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MEMORANDUM

To: Checklist Ordinance Committee

From: Gene Feyl, Executive Director

Subject: Committee Meeting Minutes— January 7, 2014

Date: 1/9/2014

A Checklist Ordinance Committee meeting was held on Tuesday, January 7, 2014 at 4:00pm at the Highlands office in Chester. Committee Members present: Members Rilee (Chair) (by phone), Richko (by phone), Tfank (by phone), and Vohden. Committee Members absent: Dressler.

Staff Members present: Gene Feyl, Margaret Nordstrom, Andy Davis, Chris Danis, and Annette Tagliareni.

Also present: Peter Simon, Assistant Counsel, Governor's Authorities Unit (by phone).

The first item on the agenda for discussion was staff's recommendations for the use of the Checklist Ordinance approach for four municipalities. Ms. Danis reported that Highlands staff has identified four additional municipalities where the Checklist Ordinance approach is recommended to be employed. The overall basis for this recommendation is the extremely limited development potential of these towns. The four municipalities are:

- White Township (Warren county) - 3 parcel/368 acres
- Boonton Township – zero developable land potential
- Jefferson Township (Morris County) – zero developable land potential
- Washington Township (Warren County) – 2 parcels/297 acres

Ms. Danis discussed each municipality and the analysis employed in reaching the recommendations for use of the Checklist approach. The analyses for each of the four towns were distributed to the committee members. Mr. Davis indicated that a resolution will be considered by Council at their January 16, 2014 meeting to accept the minutes of the Checklist Committee regarding the four municipalities recommended for Checklist Ordinance approach.

After discussion, the Committee unanimously agreed with the staff's approach for use in each of these four municipalities. The Committee intends to report on this discussion at the next Council meeting and seek the Council's concurrence with the findings in these minutes.

The second agenda item for discussion was the proposed process for adoption of Designation Procedures for Highlands Centers. The Committee members were advised that a recommended approach would be similar to the process used in the past to adopt Redevelopment Designation procedures. More detailed information will be brought to the Committee in the future.

The Checklist Committee adjourned at 4:31pm.

BACKGROUND MATERIALS

**TOWNSHIP OF WHITE, WARREN COUNTY
HIGHLANDS CHECKLIST ORDINANCE APPROACH**

Highlands Checklist Ordinance Approach

The Township of White (Warren County) petitioned the Highlands Council for Plan Conformance with respect to lands within the Preservation Area. The Township's Petition for Plan Conformance was received by the Highlands Council on November 12, 2009. Development potential within the Township Highlands Preservation Area is extremely limited. No portion of the Preservation Area is served by sewer infrastructure and the entire Preservation Area is subject to the New Jersey Department of Environmental Protection (NJDEP) Preservation Area Rules (N.J.A.C. 7:38).

The Highlands Council Municipal Build-Out Report (2009), which provides an analysis of buildable lots in the municipality (incorporating NJDEP Highlands Rule parameters), indicated that in the Preservation Area at that time, there were 29 potential residential septic units for development. Based on the applicability criteria of the Highlands Land Use Ordinance (to site plans, subdivisions and changes in use that exceed disturbance/impervious thresholds or result in greater than three residential units), it would apply if adopted, to just three parcels in the Preservation Area, consisting of mostly undeveloped land having limited development potential under the NJDEP Preservation Area Rules. These parcels are known as Block 18 Lot 7 (maximum yield of 3 units) approximately 134 acres in size, Block 18 Lot 8 (maximum yield of 3 units) approximately 111 acres in size, and Block 18 Lot 9 (maximum yield of 3 units) approximately 123 acres in size, each of which are actively used for agriculture. These are the only parcels that would be subject to the Highlands Land Use Ordinance, or thus to the Checklist Ordinance, whether adopted as an interim or long-term measure.

In sum, the Highlands Council anticipates that proposals for development in White Township's Preservation Area that would not qualify for Highlands Act exemptions (and therefore would not subject to the Highlands Regional Master Plan or effectuating ordinances) would be limited to only three parcels.

Factors	Developable Land Potential (# of parcels/acres)
Disturbance of one acre or more of land	0
New Impervious Surface ¼ acre or more	0
New or expanded use not permitted by ordinance	0
3 or more dwelling units if residential	3 parcels/368 acres

Recommendation

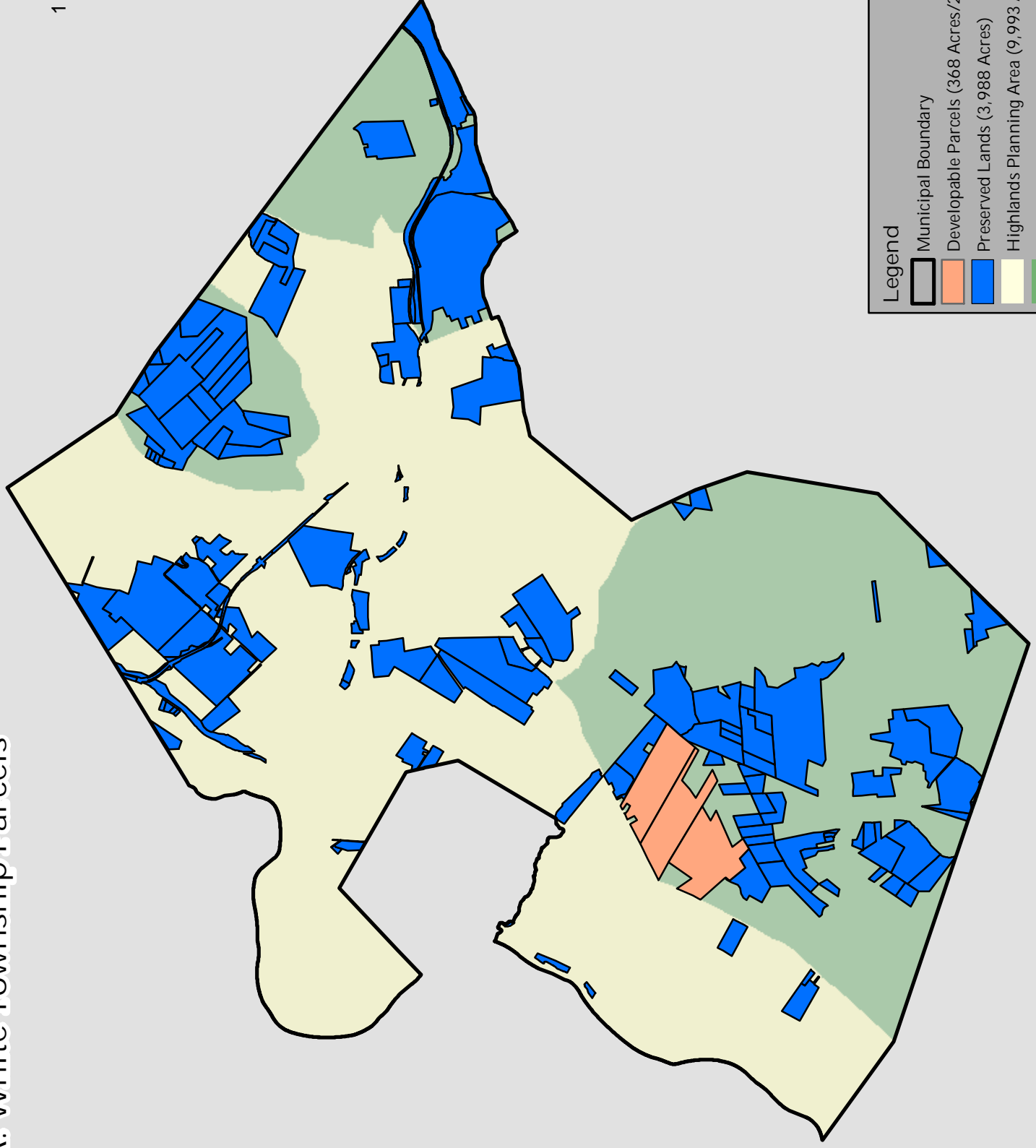
Recognizing the constraints that already exist in the Preservation Area, the recommendation is for White Township (Warren County) to follow the modified approach, known as the Checklist Ordinance Approach. This approach permits the Township to adopt a shortened Master Plan Highlands Element and a Highlands Preservation Area Checklist Ordinance, which would remain in effect indefinitely, in lieu

of adopting the standard Highlands Preservation Area Land Use Ordinance. The use of the Highlands Preservation Area Checklist Ordinance, in conjunction with the NJDEP Highlands Preservation Area Rules, will ensure the protection of Highlands Resources in the Township while efficiently and appropriately implementing the Highlands Regional Master Plan at the local level.

Exhibit A: White Township Parcels



1 inch = 5,330 feet



Legend

- Municipal Boundary
- Developable Parcels (368 Acres/2% of Municipality)
- Preserved Lands (3,988 Acres)
- Highlands Planning Area (9,993 Acres)
- Highlands Preservation Area (7,800 Acres)

Exhibit B: White Township Parcels



1 inch = 833 feet

Block 18 Lot 9
(123 Acres)

Block 18 Lot 8
(111 Acres)

Block 18 Lot 7
(134 Acres)

Legend

- Municipal Boundary
- Developable Parcels (368 Acres/2% of Municipality)
- Preserved Lands (3,988 Acres)
- Highlands Planning Area (9,993 Acres)
- Highlands Preservation Area (7,800 Acres)

Inset Map



Developable Parcels

**TOWNSHIP OF BOONTON, MORRIS COUNTY
HIGHLANDS CHECKLIST ORDINANCE APPROACH**

Highlands Checklist Ordinance Approach

The Township of Boonton, Morris County is petitioning the Highlands Council for Plan Conformance with respect to lands within the Preservation Area only. Based on a detailed review of the properties located within the Township's Preservation Area, Highlands Council staff concludes that there is limited development potential therein. The area is not served by public water or sewer infrastructure and is subject to the New Jersey Department of Environmental Protection (NJDEP) Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38). Specifically, the Highlands Council Municipal Build-Out Report (2010), which provides an analysis of buildable lots in the municipality (incorporating NJDEP Highlands Rule parameters), indicates potential development of zero additional units in the Preservation Area. Additionally, a very limited portion of the Township is within the Preservation Area with just 493 acres or 9% of the Township's 5,437 acres. Furthermore, 127 acres is preserved lands within the Preservation Area representing approximately 26% of the Township's Preservation Area.

In sum, the Highlands Council anticipates that proposals for development that would not qualify for Highlands Act exemptions (and therefore would not subject to the Highlands Regional Master Plan or effectuating ordinances) will affect zero parcels.

Factors	Developable Land Potential (# of parcels/acres)
Disturbance of one acre or more of land	0
New Impervious Surface ¼ acre or more	0
New or expanded use not permitted by ordinance	0
3 or more dwelling units if residential	0

Recommendation

Recognizing the constraints that already exist in the Preservation Area, the recommendation is for Boonton Township (Morris County) to follow the modified approach, known as the Checklist Ordinance Approach. This approach permits the Township to adopt a shortened Master Plan Highlands Element and a Highlands Preservation Area Checklist Ordinance, which would remain in effect indefinitely, in lieu of adopting the standard Highlands Preservation Area Land Use Ordinance. The use of the Highlands Preservation Area Checklist Ordinance in conjunction with the NJDEP Highlands Preservation Area Rules will ensure the protection of Highlands Resources in the Township while efficiently and appropriately implementing the Highlands Regional Master Plan at the local level.

**TOWNSHIP OF JEFFERSON, MORRIS COUNTY
HIGHLANDS CHECKLIST ORDINANCE APPROACH**

Highlands Checklist Ordinance Approach

The Township of Jefferson (Morris County) is petitioning the Highlands Council for Plan Conformance with respect to lands within the Preservation Area only. Based on a detailed review of the properties located within the Township's Preservation Area, Highlands Council staff concludes that there is limited development potential therein. The Area has limited existing public water and sewerage infrastructure and is subject to the New Jersey Department of Environmental Protection (NJDEP) Preservation Area Rules (N.J.A.C. 7:38). Specifically, the Highlands Council Municipal Build-Out Report (2010), which provides an analysis of buildable lots in the municipality (incorporating NJDEP Highlands Rule parameters), indicates potential development of just two (2) additional units in the Preservation Area, each served by on-site septic systems. Additionally a significant portion of the Preservation Area is preserved land. Over 15,000 acres of the Township (approximately 62% of the Township Preservation Area) consist of preserved lands. Approximately 1% is currently used for active recreational purposes, and 99% is set aside for other preservation purposes, including passive recreational uses.

In sum, the Highlands Council anticipates that proposals for development in Jefferson Township's Preservation Area that would not qualify for Highlands Act exemptions (and would not therefore be subject to the Highlands Regional Master Plan or effectuating ordinances) will affect zero parcels.

Factors	Developable Land Potential (# of parcels/acres)
Disturbance of one acre or more of land	0
New Impervious Surface ¼ acre or more	0
New or expanded use not permitted by ordinance	0
3 or more dwelling units if residential	0

Recommendation

Recognizing the constraints that already exist in the Preservation Area, the recommendation is for Jefferson Township (Morris County) to follow the modified approach, known as the Checklist Ordinance Approach. This approach permits the Township to adopt a shortened Master Plan Highlands Element and a Highlands Preservation Area Checklist Ordinance, which would remain in effect indefinitely, in lieu of adopting the standard Highlands Preservation Area Land Use Ordinance. The use of the Highlands Preservation Area Checklist Ordinance, in conjunction with the NJDEP Highlands Preservation Area Rules, will ensure the protection of Highlands Resources in the Township while efficiently and appropriately implementing the Highlands Regional Master Plan at the local level.

**TOWNSHIP OF WASHINGTON, WARREN COUNTY
HIGHLANDS CHECKLIST ORDINANCE APPROACH**

Highlands Checklist Ordinance Approach

The Township of Washington (Warren County) petitioned the Highlands Council for Plan Conformance with respect to lands within the Preservation Area and the Planning Area. The Township's Petition for Plan Conformance was approved by the Highlands Council on December 1, 2011 and memorialized in Highlands Council Resolution 2011-40. Subsequently, the Township introduced the required Planning Area Petition Ordinance to confirm its intention to formally conform for the Planning Area lands in September of 2013. This ordinance was not passed by the Township, and the Mayor informed Highlands Council staff the Township's intention was to proceed with Plan Conformance for the Preservation Area lands only.

Development potential within the Township Highlands Preservation Area is extremely limited. No portion of the Preservation Area is served by sewer infrastructure and the entire Preservation Area is subject to the New Jersey Department of Environmental Protection (NJDEP) Preservation Area Rules (N.J.A.C. 7:38). Additionally a significant portion of the Preservation Area is preserved land. Over 2,670 acres of the Township (approximately 75 % of the Township Preservation Area) consist of preserved lands.

The Highlands Council Municipal Build-Out Report (2009), which provides an analysis of buildable lots in the municipality (incorporating NJDEP Highlands Rule parameters), indicated that in the Preservation Area at that time, there were 14 potential residential septic units for development. An updated analysis of undeveloped lands within the Township's Preservation Area reveals that additional parcels have come under preservation since the original Build-Out Report, which reduce the yield to just 7 units. Based on the applicability criteria of the Highlands Land Use Ordinance (to site plans, subdivisions and changes in use that exceed disturbance/impervious thresholds or result in greater than three residential units), it would apply if adopted, to just two parcels in the Preservation Area, consisting of mostly undeveloped land having limited development potential under the NJDEP Preservation Area Rules. These parcels are known as Block 38 Lot 5 (maximum yield of 4 units) approximately 186 acres in size, and Block 39 Lot 1 (maximum yield of 3 units) approximately 111 acres in size, both of which are actively used for agriculture. These are the only parcels that would be subject to the Highlands Land Use Ordinance, or thus to the Checklist Ordinance, whether adopted as an interim or long-term measure.

In sum, the Highlands Council anticipates that proposals for development in Washington Township's Preservation Area that would not qualify for Highlands Act exemptions (and therefore would not subject to the Highlands Regional Master Plan or effectuating ordinances) would be limited to only two parcels.

Factors	Developable Land Potential (# of parcels/acres)
Disturbance of one acre or more of land	0
New Impervious Surface ¼ acre or more	0

New or expanded use not permitted by ordinance	0
3 or more dwelling units if residential	2 parcels/297 acres

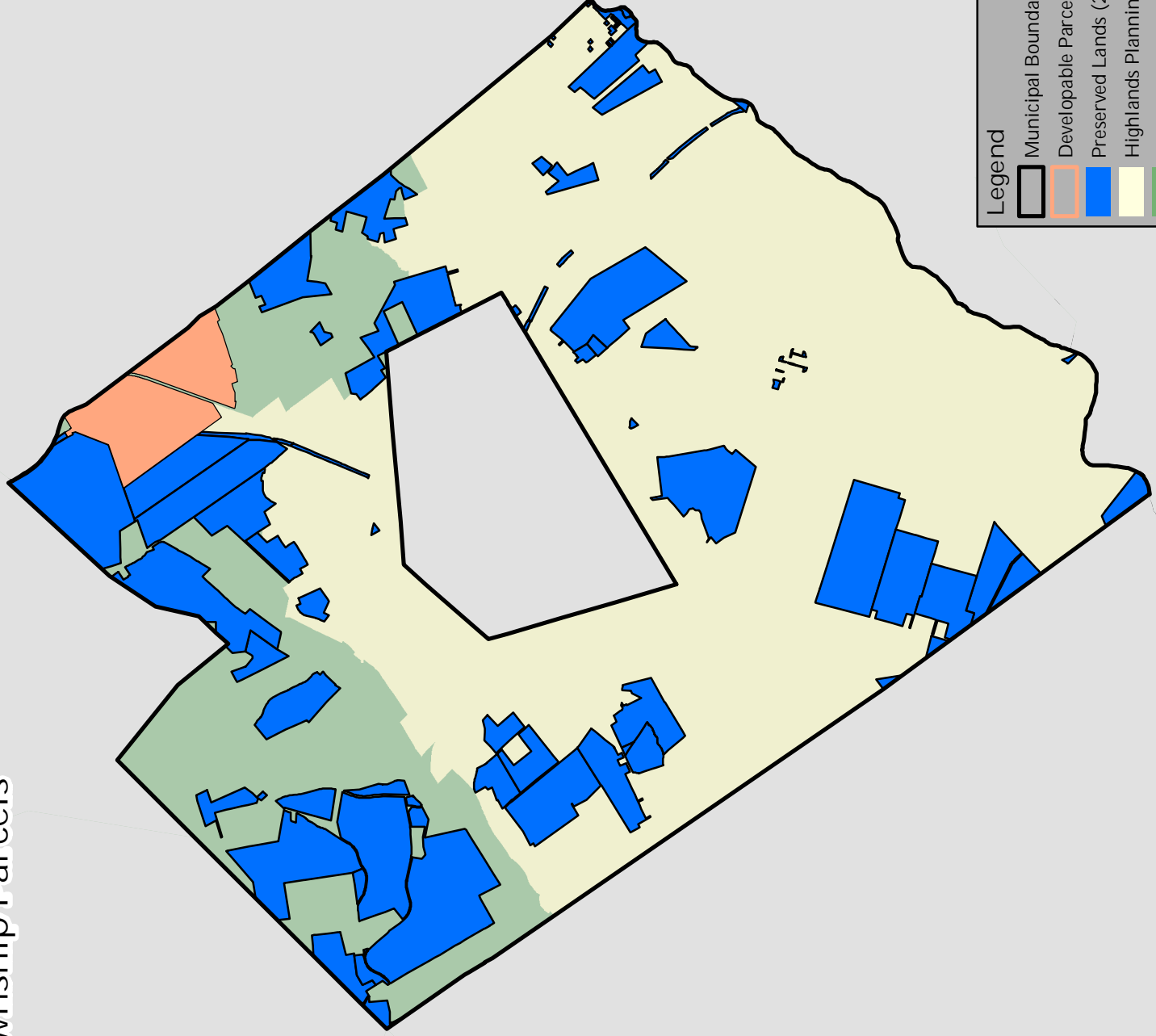
Recommendation

Recognizing the constraints that already exist in the Preservation Area, the recommendation is for Washington Township (Warren County) to follow the modified approach, known as the Checklist Ordinance Approach. This approach permits the Township to adopt a shortened Master Plan Highlands Element and a Highlands Preservation Area Checklist Ordinance, which would remain in effect indefinitely, in lieu of adopting the standard Highlands Preservation Area Land Use Ordinance. The use of the Highlands Preservation Area Checklist Ordinance, in conjunction with the NJDEP Highlands Preservation Area Rules, will ensure the protection of Highlands Resources in the Township while efficiently and appropriately implementing the Highlands Regional Master Plan at the local level.

Washington Township Parcels



1 inch = 4,677 feet



Legend

- Municipal Boundary
- Developable Parcels (297 Acres/3% of Municipality)
- Preserved Lands (2,673 Acres)
- Highlands Planning Area (7,953 Acres)
- Highlands Preservation Area (3,595 Acres)

Washington Township Parcels








1 inch = 1,042 feet

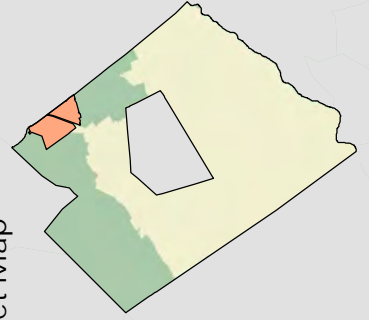
Block 38 Lot 5
(186 Acres)


Block 39 Lot 1
(111 Acres)

Legend

-  Municipal Boundary
-  Developable Parcels (297 Acres/3% of Municipality)
-  Preserved Lands (2,673 Acres)
-  Highlands Planning Area (7,953 Acres)
-  Highlands Preservation Area (3,595 Acres)

Inset Map



 Developable Parcels