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**INCORPORATED BY REFERENCE INTO
HIGHLANDS COUNCIL RESOLUTION 2012-12
ADOPTED APRIL 19, 2012**

FINAL CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

**PETITION FOR PLAN CONFORMANCE:
ALEXANDRIA TOWNSHIP, HUNTERDON COUNTY**

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

MARCH 7, 2012

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INTRODUCTION

This Final Consistency Review and Recommendations Report (“Report”) has been prepared by the Staff of the Highlands Water Protection and Planning Council (“Highlands Council”). It provides review and recommendations for consideration by the Highlands Council as to the consistency of the Petition for Plan Conformance of the Township Alexandria with the Highlands Regional Master Plan (RMP). The Report provides review and discussion of each component of the Petition for Plan Conformance, in the order in which they are set forth under submission guidelines provided to municipalities by the Highlands Council. It begins with a brief summary of Staff findings, displayed in a table format, to provide an at-a-glance overview of the results of Staff review.

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REPORT SUMMARY

Municipality: Alexandria Township

Date of Petition Submission: December 8, 2009

Date Deemed Complete: January 22, 2010

Conformance Area: Preservation Area

Staff Recommendation: Approve Petition with Conditions

Administrative Submittals	Meets Requirements	Conditions of Approval
1. Resolution or Ordinance	X	None
2. Record of Public Involvement	X	None
3. List of Current Planning and Regulatory Documents	X	None
4. Other		N/A

Petition Components	Consistent	Conditions of Approval
1. Modules 1-2 Build-Out Report*	X	None
2. Module 3 Housing Element/Plan	X	See Section D.1
3. Module 4 ERI	X	See Section D.1
4. Module 5 Highlands Element	X	Follow-Up Required per Section B.4; D.1
5. Module 6 Land Use Ordinance	X	Follow-Up Required per Section B.5; D.1
6. Module 7 Petition		
a. Self-Assessment Report	X	None
b. Implementation Plan/Schedule	X	Follow-Up Required per Section B.6; D.1
7. Other		N/A

*Completed by the Highlands Council in collaboration with the municipality prior to substantive review of the Petition.

Optional Submission Items	Submission Date	Status/Recommendation
1. RMP Updates	N/A	
2. Map Adjustments	N/A	
3. Highlands Center Designation Requests	N/A	
4. Highlands Redevelopment Area Designation Requests	N/A	
5. Other		

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A. REVIEW OF ADMINISTRATIVE SUBMITTALS

- 1. Resolution or Ordinance.** The Resolution petitioning the Highlands Council for Plan Conformance was adopted by the municipal Governing Body at its noticed public meeting of November 11, 2009. The document submitted is appropriately signed and certified by the Municipal Clerk to verify authenticity. The language of the Resolution relies upon the model provided by the Highlands Council. The Resolution clearly petitioned the Highlands Council for Plan Conformance; conformance being proposed with respect to municipal lands located in the Preservation Area (2,721 acres or 15% of the Township) and the Planning Area (15,038 acres or 85%) of the municipality. However, since the passage of that resolution, the Township governing body has indicated to the Highlands Council that the Township will conform only for the portions of the Township in the Preservation Area, at this time.
- 2. Record of Public Involvement.** The Petition includes appropriate documentation of the public process engaged in by the municipality with regard to the development of Petition materials and adoption of the Resolution petitioning the Highlands Council for Plan Conformance. The submission includes the following:

 - a.** Copy of a public meeting notice for a joint meeting of the Planning Board and the Township Committee held on October 15, 2009 to discuss Plan Conformance and the Draft Master Plan Highlands Element.
 - b.** Copy of the meeting agenda and meeting minutes associated with the October 15, 2009 joint Planning Board and Township Committee meeting.
 - c.** Copy of the Power Point presentation covering all aspects of Plan Conformance as related to Alexandria Township, prepared for and presented at the October 15, 2009 meeting, by the municipality's Planning Consultants (Banisch Associates).
 - d.** Adopted Resolution as noted above, indicating formal action taken on Plan Conformance at the November 11, 2009 public meeting of the Governing Body.
- 3. List of Current Planning Documents.** The list of current municipal planning and regulatory documents is comprehensive and includes required dates of adoption, as applicable. Pursuant to Highlands Council Module 7 Municipal Plan Conformance Petition instructions, all of these documents should be available in the offices of the Highlands Council in Adobe pdf format. Staff review indicates that all of the required documents are available as required.

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B. REVIEW OF PLAN CONFORMANCE PETITION COMPONENTS

1. **Highlands Municipal Build-Out Report (Modules 1-2).** Consistent. The Highlands Municipal Build-Out Report fulfills the Highlands Act requirements to evaluate land use capability and includes a detailed evaluation of land based capacity, resource based capacity and utility based capacity. The Highlands Municipal Build-Out Report was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The date of the Highlands Municipal Build-Out Report is August 2009.

2. **Housing Element & Fair Share Plan (Module 3).** Consistent as submitted.

Introductory Advisory

The Highlands Council recognizes that the main component of the Council on Affordable Housing (COAH) Third Round rules was invalidated in 2010 and an appeal of that invalidation is pending in the New Jersey Supreme Court; that COAH's *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan* was invalidated by the Appellate Division of the Superior Court; that significant changes to State laws pertaining to the provision of affordable housing are being considered; and that Governor Christie has approved Reorganization Plan No. 001-2011, which eliminates COAH, transferring its functions and duties to the Department of Community Affairs (DCA). As required by the Highlands Act and the Fair Housing Act, DCA has the responsibility to determine affordable housing obligations and must take the Highlands Regional Master Plan into consideration in discharging this responsibility. Accordingly, the analysis provided below shall be considered subject to modification based on a resolution of the State's affordable housing policies, with the intent being to ensure that the municipality remains in compliance with all applicable statutes, rules, regulations, and requirements regarding affordable housing, at any given time, and maintains consistency with the RMP.

Highlands Council Review

Both the RMP and Highlands Council instructions concerning submission of Master Plan Housing Elements and Fair Share Plans sought municipal participation in a three-step process, intended to culminate in the submission of fully developed affordable housing plans to both the Highlands Council and the Council on Affordable Housing (COAH) (or alternatively the Highlands Council and the Superior Court). This process was designed to assist municipalities in developing plans to address fair share housing obligations that are consistent with the RMP. For most Highlands municipalities, the deadline for submission to COAH was extended to June 8, 2010. The extended time allowance was intended to provide for completion of Highlands Municipal Build-Out Reports (see Modules 1-2, above) and incorporation of resulting information into fully developed affordable housing plans in accordance with Executive Order #114 (2008) and COAH's *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*. This process also allowed for Highlands Council review of as yet unconstructed projects in municipal housing plans, for consistency with the RMP, whether the projects were proposed in compliance with Prior Round obligations or the Third Round rules.

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The Township of Alexandria provided all components required by the Highlands Council. The first submission was included as requested within the municipality's Petition for Plan Conformance, while the remaining items were provided in accordance with the revised submission deadlines. Review of the final Housing Element and Fair Share Plan submission, adopted by the Land Use Board on May 27, 2010 follows. These findings constitute a preliminary analysis of the Housing Element and Fair Share Plan by the Highlands Council. Formal review will be conducted by the Department of Community Affairs or the Superior Court. These documents were filed with former Council on Affordable Housing on June 4, 2010. The final Housing Element and Fair Share Plan appear consistent with the requirements of the RMP.

a. Municipal Growth Projections. Municipal Growth Projections estimated in the Highlands Municipal Build-Out Report for the Township of Alexandria (August 2009) are as follows:

- Residential Growth (housing units): 371
- Non-Residential Growth (jobs): 0

b. Summary of Municipal Obligation. With the invalidation of COAH's "Growth Share" methodology, the Municipal Fair Share Obligation cannot be fully determined at this time. Based on the information currently available, it would include at minimum, each of the components listed below. The submittal indicated the Township satisfied 16 of its 22 prior round obligation leaving 6 units to be satisfied from the prior round.

- Rehabilitation Share: 10
- Prior Round Obligation: 22

In anticipation of an additional obligation to address the current housing cycle, municipal planning to address the local need for affordable housing is expected to continue.

c. Summary of Proposed Fair Share Plan. The Fair Share Plan proposed to address the municipal obligation by use of the mechanisms and/or development projects listed below.

- **Rehabilitation Program:** Five units will be provided through continuation of the existing Township Rehabilitation Program, and the other five units, by the use of "ECHO" units. Anticipated credits: 10.
- **Affordable Housing Sites/Mechanisms:**

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- i. Regional Contribution Agreement (RCA) with the City of Lambertville (existing) – A total of 15 units are included in the RCA.
- ii. Frenchtown Manor (Ves Healthcare Corp.) residential healthcare facility (existing) – 5 units plus 1.66 bonus credits, bonus credits rounded up in summation. Anticipated credits: 7.
- iii. Sky Manor Rental Unit (existing) –1 unit to 1 unit plus 1 bonus credit. Anticipated credits: 2.
- iv. Accessory Apartment Program – 15-unit Accessory Apartment Program.
- v. Market to Affordable Program – The Township will purchase or subsidize 12 existing single-family units.
- vi. Supportive and Special Needs Housing – Five units on an as yet unidentified site or within an existing building/facility.
- vii. Inclusionary Overlay Zoning Ordinance – Municipal Inclusionary Zoning District: The Township proposes a municipal wide inclusionary zoning district on the Township’s AR – Agricultural Residential zone, which according to the September 2006 Zoning Map is the majority of the Township. This would require a 20% affordable housing set aside with every development. No specific parcels were listed for any of these mechanisms to determine consistency with the RMP. A maximum of 39 units are proposed.

● **Conditions/Requirements.**

- The Accessory Apartment program will include lots serviced by septic systems and domestic wells, however, the exact location of the units is not known at this time. To be consistent with the RMP any accessory apartments to be serviced by septic systems will have to meet the nitrate dilution standards of the Land Use Capability Zone(s) in which they will be located.
- The Supportive and Special needs housing proposed for future development could qualify for a Highlands Act Exemption provided the development utilizes an existing structure. The requirements of the Highlands Act Exemption No. 2 would be addressed. (Group homes meet the definitions of “Community Residences” pursuant to N.J.S.A. 40:55D-66.1 and “Community

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residences for the developmentally disabled” pursuant to N.J.S.A. 40:55D-66.2.a.)

- The proposed inclusionary zoning district properties have not been identified at this time. Any projects pursued under this category would need to be reviewed for consistency with the RMP.
- Goals and objectives consistent with the goals and objectives found in the Model Housing Element have been inserted as revisions to the Township’s proposed Master Plan Highlands Element (see Housing Plan section).

3. Environmental Resource Inventory (Module 4). The proposed Township of Alexandria Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI provided to municipalities by the Highlands Council. The document has undergone previous revisions under a collaborative process between the municipality and the Highlands Council to address and incorporate the input and concerns of all parties. The Township of Alexandria Highlands ERI as now proposed (including modifications by the Highlands Council), contains all required Highlands ERI language and all applicable figures, as necessary, to fully describe the Highlands Resources, Resource Areas, and Special Protection Areas located within the municipality. As such, the Highlands ERI is consistent with the RMP and the immediate mandatory requirements of Plan Conformance.

a. Deleted Sections/Figures. The following sections and/or figures of the model Highlands ERI are not relevant to the municipality and have thus been deleted from the municipal submission (figure numbers have been reserved):

- Significant Natural Areas Figure;
- Special Environmental Zone Section and Figure;
- Lake Management Area Section and Figure; and
- Highlands Domestic Sewerage Facilities Figure

b. Revisions. The Highlands Council has provided updated technical information within the narrative portion of the ERI as well as a new set of coinciding figures. The new figures are provided as a separate file from the Highlands ERI text, and replace figures previously provided for the Highlands ERI. The old figures (with exception of any developed by the municipality) have been deleted to avoid confusion. Please note that the figures should not be incorporated with the MS Word® version of the text, as such mergers result in unmanageable file sizes and a significant loss in map clarity/resolution. The text and figures are best combined into a single pdf file once each component is in final form.

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4. **Master Plan Highlands Element (Module 5).** The proposed Township of Alexandria Master Plan Highlands Element is based on the model Highlands Element provided to municipalities by the Highlands Council. As proposed (including minor modifications by the Highlands Council), the document contains nearly all required Highlands Element language and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance.

The specific components of the model Highlands Element are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Plan Conformance, the heading or sub-heading indicates “Consistent.” Where any section of the model Highlands Element has been appropriately deleted due to non-applicability, the heading or sub-heading indicates “Not Applicable – Deleted.” Where minor modifications are required to complete the document for purposes of adoption by the Planning Board, the heading or sub-heading indicates, “Minor Modifications Required for Completion.” If needed, explanatory discussion is provided.

- a. **Policies, Goals & Objectives.** Consistent
 - i. Preservation Area Goals. Consistent
 - ii. Planning Area Goals. Not applicable, deleted.
 - iii. General Purposes of Zoning. Consistent
 - iv. Relationship Between Highlands Act & MLUL. Consistent
- b. **Land Use Plan Element.** Consistent
 - v. Highlands Zones and Sub-Zones. Consistent. Note: The following zones are not applicable and were deleted: Wildlife Management Sub-Zone, the Existing Community Zone, Existing Community Zone – Environmentally Constrained Sub-Zone, and the Lake Community Sub-Zone.
 - vi. Land Uses. Consistent.
 - vii. Density and Intensity of Development. Consistent. The Master Plan Element incorporates general updates by the Highlands Council and specific edits regarding Highlands Domestic Sewerage Facilities. See revised text.
 - viii. Cluster Development. Consistent
 - ix. Land Use Inventory. Consistent.
 - x. Redevelopment Planning. Consistent
- c. **Housing Plan Element.** Consistent. Review and recommendations concerning the Housing Plan Element appear at item #2 above, Housing Element & Fair Share Plan.

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- d. Conservation Plan Element.** Consistent
 - i.** Forest Resources. Consistent
 - ii.** Highlands Open Waters and Riparian Areas. Consistent
 - iii.** Steep Slopes. Consistent
 - iv.** Critical Habitat. Consistent.
 - v.** Carbonate Rock. Consistent
 - vi.** Lake Management. Not Applicable – Deleted.
 - vii.** Water Resources Availability. Consistent
 - viii.** Prime Ground Water Recharge Areas. Consistent.
 - ix.** Water Quality. Consistent
 - x.** Wellhead Protection. Consistent
 - xi.** Low Impact Development. Consistent
- e. Utility Services Plan Element.** Consistent. The Master Plan Element incorporates Highlands Council edits regarding Highlands Domestic Sewerage Facilities Exhibit. See revised text.
- f. Circulation Plan Element.** Consistent
- g. Land Preservation/Stewardship Plan Element.** Consistent, however minor modifications required for completion. Please see the Master Plan Element for edits/comments regarding percentages of preserved lands.
- h. Agriculture Retention/Farmland Preservation Plan Element.** Consistent
- i. Community Facilities Plan Element.** Consistent
- j. Sustainable Economic Development Plan Element.** Consistent
- k. Historic Preservation Plan Element.** Consistent.
 - i.** Historic, Cultural, and Archaeological Resources. Consistent. The municipality has chosen Alternative 2 language inserted into the document by the Highlands Council. It provides for the case where a municipality chooses not to regulate historic resources under the Highlands Area Land Use Ordinance, which the Highlands Council has determined is an optional component of Plan Conformance, not mandatory.
 - ii.** Scenic Resources. Consistent, however please see the Master Plan Element for edits/comments regarding Highlands Scenic Resources Inventory.

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- a. **Article 1. Title, Purpose, Scope.** Consistent
- b. **Article 2. Applicability.** Consistent
- c. **Article 3. Definitions.** Consistent, however the municipality should review the minor modifications made by the Highlands Council. Please see revised document text.
- d. **Article 4. Establishment of Highlands Area Districts.** Consistent. The municipality will address/incorporate the modifications made by the Highlands Council, inclusive of new map titles at Section 4.4. Please see revised document text. Note: the following Zones are not applicable and were appropriately deleted from the text: the Wildlife Management Sub-Zone, the Existing Community Zone, the Existing Community Zone – Environmentally Constrained Sub-Zone, and the Lake Community Sub-Zone.
- e. **Article 5. Highlands Area Zone District Regulations.** Consistent as submitted. The municipality will address/incorporate the significant modifications made to the section by the Highlands Council. Please see revised document text.
 - i. Please see the Land Use Ordinance for edits/comments regarding septic system density calculations in Section 5.3.5 B
- f. **Article 6. Highlands Area Resource Regulations.** Consistent as submitted. The municipality will address/incorporate the significant modifications made to the section by the Highlands Council. Please see revised document text.
 - i. Forest Resources. Consistent
 - ii. Highlands Open Waters & Riparian Resources. Minor Modifications Required – please see the Land Use Ordinance for edits/comments regarding the insertion of references in Section 6.2.5. D and E.
 - iii. Steep Slopes. Consistent
 - iv. Critical Habitat. Consistent
 - v. Carbonate Rock. Consistent.
 - vi. Lake Management Area. Not Applicable – Deleted
 - vii. Water Conservation & Deficit Mitigation. Consistent
 - viii. Prime Ground Water Recharge Areas. Consistent
 - ix. Wellhead Protection. Consistent
 - x. Agricultural Resources. Consistent

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of each Highlands Area, Zone, Resource, Resource Area, and Special Protection Area. These Exhibits were not available when the Model Land Use Ordinance was initially provided by the Highlands Council for use in preparing Petitions, but are crucial to the regulatory function of the Highlands Preservation Area Land Use Ordinance. Please note that the revised maps have been provided in Adobe® pdf format, and in this case, should not be converted for insertion directly in the MSWord® version of the Ordinance. After adoption, they should accompany the Ordinance at all times, however, as an integral component of it – whether made available to the public in paper or electronic format. As provided currently, the maps are at a scale suited to printing on large plotters, for purposes of municipal reproduction and display (ensuring high-resolution detail).

3. Petition Submission Documents (Module 7).

a. Municipal Self-Assessment Report. The Municipal Self-Assessment Report consists of two components as listed herein. The Report [requires certain modifications, as discussed below, to ensure that it] accurately describes the status of municipal Plan Conformance to date, indicating both municipal accomplishments and the items that remain to be completed to fully achieve Plan Conformance.

i. Narrative Portion. The Narrative Portion has been completed accurately for purposes of Plan Conformance.

ii. Spreadsheet Portion. The Spreadsheet Portion need not be modified for purposes of Plan Conformance, however, please be advised of the minor detail noted below.

- The Development Transfer Plan Element was listed as “N/A” but was retained in the Draft Master Plan Highlands Element. As the Township has decided to pursue Plan Conformance for the Preservation Area only, this section has been deleted and marked as reserved.

b. Highlands Implementation Plan & Schedule. The Highlands Implementation Plan and Schedule provides a template for future Plan Conformance activities. It is intended to indicate all outstanding items, both required and discretionary, along with estimated costs and timeframes for completion, for the municipality to achieve or exceed Plan Conformance with the Regional Master Plan.

As proposed by the municipality, the Highlands Implementation Plan and Schedule included all mandatory components required to achieve full Plan Conformance and incorporated realistic timeframes associated with each mandatory element. The Highlands Implementation Plan and Schedule has been modified since first issued by the Highlands Council, however, and a revised version tailored with municipal information has been provided with this package. The revised document includes

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cost estimates for each activity and prioritizes implementation tasks with a particular focus on the first few months after Highlands Council approval of Petitions, including the 2012 State fiscal year.

In addition, the proposed Highlands Implementation Plan and Schedule includes non-mandatory Plan Conformance activities, the estimated costs and timeframes for completion of which the municipality has considered. These activities have been incorporated into the revised Highlands Implementation Plan and Schedule.

Recommended Highlands Council edits tailoring the revised document to the municipality (based on the Petition submittals) have been considered and included in the final version.

C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS

1. **RMP Updates.** N/A
2. **Map Adjustments.** N/A
3. **Highlands Center Designation Requests.** N/A
4. **Highlands Redevelopment Area Designation Requests.** N/A

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D. STAFF RECOMMENDATIONS

On the basis of the comprehensive review completed and discussed in detail as described in the preceding Sections, which examined both sufficiency of administrative submittals and consistency of all substantive materials with the Highlands Regional Master Plan, Highlands Council Staff recommends that the Petition for Plan Conformance of the Township of Alexandria, as currently proposed by the municipality, be approved with conditions as outlined below.

1. Approval with Conditions. Highlands Council Staff recommend that this Petition for Plan Conformance be approved by the Highlands Council. The approval should be conditioned upon satisfactory completion of all items noted within Sections A through C of this Report (including all items addressed in the herein-referenced Highlands Council Staff-provided MSWord “Track-Changes” versions of the various Petition documents), and in addition, satisfaction of the below-listed requirements.

a. Adoption of Approved Checklist Ordinance. The municipality shall prepare and submit to the Highlands Council a draft “Checklist Ordinance” (model available) requiring that Development Applications be deemed incomplete by the reviewing board or applicable municipal authority, until or unless accompanied by: a) a Highlands Council Consistency Determination indicating that the application is consistent, or can and will be made consistent with the Regional Master Plan; or b) an NJDEP Highlands Applicability Determination indicating non-applicability. Upon receipt of Highlands Council approval, the Ordinance shall be prepared for purposes of public review and adoption by the municipal Governing Body. The Governing Body shall provide for and complete the adoption process, at the conclusion of which, a certified copy of the adopted Checklist Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Highlands Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Checklist Ordinance, the proposed changes shall be submitted for review by the Highlands Council prior to adoption by the Governing Body. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption at the municipal level.

Note: The Checklist Ordinance is intended as an interim protection measure only, and should be repealed at the time of adoption of an approved Highlands Area Land Use Ordinance (completion and adoption of which is set forth at 1.d., below).

b. Adoption of Approved Highlands ERI. The Highlands Environmental Resource Inventory (ERI) shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The

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municipal Environmental Commission (or Planning Board in the absence of an Environmental Commission) shall provide for and complete the required process of formal adoption of the ERI by the local Commission or Board. At the conclusion of the process, a certified copy of the adopted ERI shall be provided to the Highlands Council. The process of ERI adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the ERI, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Commission or Board.

c. Adoption of Approved Highlands Preservation Area Master Plan Element.

The Highlands Preservation Area Master Plan Element shall be completed in accordance with the requirements of Section B4 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Preservation Area Master Plan Element shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Preservation Area Master Plan Element by the municipal Planning Board. At the conclusion of the process, a certified copy of the adopted Highlands Preservation Area Master Plan Element shall be provided to the Highlands Council. The process of Highlands Preservation Area Master Plan Element adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Preservation Area Master Plan Element, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Planning Board.

d. Adoption of Approved Highlands Preservation Area Land Use Ordinance.

The Highlands Preservation Area Land Use Ordinance shall be completed in accordance with the requirements of Section B5 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Preservation Area Land Use Ordinance shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. After the municipal Planning Board has adopted the Highlands Preservation Area Master Plan Element, the municipal Governing Body shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Preservation Area Land Use Ordinance by the municipal Governing Body. At the conclusion of the

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process, a certified copy of the adopted Highlands Preservation Area Land Use Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Highlands Preservation Area Land Use Ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Preservation Area Land Use Ordinance, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the Governing Body.

- i. Highlands Council Information and Training Sessions.** Prior to the effective date of the Highlands Preservation Area Land Use Ordinance, municipal representatives (e.g., Land Use Administrators, Zoning Officials, Planners) shall attend information and training session(s) to be provided by the Highlands Council on the implementation and administrative procedures set forth within the Ordinance. Such sessions will provide detailed instruction on application processes and procedures, notice requirements, Highlands Council referrals and call-up provisions, decision-making and formal action, variances, waivers, exceptions, and enforcement activities.
- e. Adoption of Updated Zoning Map.** The Township of Alexandria shall prepare an updated Municipal Zoning Map which shall be adopted immediately following or at the time of adoption of the Highlands Preservation Area Land Use Ordinance, to reflect the new overlay Highlands Zones and Sub-Zones. The adoption process shall mirror that outlined above for the Highlands Preservation Area Land Use Ordinance.
- f. Approval of Housing Element & Fair Share Plan.** The Highlands Council shall be copied on all related correspondence and kept apprised of the process as it unfolds. Any subsequent revision to the Housing Element and Fair Share Plan shall be provided to the Highlands Council for review and approval prior to implementation by the municipality. Until and unless the municipality secures final approval of a Highlands Council-approved (as RMP consistent) Housing Element and Fair Share Plan, this Plan Conformance component shall remain a conditionally approved item. (In recognition of significant changes in the applicable Housing Rules and State laws pertaining to the provision of affordable housing in the state of New Jersey as discussed above, these requirements shall be considered subject to modification, with the intent being only to ensure that the municipality remains in compliance with all applicable statutes, rules, regulations and requirements regarding affordable housing, at any given time, and maintains consistency with the RMP, so as to protect the municipality from legal challenge.)

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- g. Adoption of Ordinances Implementing Fair Share Plan.** Governing Body adoption of Ordinances required to implement the Fair Share Plan shall follow approval of the Housing Element and Fair Share Plan, in accordance with all requirements of the Superior Court or DCA, as applicable, and all legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final Court- or DCA-approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.
- h. Wastewater Management Plan (WMP).** The municipality shall prepare a Wastewater Management Plan working with the Highlands Council under Plan Conformance, for approval by the NJDEP, in accordance with NJDEP Administrative Order 2010-03 and all applicable NJDEP rules and requirements.
- i. Adherence to Approved Highlands Implementation Plan & Schedule.** The municipality shall undertake to complete all remaining mandatory Plan Conformance activities listed in the Highlands Council-approved Highlands Implementation Plan & Schedule, in accordance with: a) the timeframes set forth therein, to the maximum extent feasible and practicable, or with such adjusted timeframes as may be authorized by the Highlands Council or otherwise mutually agreed by the municipality and the Highlands Council; and b) the availability of funding from the Highlands Council or, on a voluntary basis, by the municipality or other party, to ensure the satisfactory completion of each project or activity, or each phase of such project or activity, as appropriate. Non-mandatory Plan Conformance activities shall neither take precedence over nor shall impede the completion of mandatory items and shall be undertaken only as time and resources are available to support them.

 - i. Development/Approval of Implementation Plan Components.** Within the constraints above, all planning, regulatory, and resource management documents shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.
 - ii. Adoption of Regulations Implementing Plan Components.** All ordinances, rules, and regulations shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.
 - iii. Mandatory Components.** Specific mandatory components include development and implementation of the plans/programs/ordinances herein listed (once models have been provided by the Highlands Council and funding provided), all intended as municipal-wide, long-term initiatives unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already

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been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans/programs be developed in a manner to ensure that implementation is both feasible and practicable, potentially involving assistance of outside agencies/organizations, working cooperatively for and with the municipality. In each case where the municipality will serve as lead, release of funds is contingent upon approval of a scope of work by the Highlands Council Executive Director.

- Water Use & Conservation Management Plan
- Habitat Conservation & Management Plan. Funding is proposed for development of a plan to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.
- Stormwater Management Plan (Updates Only)
- Land Preservation and Stewardship Program
- Agricultural Retention Plan. Funding is proposed for development of an Agriculture Retention Plan to enhance the potential for sustainable agriculture businesses.
- Septic System Management/Maintenance Plan
- Sustainable Economic Development Planning (Master Plan Element). Funding is proposed to assist in planning for potential redevelopment planning related to the Curtis Mill site and area.
- Implementing ordinances associated with each of the above (long-term, as applicable), as well as a Right to Farm ordinance (adoption of which is anticipated earlier in the post-Petition approval phase without need for a prior planning/program document).

iv. Non-Mandatory Components: The Highlands Implementation Plan and Schedule also provides for certain non-mandatory components including development and implementation of the plans herein listed, all intended as municipal-wide, long-term initiatives unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans be developed in a manner to ensure that implementation is both feasible and practicable, potentially involving assistance of outside agencies/organizations, working cooperatively for and with the municipality. In each case where the municipality will serve as lead, release of funds is contingent upon approval of a scope of work by the Highlands Council Executive Director.

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- Stream Corridor Restoration/Protection Plan: Development of plans to protect/restore streams in the Township and to mitigate the impacts of future land uses on such water resources.

v. Revisions/Amendments Subject to Highlands Council Approval.

Any proposed revision or amendment to any of the aforementioned documents, or to any other document, plan, or other item approved by the Highlands Council as a component of Plan Conformance, shall be provided to the Highlands Council for review. In the event the Highlands Council staff determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the applicable municipal board, commission, or governing body. Any revision or amendment adopted without the approval of the Highlands Council may subject the municipality to revocation of Plan Conformance approval.

E. MUNICIPAL RESPONSE PERIOD

The Highlands Council provided a Draft Consistency Review and Recommendations Report dated November 18, 2011, to the municipality on November 21, 2011. The Municipal Response Period was extended until February 3, 2012 at Township request. The municipality provided deliberative new, revised, supplemental, or amended materials, items, and information in support of the Petition for Plan Conformance, prior to expiration of that Period, for Highlands Council consideration.

The Municipal Response submittals included the items listed below, each described and discussed in relation to the matter of consistency with the Regional Master Plan and sufficiency to meet the requirements for Plan Conformance.

1. Revised Highlands Environmental Resources Inventory, Revised Highlands Preservation Area Master Plan Element, Revised Highlands Preservation Area Land Use Ordinance. All three documents have been revised according to Highlands Council requests.
2. Alexandria Township Preserved Land Map
3. Alexandria Township Existing Land Use Map
4. Alexandria Township Farmland Preservation Plan – 2010
5. 6th Draft Land Use Plan Amendment for the Planning Area Portion of Alexandria Township
6. Natural Resource Element – 2005
7. Natural Resource Inventory – 2004

F. COMMENTS FROM THE PUBLIC

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The Final Draft Consistency Review and Recommendations Report was posted to the Highlands Council website and made available (in paper format) at the Highlands Council offices in Chester, NJ, for review and comment by the general public.

Two comments were received during the period established by the Highlands Council for receipt of written public comment (February 17, 2012 – March 2, 2012). The comment/response document is attached to this document, at Appendix A.

G. FINAL RECOMMENDATIONS

Based upon the comments received, the recommendations of Highlands Council Staff concerning the Petition for Plan Conformance of the Township of Alexandria, remain unchanged from the Staff Recommendations, as listed above.

In conclusion, the Highlands Council Staff recommends that the Petition for Plan Conformance of the Township of Alexandria, be approved with conditions; with all applicable conditions being those listed and discussed in Section D, above, and if applicable, as supplemented and/or modified by the revisions discussed herein, above.

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APPENDIX A

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Alexandria Township, Hunterdon County

Public Comment Period: February 17, 2012 – March 2, 2012

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PUBLIC COMMENTS RECEIVED:

Written comments regarding Alexandria Township’s Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on March 2, 1012. Comments were provided by the following individuals/entities:

1. Helen Heinrich, on behalf of New Jersey Farm Bureau (NJFB)
2. Erica Van Auken, on behalf of New Jersey Highlands Coalition

The comments are summarized below with Highlands Council responses provided for each.

PUBLIC COMMENT/RESPONSE SUMMARY

1. **Comment:** Ms. Heinrich supports the proposed Agriculture Retention Plan grant funding for Alexandria Township as a strong incentive to hire professionals to complete the plan. The Township should coordinate the Agriculture Retention Plan with the existing extensive Planning Incentive Grant Comprehensive Farmland Preservation Plan (PIG) adopted in 2009. Ms. Heinrich questions the Highlands [RMP] farm labor housing policy on lots greater than 40 acres in size as compared to the PIG plan that states the average farm size in Alexandria is 38.57 acres. Lastly, Ms. Heinrich questions mandatory clustering in the Conservation Zone, which in Alexandria, the minimum lot size may not prevent farmland loss.

Response: The Highlands Council acknowledges Ms. Heinrich’s comments in support of the Agriculture Retention Plan grant funding proposed as part of the Highlands Implementation Plan and Schedule for Alexandria Township. The coordination with goals of the PIG plan would be advantageous, as it would avoid duplication of effort for the Township professionals. The RMP farm labor housing policy was established based on regional farm sizes and an expectation that the primary need for farm labor housing will be on larger farms. Regarding clustering, the RMP requires residential clustering in the Agricultural Resource Area, which is not always equivalent to the Conservation Zone. Where residential development will use septic systems, the RMP requires that maximum densities protect public health, as a priority over further land preservation.

2. **Comment:** Ms. Van Auken supports Alexandria Township’s Petition for Plan Conformance and appreciates the Township’s initiative to implement the non-mandatory Stream Corridor Restoration and Protection Plan but strongly urges the Township to reconsider conformance for its Planning Area and to address additional non-mandatory components of the RMP.

Response: The Highlands Council acknowledges Ms. Van Auken’s comments and support for the Alexandria Township Petition for Plan Conformance. The Stream Corridor Restoration and Protection Plan will apply to water bodies on a Township-wide basis, within the Preservation Area and Planning Area.