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**FOR CONSIDERATION AT THE APRIL 17, 2014 MEETING
OF THE HIGHLANDS COUNCIL**

**FINAL ~~DRAFT~~ CONSISTENCY REVIEW
AND RECOMMENDATIONS REPORT**

**PETITION FOR PLAN CONFORMANCE:
JEFFERSON TOWNSHIP, MORRIS COUNTY**

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

APRIL 8, 2014

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

INTRODUCTION

This Final ~~Draft~~ 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 of Jefferson, 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.

The Township of Jefferson petitioned the Highlands Council for Plan Conformance only with respect to lands within the Preservation Area. 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. To begin with, approximately 62% of the Township Preservation Area (which contains 24,080 acres overall, or 87.9% of the municipality), consists of preserved lands. In addition, the Area has limited existing public water and sewerage 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). The Highlands Municipal Build-Out evaluation for Jefferson Township, which incorporates NJDEP Highlands Rule parameters, found only 60 net developable acres in the Preservation Area, anticipating potential development of just two (2) additional units in the Preservation Area, each served by on-site septic systems. A current assessment indicates that there are no developable parcels (inclusive of the latter two) that would be subject to the Highlands Regional Master Plan or effectuating ordinances, based on either exemptions or ordinance applicability thresholds.

In sum, the Highlands Council anticipates that proposals for development in Jefferson Township’s Preservation Area that would be subject to the Highlands Regional Master Plan or effectuating Land Use Ordinance will be zero.

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

Recognizing the constraints that already exist in the Preservation Area, this Report recommends the Checklist Ordinance Approach to Plan Conformance for the Township of Jefferson. This approach permits the Township to adopt a Highlands Preservation Area Checklist Ordinance, which would remain in effect as a condition of Plan Conformance, 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 Rules will ensure the protection of Highlands Resources in the Township while efficiently and appropriately implementing the RMP at the local level.

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

REPORT SUMMARY

Municipality: Township of Jefferson

Date of Petition Submission: December 8, 2009

Date Deemed Complete: April 30, 2012

Conformance Area: Preservation Area

Staff Recommendation: Approve with Conditions

Administrative Submittals	Meets Requirements	Conditions of Approval
1. Resolution or Ordinance	X	None
2. Record of Public Involvement	X	Follow-Up Required per Section A.2
3. List of Current Planning and Regulatory Documents	X	None

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

*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. Center Designation Requests	N/A	
4. Highlands Redevelopment Area Designation Requests	N/A	

A. REVIEW OF ADMINISTRATIVE SUBMITTALS

1. **Resolution or Ordinance.** The Resolution (#09-93) petitioning the Highlands Council for Plan Conformance was adopted by the municipal Governing Body at its noticed public meeting of December 2, 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 petitions the Highlands Council for Plan Conformance; conformance being proposed with respect only to municipal lands located in the Preservation Area (24,080 acres, or 87.9% of the municipality).
2. **Record of Public Involvement.** The Petition includes some 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. To complete this item a copy of public meeting notices and minutes for meetings of the Planning Board and/or Township Council held to discuss Plan Conformance and/or Petition components must be submitted. (At minimum, this submission must include minutes from the Township Council's December 4, 2013 meeting, held as noted below.) The following documents are available through the Township's website and have been added to the Petition by Highlands Council staff:
 - a. Adopted minutes from the December 2, 2009 Township Council meeting; and
 - b. Agenda from the Township Council meeting of December 4, 2013, during which Petition conformance documents were reviewed and discussed.
3. **List of Current Planning Documents.** The list of current municipal planning and regulatory documents was prepared by Highlands Council staff based on all documents submitted by the Township or available through its website. It includes required dates of adoption, as applicable. Pursuant to Highlands Council Module 7 Municipal Plan Conformance Petition instructions, all such 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. The Township code is publicly available online (see <http://www.ecode360.com/JE0145?needHash=true>) and thus need not be submitted in pdf format.

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. The date of the Highlands Municipal Build-Out Report is February 2010.
- 2. Housing Element & Fair Share Plan (Module 3).** Deferred.

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; that Governor Christie's Reorganization Plan No. 001-2011 (issued June 29, 2011) eliminated COAH and transferred its functions and duties to the Department of Community Affairs (DCA); and that the Appellate Division of the Superior Court invalidated the Governor's Reorganization Plan in a March 8, 2012 decision, reversing the abolition of COAH and the transfer of its function, powers and duties to the DCA. As required by the Highlands Act and the Fair Housing Act, COAH has the responsibility to determine affordable housing obligations and must take the Highlands Regional Master Plan into consideration in discharging this responsibility.

The Township has neither adopted a Third Round Housing Element and Fair Share Plan nor submitted a petition for Substantive Certification to COAH (or the Superior Court). However, until issues related to the Fair Housing Act are made final (see Section D of this Report), it will be difficult for the Township to address this Plan Conformance component with any certainty. Therefore, any Module 3 requirements (as may be modified by the outcome of legislative and/or court actions) shall be deferred until such time as the Highlands Council finds that sufficient information has been made available to the municipality to proceed.

- 3. Environmental Resource Inventory (Module 4).** The draft Township of Jefferson Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI provided to municipalities by the Highlands Council. Prepared for the Township by Highlands Council Staff, the document 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. The Highlands ERI is consistent with the RMP and the immediate mandatory requirements of Plan Conformance.

Revisions. The Highlands Council has provided updated technical information within the narrative portion of the ERI, from what was last provided to the Township, as well as a new

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

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. 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.

4. **Master Plan Highlands Element (Module 5).** Partially waived. The draft Master Plan Highlands Element submitted by the Township was based on the model Highlands Element provided to municipalities by the Highlands Council. In consideration of the limited development potential of the Township Preservation Area, however, Highlands Council staff recommends that major portions of the document be eliminated under a partial waiver for Module 5. Instead, the Township would adopt a truncated Master Plan Highlands Element including only those sections required in support of adoption of the aforementioned Highlands Checklist Ordinance, and of certain planning initiatives of Township interest. As proposed by Highlands Council staff, the document is significantly shortened, but in light of the modified approach, contains all required language and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance.

The specific components of the revised Highlands Element are listed below. All sections recommended for a waiver are also indicated.

- a. **Policies, Goals & Objectives.** Consistent
- b. **Land Preservation/Stewardship Plan Element.** Consistent, however minor modification is required for completion (please see highlighted text in document).
- c. **Redevelopment Planning Element.** Consistent, however the municipality should consider whether any sites should be listed for consideration at this time. If not, the wording should be modified accordingly for completion.
- d. **Housing Plan Element.** Consistent
- e. **Sustainable Economic Development Plan Element.** Consistent
- f. **Relationship of Master Plan to Other Plans.** Consistent
- g. **Exhibits.** The list of Exhibits includes all that apply to the municipality. Due to the reduced requirements for the Township's Master Plan Highlands Element, the list of exhibits has been significantly reduced to coincide. For those applicable, the Highlands Council has provided a set of exhibits based on updated information, which replaces those previously issued. The new exhibits are provided as a separate file from the Highlands Element text, and any exhibits previously provided with the Highlands Element have been deleted to avoid confusion. Please note that the

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

exhibits 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 exhibits are best combined into a single pdf file once each component is in final form. Exhibits provided by the municipality have been inserted into the new set.

The remaining components of the model Master Plan Highlands Element have been waived or deleted due to non-applicability, as indicated following:

- a. **Land Use Plan Element.** Waived
 - b. **Conservation Plan Element.** Waived
 - c. **Utility Services Plan Element.** Waived
 - d. **Circulation Plan Element.** Waived
 - e. **Agriculture Retention/Farmland Preservation Plan Element.** Not Applicable - Deleted
 - f. **Community Facilities Plan Element.** Waived
 - g. **Historic Preservation Plan Element.** Waived
 - h. **Development Transfer Plan Element.** Not Applicable – Deleted
5. **Highlands Area Land Use Ordinance (Module 6).** Waived

Note however, that the Township will adopt the Highlands Preservation Area Checklist Ordinance provided by the Highlands Council (copy enclosed). While the Checklist Ordinance is typically required as an interim measure to be repealed upon adoption of the Highlands Area Land Use Ordinance, the Township will retain the Checklist Ordinance indefinitely, in lieu of adoption of a Highlands Land Use Ordinance. In the context of the special circumstances surrounding the Township of Jefferson, this ordinance is sufficient to address the immediate mandatory Plan Conformance requirements regarding alignment of municipal regulatory documents with the RMP. It requires that Development Applications involving development activities located (or partially located) in the Preservation Area receive a consistency determination by the Highlands Council or, for Major Highlands Developments, a Highlands Applicability Determination (HAD) indicating that the proposed development is exempt from the Highlands Act.

6. **Petition Submission Documents (Module 7).**

- a. **Municipal Self-Assessment Report.** The Municipal Self-Assessment Report consists of two components as listed herein. The Report 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.
 - ii. Spreadsheet Portion.** Waived.
- 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 timeframe estimates 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 cost estimates for each activity and prioritizes implementation tasks with a particular focus on the first few months after Highlands Council approval of the Petition, including the 2014 State fiscal year and beyond.

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 must consider. These activities have been incorporated into the revised Highlands Implementation Plan and Schedule for discussion purposes. Please see the revised document and provide input if/as needed, particularly regarding prioritization of any activities of municipal interest.

C. **REVIEW OF OPTIONAL SUBMISSION COMPONENTS**

1. **RMP Updates.** The Petition for Plan Conformance was not accompanied by any requests for RMP Updates.
2. **Map Adjustments.** The Petition for Plan Conformance was not accompanied by any requests for Map Adjustments.
3. **Highlands Center Designation Requests.** The Petition for Plan Conformance was not accompanied by any requests for Highlands Center Designation.
4. **Highlands Redevelopment Area Designation Requests.** The Petition for Plan Conformance was not accompanied by any requests for Highlands Redevelopment Area Designation.
5. **Other.** The Petition for Plan Conformance was not accompanied by any other requests for approvals, not listed above.

D. PRELIMINARY 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 Jefferson, as currently proposed by the municipality, be approved with conditions as outlined below.

1. Approval with Conditions. The Petition for Plan Conformance requires certain modifications, as noted within Sections A through C of this Report. Provided these issues are addressed in accordance with the detailed recommendations as indicated within this Report, Highlands Council Staff recommend that this Petition for Plan Conformance be approved by the Highlands Council. Any approval should in addition, be conditioned upon 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” (copy of model provided) 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.

i. Municipal Exemption Determinations. As a component of the Highlands Preservation Area Checklist Ordinance, the Township may provide for “Municipal Exemption Determinations” in accordance with Highlands Council and NJDEP delegation in the Preservation Area. Such determinations refer to the process of reviewing and making determinations concerning exemptions from the Highlands Act, which in turn, represent exemptions from the provisions of the Highlands Area Checklist

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

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 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. Approval of Housing Element & Fair Share Plan.** Unless the Highlands Council-approved municipal Housing Element and Fair Share Plan has already been submitted for or received approval from the Council on Affordable Housing (COAH) or the Department of Community Affairs (DCA), or from the Superior Court, the municipality shall adopt the Housing Element and Fair Share Plan and shall petition for such approval in accordance with all applicable procedures and requirements. 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.)
- e. 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 COAH, as applicable, and all legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.
- f. 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.

g. 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, if applicable, 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 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 – Prioritized by allocation of funding to identify species at risk, options for

restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.

- Lake Restoration Management Plan
- Stormwater Management Plan (Updates Only)
- Land Preservation and Stewardship Program
- Sustainable Economic Development Planning (Master Plan Element) – Prioritized by allocation of funding to provide for identification of new and/or enhancement of existing opportunities municipal-wide, to promote economic sustainability in the Township.
- Septic System Management/Maintenance Plan
- Implementing ordinances associated with each of the above (long-term, as applicable).

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.

- Stream Corridor Restoration/Protection Plan – Prioritized by allocation of funding for development of a Plan to protect/restore streams in the municipality and to mitigate the impacts of future land uses on such water resources.

h. 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

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

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 August 13, 2013 to the municipality on August 19, 2013. Jefferson Township made the Draft Consistency Review and Recommendations Report and associated Highlands Plan Conformance Petition documents available to the public, inclusive of posting them on the Township's website during the weeks prior to the December 4, 2013 Township Council meeting. On January 29, 2014, Jefferson Township indicated to the Highlands Council that no comments were received either by the Council members or the public. Accordingly, the municipality did not provide revised, supplemental, or amended materials, items, or information in support of the Petition for Plan Conformance.

F. COMMENTS FROM THE PUBLIC

The Final Draft Consistency Review and Recommendations Report ~~is now~~was posted to the Highlands Council website and available (in paper format) at the Highlands Council offices in Chester, NJ, for review and comment by the general public. ~~Comments may be submitted to the Highlands Council by e-mail (chris.ross@highlands.state.nj.us), facsimile transmission (908-879-4205), surface mail, or hand delivery (Highlands Council, 100 North Road, Chester, NJ 07930). All comments will be made available for public inspection in the offices of the Highlands Council in Chester, NJ. At the conclusion of the public comment period, a summary comment/response document will be prepared by Highlands Council Staff which will be posted to the Highlands Council website along with any final revisions resulting from Council review and consideration of public comments.~~

~~Upon its completion, One comment was received during the period established by the Highlands Council for receipt of written public comments (March 14, 2014 – March 28, 2014) from Rick and Jodie Sparling, owners of a property in the Preservation Area of Jefferson Township. #The comment/response document ~~will be~~is attached to this document, at Appendix A.~~

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

G. FINAL RECOMMENDATIONS

~~This Section is completed after review and consideration of all comments regarding a Petition for Plan Conformance.~~

Based upon the comments received, the recommendations of Highlands Council Staff concerning the Petition for Plan Conformance of the Township of Jefferson, ~~remain unchanged/require substantial revision/require only minor modifications from the Preliminary and/or Revised Recommendations, as discussed herein below.~~ ~~remain unchanged/require only minor modifications from the Preliminary and/or Revised Recommendations, as discussed herein below.~~

~~1. Item #1.~~

~~2. Item #2.~~

~~3. Item #3.~~

In conclusion, the Highlands Council Staff recommends that the Petition for Plan Conformance of the Township of Jefferson, be ~~approved/denied/~~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.~~

APPENDIX A

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Township of Jefferson, Morris County

Public Comment Period: March 14, 2014 – March 28, 2014

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

PUBLIC COMMENTS RECEIVED

Written comments regarding Jefferson’s Petition for Plan Conformance were accepted by the Highlands Council beginning on March 14, 2014, through the close of the Public Comment period on March 28, 2014.

Only one comment was provided, by: Rick and Jodie Sparling, owners of a property in the Preservation Area of Jefferson Township.

PUBLIC COMMENT/RESPONSE SUMMARY

Comment: The property owners provided considerable details regarding environmental resources on their property and expressed concerns regarding the evaluation of it for Highlands Development Credits. Specifically, they:

- Believe that the County’s stormwater management for County Road 699 is inadequate and impacts their property as well as adjacent properties.
- State that the parcel features a tree farm and is forested with “significant farm soil” yet is not recognized as a Qualified Farm (QFarm); note that the Township removed that designation in 2008.
- State that the Highlands Council determined that the number of Highlands Development Credits (HDCs) that the property is entitled to is 5.75 HDCs and believe that this value is an underestimate.
- Feel that it is paramount that that HDC program should be adequately funded to compensate landowners and that there should be back taxes owed to the landowners for wrongly charged residential zoned taxes on land that cannot be utilized for anything but preservation of the water.

Highlands Council Response: The Highlands Council appreciates the thorough review and details that the property owners provided regarding their parcel and acknowledges their points regarding the Highlands Act and the HDC program. However, these comments are not related to Jefferson’s Petition for Plan Conformance and should be addressed by alternate means. As per the public notice posted on the Highlands website on March 14, 2014, written comments were sought regarding Jefferson’s Petition for Plan Conformance and the Highlands Council Final Draft Consistency Review and Recommendations Report. The Petition documents include drafts of the following: Highlands Implementation Plan and Schedule; Highlands Environmental Resource Inventory; Highlands Master Plan Element; Highlands Checklist Ordinance; and Exhibits related to each. For specific questions related to the HDC program, interested members of the public may contact Principal Planner, James Humphries, of the Highlands Council staff directly at (908) 879-6737 ext. 128 or via e-mail at james.humphries@highlands.state.nj.us. With respect to land owner equity, please be advised that the Highlands Council has and will continue to advocate for all possible means by which to appropriately compensate eligible land owners. Additionally, the Highlands Council continues to advocate for other potential revenue sources as set forth in Regional Master Plan Policy 1H4 (page 152 of the Regional Master Plan).