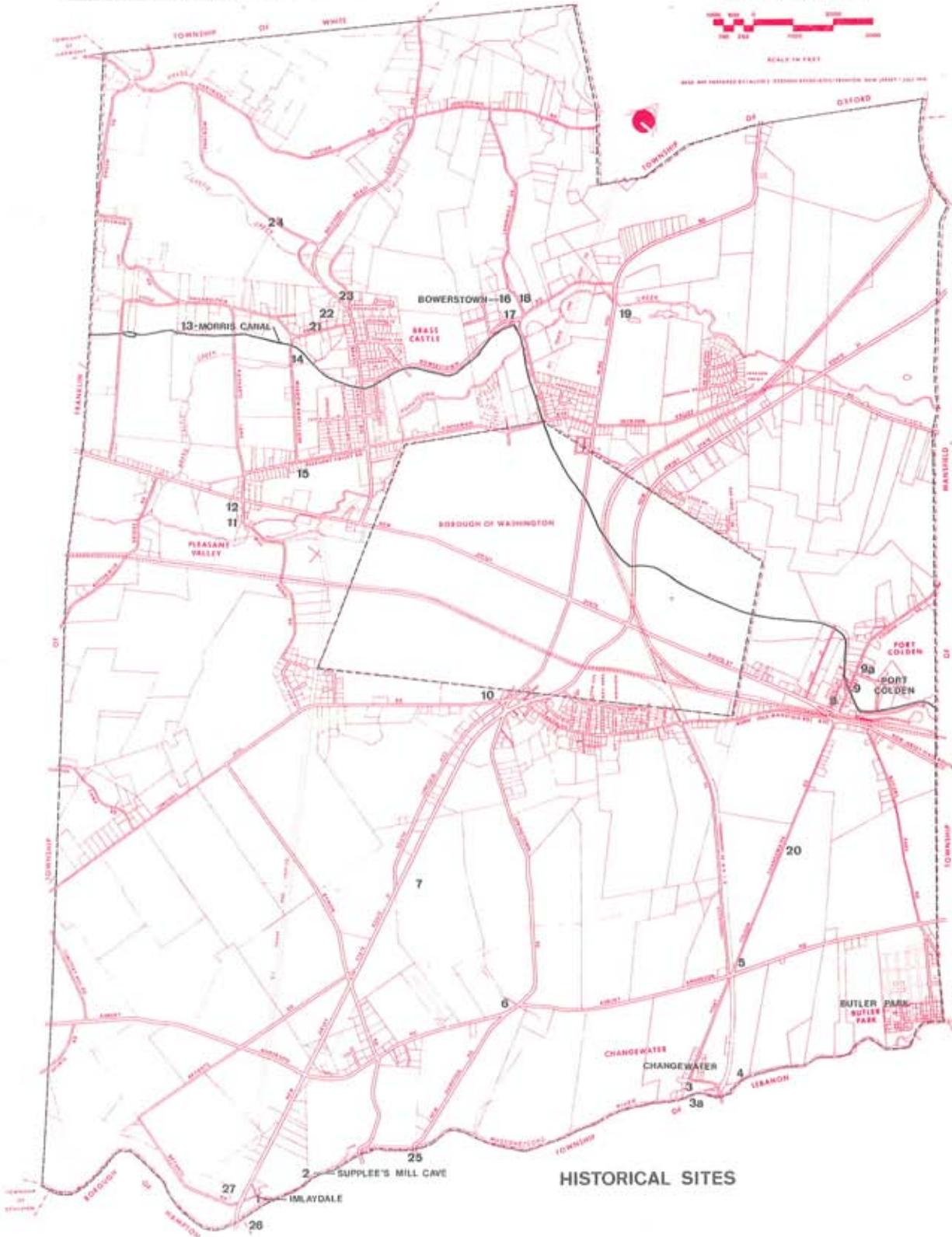
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THIS INFORMATION IS SUITED FOR BROAD SCALE PLANNING AND REVIEW. IT IS NOT INTENDED TO REPLACE PRIMARY SOURCES OR ON SITE TESTING.

## TOWNSHIP OF WASHINGTON WARREN COUNTY, NEW JERSEY



SCALE IN FEET

MAP WAS PREPARED BY ALICE L. STEPHENSON-BRADSHAW/TERRACON, NEW JERSEY, JULY 1981



### HISTORICAL SITES

SOURCE: WASHINGTON TWP. HISTORICAL COMMISSION

# WASHINGTON

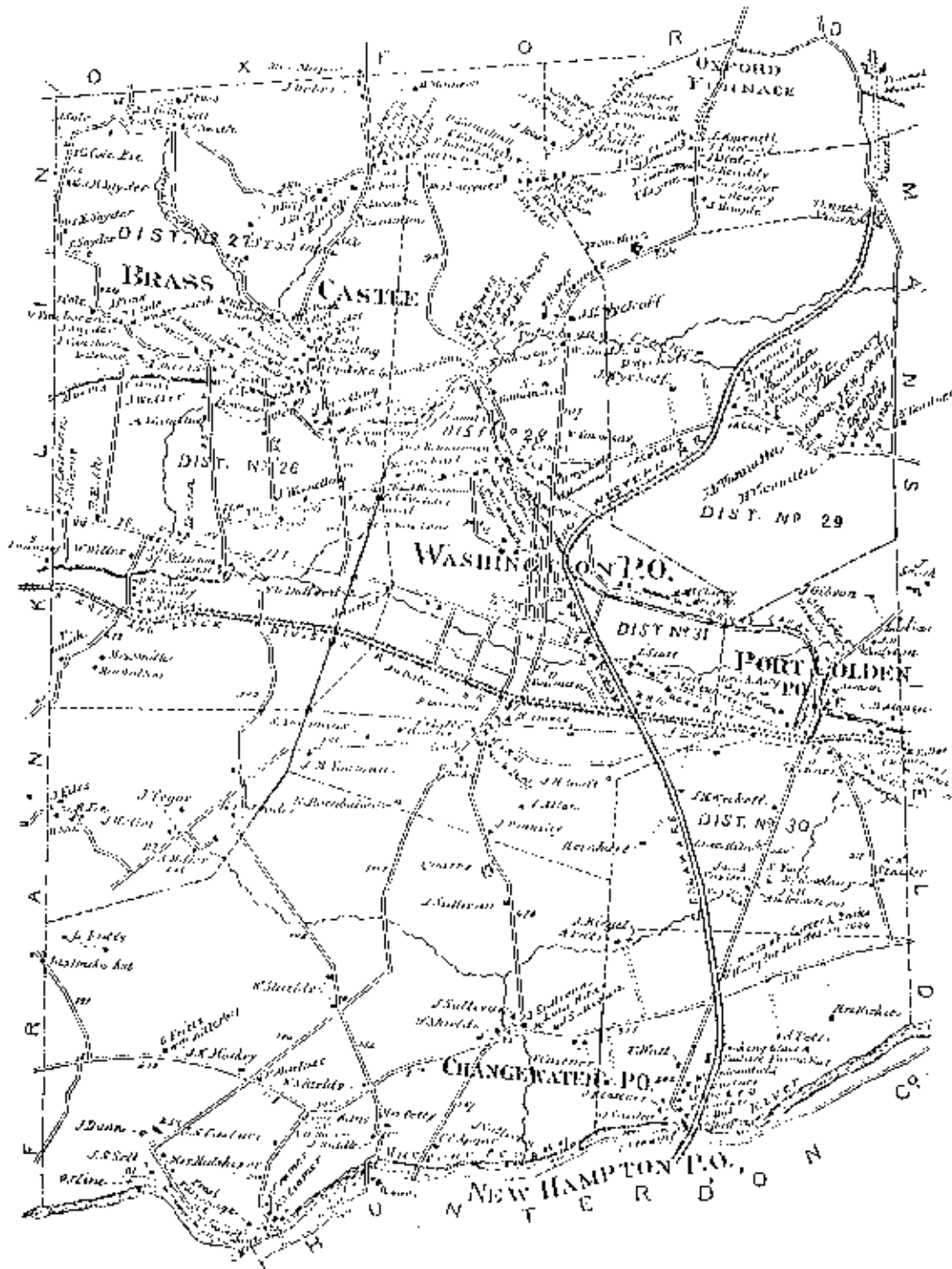


Figure 3-1: F. W. BEERS' MAP OF WASHINGTON TOWNSHIP-1874 [22]



Table 3-1:  
**HISTORICAL SITES LIST**

MAP #	TITLE / LOCATION	PERIOD / DESCRIPTION
1	Inlaydale Hamlet, Noah Cramer House Peter Cramer House Cramer's Mill Inlaydale Cemetery	Beers Atlas, on Register
2	Supplee's Mill Cave (Indian) & Lime Kiln	Caves of New Jersey
3	Changewater	
3a	Mark Thompson House	
4	Lime Kiln	
5	Murderer's Bridge	Beers Atlas
6	J. Sullivan	Beers Atlas
7	Lime Kiln	
8	St. Matthews Hall	Beers Atlas
9	Boat Basin	
9a	Port Colden School	Beers Atlas
10	Mansfield Woodhouse Cemetery	Beers Atlas
11	Sherrerd-Eckel House	(nomination filed)
12	Eckel Auto Cyroport	Washington Messenger
13	Morris Canal	Historic Preservation Survey of the Morris Canal, on Register
14	Old Blacksmith Shop	
15	Mrs. Boyd	Beers Atlas
16	Dowers town	
17	Consumers Research	
18	Lanning-Chamberlain House	
19	Log Cabin	
20	S. Yard	Beers Atlas

21	Snyder House	Beers Atlas
22	A. Wandling	Beers Atlas
23	Crist Mill	Beers Atlas
24	Roaring Rock	
25	Pony Pratt Truss Bridge	An Inventory & History of Engineering and Industry. On Register.
26	Twin Arch Concrete Bridge	An Inventory & History of Engineering and Industry.
27	Presbyterian Parsonage	Beers Atlas. On Register

## **COMMUNITY FACILITIES**

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### ***Environmental Resource Inventory***

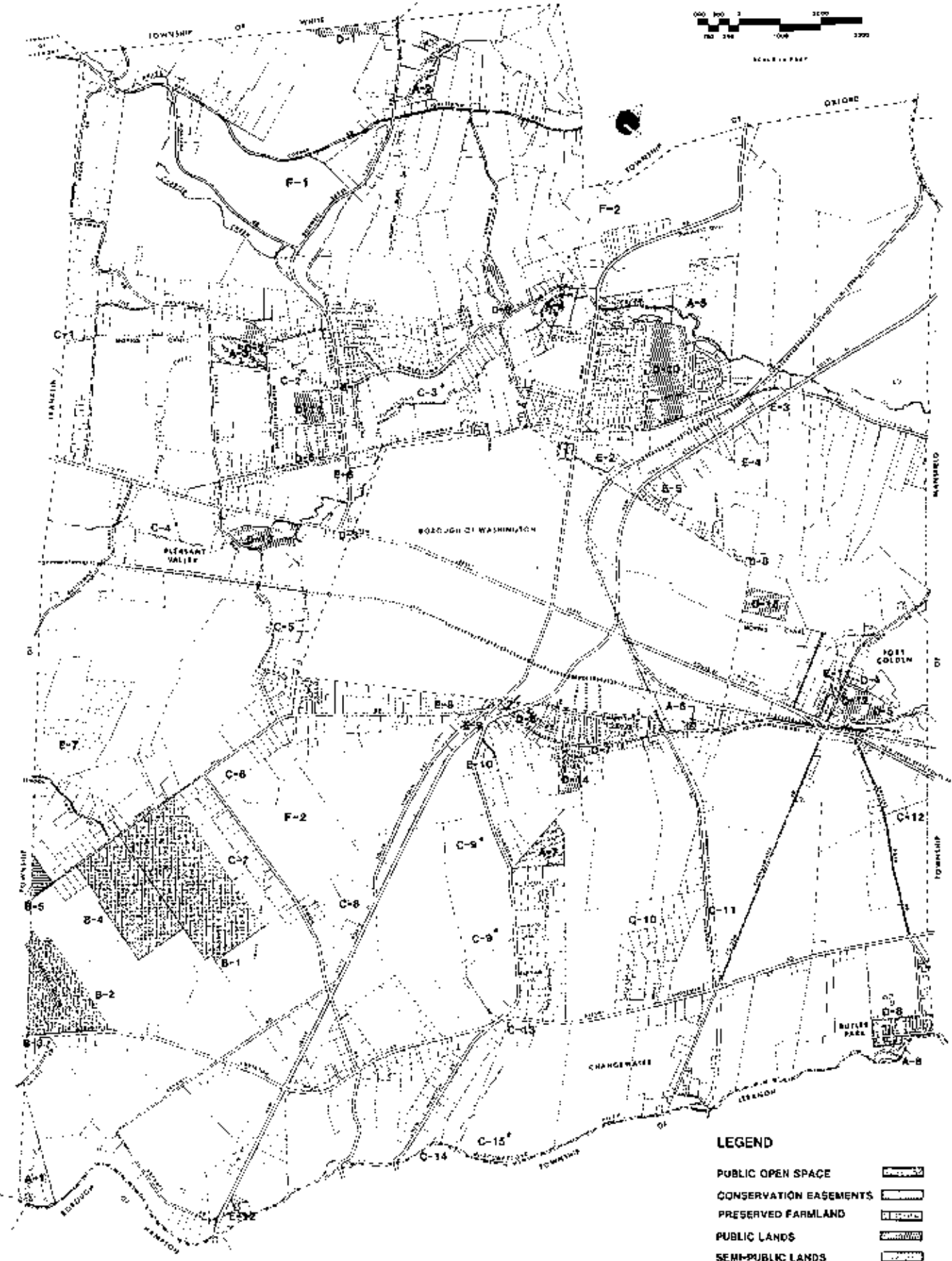
The Environmental Resource Inventory shows community facilities on an overlay map which shows the location of community facilities (attached as Exhibit "B"). The description for the facilities is provided on the two pages entitled, Key to Protected Open Space Inventory Map of Exhibit B.

### **ACTION REQUIRED FOR CONSISTENCY**

1. The Inventory Map and the Key to Protected Open Space List should be updated since the data provided in the ERI is almost 20 years old.
2. Establish a comprehensive housing program addressing regional housing needs.
3. Provide alternate mechanisms to address affordable housing obligations where there is disconnect with the goals of the RMP.

EXHIBIT B

TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY



**LEGEND**

PUBLIC OPEN SPACE	
CONSERVATION EASEMENTS	
PRESERVED FARMLAND	
PUBLIC LANDS	
SEMI-PUBLIC LANDS	
RIGHTS OF WAY / UTILITIES	
PRELIMINARY APPROVAL ONLY *	



Key To Protected Open Space

Inventory Map

Public Open Space

A-1	State of New Jersey, BL. 74, Lot 1	27.44 Ac.
A-2	Lake Marguerite, BL. 4, Lots 19 & 21	22.24 Ac.
A-3	Meadow Breeze Lane, BL. 17, Lot 5	26.00 Ac.
A-4	Bowerstown Road, BL. 28, Lot 1	13.26 Ac.
A-5	Pohatcong Creek, BL. 38, Lots 18.02 & 21	90.96 Ac.
A-6	Bodine Wildlife Sanctuary, BL. 46, Lot 7.08	1.17 Ac.
A-7	Springtown Road, BL. 48, Lot 76.46	19.58 Ac.
A-8	State of New Jersey, BL. 95, Lot 1 & BL. 96, Lot 1	7.98 Ac.

Farmland Preservation

B-1	Caputo, BL. 71, Lot 3	145 Ac.
B-2	Schnetzer, BL. 71, Lot 8	46 Ac.
B-3	Schnetzer, BL. 72, Lot 1	22 Ac.
B-4	Jelliff, BL. 71, Lot 2	80 Ac.
B-5	Schnetzer, BL. 70, Lot 5	4 Ac.

Conservation Easements

C-1	Morris Canal, BL. 15, Lot 8.02	
C-2*	Morris Canal, BL. 18, Lot 6.04	
C-3*	Pohatcong Creek, Bl. 27, Lot 15	
C-4*	Pohatcong Creek, BL. 68, Lot 12	
C-5	Drainage, BL. 67, Lot 57-A6	
C-6	Drainage, BL. 66, Lot 1.06	
C-7	Drainage, BL. 71, Lots 4, 4.05, 4.0211	
C-8	Drainage, BL. 66, Lots 20.06, 20.07, 20.10	
C-9*	Conservation, BL. 65, Lot 2	
C-10	Conservation, BL. 48, Lot 74	
C-11	Drainage, BL. 48, Lot 72.01	
C-12	Drainage, BL. 44, Lot 6.02	
C-13	Conservation, BL. 82, Lot 19.19	
C-14	Conservation, BL. 82, Lots 19.03, 19.05	
C-15*	Conservation, BL. 82, Lot 17	

\* Preliminary Site Plan Approval only.

Public Lands

State

D-1	NJ Dept. of Corrections BL.,3 Lot 1	8.55 Ac.
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### Township

D-2	Washington Township Police, BL. 17, Lot 5	10± Ac.
D-3	Washington Twp. Municipal Offices, BL. 23, Lot 12	2.4 Ac.
D-4	Old Port Colden School, BL. 43, Lot 8	0.45 Ac.
D-5	Washington Twp. Garage, BL. 43, Lot 10.01	3.8 Ac.
D-6	Washington Twp. Fire Co., BL. 19, Lots 7, 8, 9	1.3 Ac.
D-7	Washington Twp. Fire Co., BL. 51, Lot 10	.25 Ac.

### School

D-9	Regional Board of Education, BL. 5, Lot 22	5.21 Ac.
D-10	Warren Hills High School, BL. 38, Lot 17	46.85 Ac.
D-11	Brass Castle School, BL. 18, Lot 9	11.77 Ac.
D-12	Port Colden School, BL. 43, Lot 10	13.13 Ac.

### Other

D-13	Washington Boro- Mill Pond, BL. 67, Lot 66	17.183 Ac
D-14	Washington Boro - Landfill, BL. 48, Lot 78	8.05 Ac.
D-15	Washington Boro Bd. of Educ., BL. 40, Lot 87.03	15.0 Ac

### Semi-Public Lands

E-1	Washington Grange, BL. 20, Lot 1	
E-2	St. Joseph's Cemetery, BL. 30, Lots 31, 32.01	
E-3	Hiram Unity Temple, BL. 30, Lot 2	
E-4	Abilities of Northwest Jersey, BL. 40, Lot 13	
E-5	St. Luke's Evangelical Lutheran Church, BL. 40, Lot 13	
E-6	Washington Assembly of God, BL. 22, Lot 11	
E-7	Ave Maria Institute, BL. 68, Lot 39, BL. 70, Lot 1	
E-8	Washington Cemetery, BL. 67, Lots 3, 4	
E-9	Presbyterian Cemetery, BL. 66, Lot 11	
E-10	Pohatcong Home Post 670, BL. 43, Lot 7	
E-11	Port Colden Methodist Church, BL. 43, Lot 7	
E-12	Hampton Bible Chapel, BL. 79, Lot 7.02	

### Utilities

F-1	New Jersey American Water Company, BL. 1, Lot 1; BL. 3, Lots 9 & 17; BL. 12, Lot 1; BL. 13, Lots 1 & 3; BL. 14, Lot 39 (400 Acres total)	
F-2	Jersey Central Power & Light Company Easement	

## REDEVELOPMENT

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### ACTION REQUIRED FOR CONSISTENCY

1. *Through studies, identify potential redevelopment areas.*
2. *Develop a center-based design standard for future center locations development.*
3. *Amend land use regulations incorporating low impact development best management practices to protect natural resources.*

## **CONCLUSION**

The Initial Assessment Report Addendum is an excellent means to start the Township thinking about what degree the Township should revise or maintain the regulations noted herein. The Township Committee is concerned with the impact the Highlands Regional Master Plan has on the fiscal health of the Township.

Regardless of whether the Township, via the Land Use Board and the Township Committee in concert, opts to have two Highlands Regional Master Plan areas, Preservation and Planning, within the Township, a revised Township Master Plan, Land Use and Zoning Ordinance will be required to conform to both the Highlands regulations and the Washington Township concept of what the Township will become.

The Initial Assessment Report Addendum is an excellent place to start and develop the information needed to make an informal decision.



## **INITIAL ASSESSMENT REPORT ADDENDUM**

**INITIAL ASSESSMENT REPORT ADDENDUM**

*Instructions: Complete chart below, indicating for each subject area, whether current municipal planning documents include language concerning the applicable topic (insert "yes," "no," or "N/A," for not applicable), whether or not existing language covers and includes all RMP provisions (insert "yes," "no," or "N/A," for not applicable), and what actions are needed for Plan Conformance (i.e., "revise applicable ordinance to include RMP provisions," "develop new ordinance to address topic," "supplement ERI, Master Plan and Ordinances to include topic and RMP provisions," or "none").*

	EXISTING ERI/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required for Consistency
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	
<i>Example 1.</i>	Yes	No	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
<i>Example 2.</i>	No	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions.
<b>Forest Resources</b>	Yes	Yes	Yes	No	No	No	<ol style="list-style-type: none"> <li>Major revisions to the Environmental Resource Inventory, Township Master Plan and Land Use Ordinances are necessary to comply with the Highlands Regional Master Plan for Forest Resources.</li> <li>Revise the Environmental Resource Inventory to discuss and map forested areas in forms of forest resource areas and forest integrity by subwatershed.</li> <li>Develop a Conservation Plan element of the Master Plan that addresses goals, policies and objectives of the RMP.</li> <li>Amend Master Plan to include a Community Forest Plan element. Perhaps this could be folded into the Conservation Plan.</li> <li>Develop 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.</li> <li>Develop 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.</li> <li>Amend 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</li> </ol>

	EXISTING ER/RI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required for Consistency
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	
Forest Resources (continued)							<p>development best management practices.</p> <p>8. Amend 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.</p> <p>9. Amend tree clearing ordinance.</p> <p>10. It is noted that some of these provisions relate to Planning Areas. This opt-in has not yet occurred and not an affirmation that the Township desires to opt-in, but is noted to be a future discussion.</p> <p>11. Prohibit deforestation in Forest Resource Area.</p> <p>12. Encourage farmers with woodlots to obtain Forest Mgmt. or Forest Stewardship Plans.</p> <p>13. Preserve, protect rare, threatened and endangered wildlife and habitats.</p> <p>14. Limit human development through local and Highlands review by requiring maintenance of pre-existing uses, prohibition of woody vegetation and application of Forest Management and Stewardship Plans.</p> <p>15. Limit clearing of trees.</p> <p>16. Provide guidelines for community forestry plans.</p> <p>17. Provide a model tree ordinance that allows active forest management.</p> <p>18. Adopt a tree-clearing ordinance consistent with an approved community forestry plan.</p> <p>19. Standardize municipal tree protection ordinances within the HIGHLANDS REGION, if possible.</p> <p>20. Limit human development in Forest Resource Area to maintenance of pre-existing uses and restoration of impaired forest areas.</p>
Steep Slopes	Yes	No	Yes	No	Yes	No	<p>1. Some revision of the Environmental Resource Inventory, Master Plan and Land Use Ordinance is necessary to comply with the Highlands Regional Master Plan requirements for steep slopes.</p> <p>2. <i>Revise the latest Environmental Resource Inventory regarding steep slope protection areas. Bring Township regulations for constrained slope categories as those defined in the RMP.</i></p> <p>3. <i>Conservation Plan goals and policies for steep slope protection to be consistent with the RMP.</i></p> <p>4. <i>Slightly revise regulations requiring applicants to</i></p>

	EXISTING ER/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required for Consistency
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	
Steep Slopes (continued)							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; regulations for 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 slopes. 5. There is notation that Planning Areas are mentioned in the RPM consisting; however, this must be specifically addressed during the Plan Conformance process and determination of opt-in.
Critical Habitat	No	No	No	No	No	No	<ol style="list-style-type: none"> <li>The Environmental Resource Inventory, Master Plan, and Ordinances require major revisions to bring them in compliance with the Highlands Master Plan goals and restrictions related to Critical Habitat.</li> <li>Develop maps and written descriptions of critical habitat areas.</li> <li>Revise the conservation plan element to meet objectives consistent with RMP, including required components.</li> <li>Critical habitat overlay district ordinance with standards and regulations consistent with RMP policies and objectives. Would include low impact development best management practices, criteria to keep critical habitat intact including historically disturbed habitat. The RMP requires prohibition of direct impacts from development and indirect impacts from off site, adjacent or on site activities that adversely impact critical habitat unless a waiver is secured. Develop regulations so that development applicants must comply with the minimum standards and criteria in Washington Township, habitat conservation and management plan. Develop regulations governing reduction of vernal pool buffers.</li> <li>Develop regulations requiring that major Highlands developments must comply with the Highlands Rules governing critical habitats.</li> <li>Implement a habitat Conservation and</li> </ol>

	EXISTING ERI/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required for Consistency
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	
Critical Habitat (continued)							<p>Management Program.</p> <p>7. Develop performance standards such that all development shall employ Low impact.</p> <p>8. Development Best Management Practices with mitigation requirement of no net loss of habitat for entire life cycle.</p> <p>9. Establish standards for enhancement of or restoration of historically disturbed Critical Habitats (animal and plant).</p> <p>10. Prohibit any development that will jeopardize the continued existence or is likely to destroy a critical habitat.</p> <p>11. Prohibit activity that is off-site, adjacent to or within Critical Habitat that has a likelihood of adverse effects on Critical Habitat.</p> <p>12. Prohibit reduction of vernal pools unless waived by NJDEP or Highlands</p>
Carbonate Rock	Yes	Yes	Yes	No	Yes	Yes	<p>1. The Township Carbonate Rock District will require very minor adjustments to fully comply with the Highlands Park Regional Master Plan.</p> <p>2. Develop a Conservation Plan containing policies and strategies addressing protection of carbonate rock areas, consistent with the RMP.</p> <p>3. Re-visit existing regulations requiring applicants to identify lands draining surface water into the carbonate rock area to include all developments, even of a minor nature; address and mitigate said hazards with a maximum emphasis on nonstructural measures; 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.</p> <p>4. Maintain inventories of karst and sub watersheds that drain directly to these areas.</p> <p>5. Require karst investigations for all development in Carbonate Rock Areas.</p> <p>6. Public works projects should conform to requirements for development in Carbonate Rock Areas.</p> <p>7. Projects that require karst review also include: Underground storage tanks, solid waste landfills, septic systems.</p>

	EXISTING ERI/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required for Consistency
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	
Lake Management	No	No	No	No	No	No	No revisions are required to comply with the Highlands Regional Master Plan.
Water Resources Availability	Yes	No	Yes	Yes	Yes	Yes	<ol style="list-style-type: none"> <li>The current Township regulations, and reliance on State of New Jersey regulations for water supply, are working within the spirit of the Highlands Regional Master Plan. However, additional ordinances may be needed to control pollution from subsurface disposal systems and over-development. Additions to the Environmental Resource Inventory, Master Plan, and Ordinances are necessary. It will be a major undertaking to have compliance with the Highlands Regional Master Plan goals.</li> <li>Require mandatory stormwater re-use for recreational and non-agricultural uses.</li> <li>Regulate water transfers between or from Highlands subwatersheds only when there is no viable alternative.</li> <li>Prohibit land uses that increase pollutant loading to waters for which Total Maximum Daily Load (TMDL) have been adopted.</li> <li>Limit the use of land within the Conservation Zone to agriculture use, redevelopment of existing developed land, and low density land uses.</li> </ol>
Prime Groundwater Recharge	No	No	Yes	No	No	No	Compliance with the Highlands Regional Master Plan for Prime Groundwater Recharge would potentially create serious concern in dealing with the karst formations, i.e. creating a potential for solution holes, thereby creating a potential for pollution of the aquifer and subsidence craters. Special treatment is needed for karst areas in developing prime wells.
Water Quality	Yes	Yes	Yes	Yes	Yes	Yes	See Actions for Stormwater Management and Water Resources Availability.
Water Wellhead Protection	No	No	No	No	No	No	<ol style="list-style-type: none"> <li>The changes in the ordinance required to address the Highlands Regional Master Plan are minor in nature. The technical basis for the Master Plan and resulting Land Use Ordinance will rely on the <u>Water Resource</u></li> </ol>

	EXISTING ER/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required for Consistency Assessment Technical Report.
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	
Water Wellhead Protection (continued)							<ol style="list-style-type: none"> <li>2. Update the Environmental Resource Inventory to include mapping of water deficit areas and net water availability by subwatershed and mapping of prime ground water recharge areas.</li> <li>3. Develop a 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.</li> <li>4. Develop regulations and/or stormwater management regulations that are consistent with RMP policies and objectives governing wellhead protection.</li> <li>5. 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, which must be supported by sound engineering design in the Carbonate Rock District.</li> <li>6. Amended 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.</li> <li>7. Amended regulations reflecting provisions in the municipal water use and conservation management plan, including prioritization criteria for assigning conditional water availability.</li> <li>8. Develop Wellhead Protection Management Plan.</li> </ol>
Stormwater Management	No	No	No	No	Yes	Yes	<ol style="list-style-type: none"> <li>1. No action is required at the present time since the State of New Jersey, through the Department of Environmental Protection and the Department of Community Affairs, has preempted local standards for Stormwater Management Plan design and the design of residential subdivisions and site plans. It should be noted that commercial designs that do not exceed NJDEP or DCA requirements are being regulated by using the NJDEP standards.</li> <li>2. Update the Environmental Resource Inventory with maps and written discussion of open waters.</li> </ol>

	EXISTING ER/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required for Consistency Information from the ERI to RMP goals, policies and objectives.
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	
Stormwater Management (continued)							<p>3. Develop a Conservation Plan Element relating information from the ERI to RMP goals, policies and objectives.</p> <p>4. Develop a Stream Corridor Protection/Conservation Plan.</p> <p>5. Revise 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.</p> <p>6. Develop land use regulations to include low impact development best management practices for development activity proposed within open waters buffers and riparian areas.</p> <p>7. It is noted that controls in the Planning Area occur only if the Township desires to opt-in.</p>
Water/Wastewater Utilities	Yes	No	Yes	No	Yes	No	<p>1. The Highlands Regional Master Plan goals are to identify areas currently serviced by existing wastewater facilities.</p>



	EXISTING ER/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES	
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?
Water/Wastewater Utilities (continued)						<p>2. Identify areas that are inappropriate for future expansion of infrastructure.</p> <p>3. Determine available wastewater system capacity and ability to support additional development with the goals of the Highlands Regional Master Plan. The Township Master Plan Element dealing with utilities should be updated and pursued to provide the basic elements for reasonable development in Planning Area of the Highlands.</p> <p>4. The water utility has been chosen and a franchise granted to service the Township needs for potable water and fire protection.</p> <p>5. Designate Current Deficit Areas.</p> <p>6. Prevent water consumption increases in Current Water Deficit Areas, except as approved by the Highlands or other agency having authority.</p> <p>7. All water users shall seek funding to meet Objective 2B4b (gives the highest priority to documented threats from TDR, infill development, designated Highlands Redevelopment areas, affordable housing where of least 10% units affordable.</p> <p>8. Require maximum feasible water conservation for all development, redevelopment including single family/commercial/industrial uses.</p> <p>9. Require consideration of conservation measures in site layout and structures.</p> <p>10. Develop an estimate of remaining available capacity and an inventory of existing areas served.</p> <p>11. Limit future water system demands to levels that will not create a Current Deficit Area.</p> <p>12. Clusters will only be permitted if it is mandatory and consistent with the RMP; immediately adjacent to an existing area served; preserves 80% unconstrained land; BMP for residual farm is imposed.</p> <p>13. Require recycled or re-used water for non-residential uses.</p> <p>14. Prohibit expanded or new collection within the Protection Zone, Conservation zone and environmentally-constrained Sub-zones of the PLANNING AREA (some exceptions apply).</p> <p>15. Clusters within the Protection Zone, Conservation zone and environmentally-constrained Sub-zones of the PLANNING AREA shall be approved only if 5</p>

	EXISTING ERI/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required for Consistency
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	
Water/Wastewater Utilities (continued)							<p>conditions are met -Pg 267 of RMP.</p> <p>16. Allow expansion of wastewater collection systems with the Existing Community Zone (ECZ) of the PLANNING AREA, other than environmentally-constrained, for IDR receiving purposes.</p> <p>17. Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone and environmentally-constrained sub-zones of the PLANNING AREA (exceptions apply).</p> <p>18. Require that new residential development on public wastewater collection has a minimum density of 1/2 acre per dwelling.</p> <p>19. All development in the HIGHLANDS REGION in areas not served by public sewer shall be at a density compatible with septic systems.</p> <p>20. Prohibit development of additional water and wastewater infrastructure in the Agricultural Resource Area (ARA) within the Conservation and Protection zones of the PLANNING AREA (exceptions apply).</p>
Septic Densities	No	No	Yes	No	Yes	No	<p>1. Changes to the Environmental Resource Inventory, Master Plan Update and Land Use Ordinance will be a major undertaking. A public hearing will be necessary to implement the changes in the lot areas. No changes or amendments to the subsurface disposal system are proposed by following the Highlands Regional Master Plan.</p> <p>2. <i>Revise wastewater management plan to respond to NJDEP determinations.</i></p> <p>3. <i>Utility services plan must be revised for water and wastewater data, and all correlated to the build-out analysis.</i></p> <p>4. <i>Revise land use regulations specifying the conditions when new or expanded water and wastewater facilities can be provided, including cluster development where there are instances that public water and public or community wastewater connections can be used.</i></p> <p>5. <i>Develop land use plan element to provide the underpinnings for revised zoning densities and intensities based on utility capacity and maximum septic system yield as determined by the build-out analysis</i></p> <p>6. <i>Develop a Septic System Management/</i></p>

	EXISTING ER/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required for Consistency
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	
Septic Densities (continued)							<p>Maintenance Plan and associated ordinances addressing long term maintenance needs of new development relying on septic systems.</p> <p>7. In order to regulate all new development, ordinances may have to go beyond the section for Land Development Ordinances.</p> <p>8. Cluster and other development using on-site septic systems will be limited by the nitrate dilution target appropriate for the Land Use Capability Zone.</p> <p>9. All development in the HIGHLANDS REGION in areas not served by public sewer shall be at a density compatible with septic systems.</p> <p>10. Projects that require karst review also include: Underground storage tanks, solid waste landfills, septic systems.</p>
Low Impact Development	Yes	No	Yes	Yes	Yes	Yes	<ol style="list-style-type: none"> <li>1. Revise Master Plan and adopt ordinances which control the intensity of development based on the ability of the land to support such intensities.</li> <li>2. Develop regulations to protect forest and environmentally critical features.</li> <li>3. In the Existing Community Zone (ECZ) of the PLANNING AREA, prohibit proposed disturbances of the Highlands Open Water buffers unless Highlands waiver is granted.</li> <li>4. Develop regulations to restore Prime Groundwater Recharge Areas.</li> <li>5. Require Low Impact Development standards and BMP for stormwater management.</li> </ol>
Transportation	No	No	Yes	Yes	Yes	Yes	<ol style="list-style-type: none"> <li>1. The Highlands Regional Council will have to take a proactive role with the NJ Department of Transportation in upgrading mass transportation to the Highlands region.</li> <li>2. Evaluate opportunities to increase freight service through reactivation of abandoned freight lines.</li> </ol>
Land Preservation Stewardship	Yes	Yes	Yes	Yes	Yes	Yes	<ol style="list-style-type: none"> <li>1. The Highlands Council should consider purchasing either in fee or by easement a 300' to 500' wide strip of land along the Musconetcong River to preserve the wildlife atmosphere of the river.</li> <li>2. Amend Open Space Plan to address measures to</li> </ol>

	EXISTING ER/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required for Consistency
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	
Land Preservation Stewardship (continued)							<p>assure responsible land use and maintenance regulations for parcels proposed for development and identified for preservation or conservation. Easements must be in place that are enforceable by Washington Township and the Highlands Council, County Agriculture Development Board, State Agriculture Development Committee, or Green Acres, as applicable.</p> <ol style="list-style-type: none"> <li>3. Develop cluster regulations for mandatory buffers, set-asides, easement enforcement provisions, and situations when clustering is required.</li> <li>4. Limit human development in Forest Resource Area to maintenance of pre-existing uses and restoration of impaired forest areas.</li> <li>5. Update open space database to include preserved lands and stewardship activities.</li> <li>6. Create landowner assistance program with technical assistance to protect water resources and environmentally sensitive resources.</li> <li>7. Develop a confidential inventory for a 5 to 10 year land acquisition.</li> <li>8. Designate Special Environmental Zone where development should not occur based on Highlands ranking.</li> <li>9. Prohibit development in the designated Special Environmental Zone.</li> <li>10. Implement the TDR regulations in the Special Environmental Zone to permanently preserve these lands.</li> <li>11. Require mandatory cluster development or conservation design development within the Agricultural Resource Area if other options are not feasible.</li> </ol>
Agricultural Resources	Yes	No	Yes	No	Yes	No	<ol style="list-style-type: none"> <li>1. The Highlands Council should use its influence with the State of develop funding to preserve farms, in particular farms having Class I and II ratings. A Best Farming Management Practices Program should be developed to minimize the use of fertilizers and to encourage the use of organic farming procedures.</li> <li>2. Over the years, the Township Committee has developed a multi-faceted program to preserve the rural atmosphere of Washington Township and encouraged</li> </ol>

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Agricultural Resources (continued)						
						<p><b>Action(s) Required for Consistency</b></p> <p>farms to sign up for all Farm Preservation Programs.</p> <p>3. Develop a Farmland Preservation Plan Element of the Washington Township Master Plan that acknowledges agricultural resource areas. BMP's, and RMP policies regarding clustering with 80% set-asides for open space.</p> <p>4. Clustered developments should include preservation, buffering, and easement enforcement.</p> <p>5. Access to public water and sewers should be incorporated into certain agricultural land use if clusters are viewed as an option for these areas.</p> <p>6. Limit the use of land within the Conservation Zone to agriculture use, redevelopment of existing developed land, and low density land uses.</p> <p>7. Create a mandatory confidential inventory of lands worth purchase.</p> <p>8. Limit non-agricultural uses within the Agricultural Resource Area (ARA).</p> <p>9. Implement regulations to require cluster in the Agricultural Resource Area (ARA).</p> <p>10. Regulations that state that all Agricultural Resource Area (ARA) clusters must have buffers.</p> <p>11. All land preserved by cluster is subject to a permanent conservation easement enforceable by Highlands and one other public entity (i.d. in RMP).</p> <p>12. Require coordination with the State Historic Preservation office and SADC to preserve assets.</p> <p>13. Develop specific agricultural management practices that address protection strategies.</p>
Cluster Development	Yes	No	Yes	No	Yes	Yes

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Cluster Development (continued)							<p>consistent with the RMP; immediately adjacent to an existing area served; preserves 80% unconstrained land. BMP for residual farm is imposed.</p> <p>5. Require mandatory cluster development or conservation design development within the Agricultural Resource Area if other options are not feasible.</p> <p>6. Sewers: Clusters within the Protection Zone, Conservation zone and environmentally-Constrained Sub-zones of the PLANNING AREA shall be approved only if 5 conditions are met -Pg 267 of RMP.</p> <p>7. Implement regulations to require cluster in the Agricultural Resource Area (ARA).</p> <p>8. Regulations that state that all Agricultural Resource Area (ARA) clusters must have buffers.</p> <p>9. All land preserved by cluster is subject to a permanent conservation easement enforceable by Highlands and one other public entity (I.D. in RMP).</p> <p>10. Prohibit extension of sewer and water within the Protection Zone, the Conservation Zone, and the Environmentally Constrained Sub-zones of the PLANNING AREA.</p> <p>11. All development within the HIGHLANDS REGION in areas not served by public water systems shall be at a density that can be supported by on-site wells, except for the Agricultural Resource Area (ARA) which has other provisions.</p> <p>12. Clusters using on-site septic systems will be limited by the nitrate dilution target appropriate for the Land Use Capability Zone.</p> <p>13. Require Low Impact Development standards and BMP for stormwater management.</p> <p>14. Restore or enhance environmental resources of the HIGHLANDS REGION, incl. Forests, Critical Habitat, Highlands Open Waters, Buffers, Riparian Areas, Steep Slopes, Prime Groundwater Recharge, Wetland Protection, ARAs.</p>
Sustainable Economic Development	Yes	No	Yes	No	No	No	<p>1. The Washington Township Selected Wastewater Management Plan, as amended June 1996, should be updated. Also, the sewer service area in the Township that is part of the Oxford collection sewer main should be clearly defined with emphasis on the service areas that are actually located in the Township.</p>

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Sustainable Economic Development (continued)							<ol style="list-style-type: none"> <li>The Township and the Highlands Council should actively pursue the recommendation that the adjacent areas to Route 31 should be incorporated into a comprehensive Wastewater Management Plan. The need for individual sewer plants should be evaluated, particularly if they can serve a larger area. Of course, the economic strength of the sewer plant must be sufficient to provide upgrades and repairs over time.</li> <li>The future use of vacant building sites (malls) should be reviewed for adaptive re-use options as these vacant malls can be put to are the package plants required for the development.</li> <li>Develop regulations to promote home businesses and small business incubator programs.</li> </ol>
Historic, Cultural, Archaeological Resources	Yes	Yes	Yes	Yes	Yes	No	<ol style="list-style-type: none"> <li>The Highlands Regional Master Plan is very concerned as to the preservation of Historic sites. Also, the archaeological aspect of a site is of vital concern. Selected sites should be the subject of an archaeological dig to determine the physical features and artifacts of the site from an historical perspective.</li> <li>As a minimum, the listed historic site and neighborhoods should be photographed along with the known history, data and maps if these can be obtained.</li> <li>As part of the subdivision, site plan review, the Environmental Resource Inventory and Master Plan, as supplemented by the Highlands Council data, should be consulted with the aim to preserve historic elements of the site as much as possible.</li> <li>Include historic, cultural and archaeological survey in the Master Plan.</li> <li>Identify cultural sites as Sites of Regional Significance.</li> <li>Develop regulations that require all development include identification of historic/cultural/archaeological resources in the area of the development, including impacts thereof.</li> <li>Regulations that all site plans and subdivision indicate whether land is identified on the Highlands Historic and Cultural Resource Inventory.</li> </ol>

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Community Facilities	Yes	Yes	Yes	Yes	Yes	Yes	<ol style="list-style-type: none"> <li>1. The Inventory Map and the Key to Protected Open Space List should be updated since the data provided in the ERI is almost 20 years old.</li> <li>2. Establish a comprehensive housing program addressing regional housing needs.</li> <li>3. Provide alternate mechanisms to address affordable housing obligations where there is disconnect with the goals of the RMP.</li> </ol>