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## **Highlands Affordable Housing RMP Amendment**

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

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## **1.1 Purpose and Scope**

### **I. Overview**

The Highlands Regional Master Plan (RMP) was adopted by the Highlands Council on July 17, 2008, and became effective on September 8, 2008. The RMP contains goals, policies, and objectives for resource protection, consistent with the Highlands Water Protection and Planning Act (Highlands Act), and also emphasizes the need for the provision of market rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of the RMP's resource protection requirements. Due to the strong resource protection provisions of the Highlands Act and the RMP, this RMP Amendment provides guidelines to inform the appropriate location for affordable housing in the Highlands region. These guidelines have been subject to public comment and subsequently adopted by the Highlands Council under the statutory authorities given to it by the Highlands Act.

### **II. Highlands Water Protection and Planning Act**

In adopting the Highlands Act, the New Jersey Legislature declared that “the protection of the New Jersey Highlands, because of its vital link to the future of the State’s drinking water supplies and other key natural resources, is an issue of State level importance that cannot be left to the uncoordinated land use decisions of 88 municipalities...” The protection of water and other natural resources is paramount to the Highlands Act. However, the Highlands Act also recognizes the need to encourage “appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development...” In addition, the Highlands Act, as adopted in 2004, stated that “The Council on Affordable Housing shall take into consideration the regional master plan prior to making any determination regarding the allocation of the prospective fair share of the housing need in any municipality in the Highlands Region under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) for the fair share period subsequent to 1999.” This language was subsequently amended by Bill A4/S50 (2024) as follows: “The regional master plan shall be taken into account as part of the determination of obligations pursuant to the method in section 7 of P.L. 2024, c 2 regarding the allocation of the prospective fair share of the housing need under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) for any fair share period subsequent to the effective date of P.L. 2024, c 2 if a municipality is in the Highlands Region.”

### **III. Highlands Regional Master Plan**

One of the goals of the RMP is to provide “Market rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of economic, social and environmental considerations and constraints” (Goal 6O). In addition, the RMP seeks to “establish a region-wide, comprehensive approach to addressing housing needs in the Highlands Region, serving all age groups, income levels, and mobility options” (Policy 6O1). Furthermore, the RMP Policy 6O7 requires that conforming municipalities implement both the resource protection requirements of the RMP along with the New Jersey Supreme Court’s Mount Laurel doctrine. The RMP additionally includes goals, policies and objectives relating to the priority consideration of affordable housing including: the highest priority given to available water supply in Objective 2B4a, Objective 2B4b, and Objective 2J4c; priority consideration for wastewater capacity in Objective 2K3e; and priority consideration for land-based Map Adjustments in Objective 6G2b.

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The RMP specifically requires “that conforming municipalities update and adopt a housing element, fair share plan, and implementing ordinance(s) to reflect current conditions and resource protection requirements of the RMP” (Policy 6O8). Municipalities conforming with the RMP must prepare a Housing Element and Fair Share Plan in accordance with the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the Municipal Land Use Law. To address the RMP requirements, the Housing Element and Fair Share Plan must be developed in compliance with all applicable RMP requirements, with the Land Use Capability Zone Map, water availability, wastewater utility capacity, water supply utility capacity, and resource protection provisions being of particular relevance.

### **1.2 Affordable Housing Set Aside Requirement**

In accordance with the Fair Housing Act, all newly constructed residential development within the Highlands Region are required to reserve for occupancy by low- or moderate-income households at least 20 percent of the residential units constructed. As the 20 percent reservation requirement is found in the Fair Housing Act and not the Highlands Act, **all municipalities located in the Highlands Region are responsible for the 20 percent reservation requirement, irrespective of plan conformance status. This includes development exempt from the Highlands Act.**

### **1.3 Plan Conformance Fair Share Plan Implementation**

#### **I. Build Out Update**

Conforming municipalities shall prepare a Highlands Municipal Build-Out Analysis and Report prior to preparation of their Fair Share Plan. This shall include updates to preserved lands, developed lands, and any changes to the municipality’s wastewater management plan or public water service areas. The Highlands Council will provide municipalities with guidance and instructions on the specific methodology for the Highlands Municipal Build-Out Analysis and Report in separate instructions.

#### **II. Housing Element and Fair Share Plan**

Conforming municipalities shall prepare a Housing Element and Fair Share Plan. Guidance and plan conformance grant funding opportunities will be provided in separate instructions and are not specifically included in this RMP Amendment.

### **1.4 RMP (2008) Amendments**

The following amendments are made to the RMP (2008).

#### **I. Waiver for the construction of a 100% affordable housing development**

Preservation Area: The RMP (2008) Policy 7G1 is hereby amended to read as follows.

Policy 7G1: For the Preservation Area, coordinate with NJDEP during Highlands permit review for any major Highlands development including the review of waivers on a case-by-case basis: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council,

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~~or 3)~~ in order to avoid the taking of property without just compensation, or 4) for the construction of a 100% affordable housing development in a municipality that is designated in the Highlands Act as 100% Preservation Area and meets the standards of N.J.A.C. 7:38-6.9.

Planning Area: The RMP (2008) is hereby amended to add Policy 7G4 as follows.

Policy 7G4: For the Planning Area, a waiver may be issued by the Highlands Council on a case-by-case basis from the requirements of the RMP or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP, for the construction of a 100% affordable housing development, where said development is consistent with the resource protection standards found in the Goals, Policies and Objectives of the RMP to the maximum extent possible, and is included in the municipality's adopted Fair Share Plan that has been deemed consistent with the RMP by the Highlands Council.

### **II. Water Availability**

RMP (2008) Objectives 2B4a, 2B4b, 2J4c and 2K3e are hereby amended to read as follows:

Objective 2B4a: Give highest priority for the use of non-agricultural Net Water Availability or Conditional Water Availability within Protection Zone and Conservation Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review and Highlands Project review:

1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for Net Water Availability;
2. To serve development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2;
3. To serve a cluster development that complies with Objective 2J4b; and
4. To serve affordable housing projects where at least ~~40%~~ 20% of the units are affordable (or such set-aside as approved in a compliance certification issued by the Affordable Housing Dispute Resolution Program or a court of competent jurisdiction).

Objective 2B4b: The highest priority for use of Net Water Availability or Conditional Water Availability within ECZ subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review and Highlands Project review to serve documented threats to public health and safety from contaminated water supplies, designated TDR Receiving Zones, infill development, designated Highlands Redevelopment Area, affordable housing projects where at least ~~40%~~ 20% of the units are affordable (or such set-aside as approved in a compliance certification issued by the Affordable Housing Dispute Resolution Program or a court of competent jurisdiction), or new areas for development that meet all other requirements of the RMP.

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Objective 2J4c: Allow the expansion or creation of public water systems within the ECZ of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill, or redevelopment, to meet needs and protection requirements equivalent to Objective 2J4a within the ECZ, or to serve new areas for development that meet all other requirements of the RMP. TDR Receiving Zones, affordable housing projects (where the affordable units exceed ~~40%~~ 20% of the total units, or such set-aside as approved in a compliance certification issued by the Affordable Housing Dispute Resolution Program or a court of competent jurisdiction), infill and redevelopment shall have higher priority for capacity than expansion of public water service areas within this Zone.

Objective 2K3e: Allow the expansion or creation of wastewater collection systems within the ECZ of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to those provided at Objective 2K3c within the ECZ, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed ~~40%~~ 20% of the total units, or such set-aside as approved in a compliance certification issued by the Affordable Housing Dispute Resolution Program or a court of competent jurisdiction), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.

The RMP (2008) is hereby amended to add Objective 2B8f as follows:

Objective 2B8f: No development in a municipality shall be determined by the Highlands Council to be consistent with the New Jersey Water Supply Management Act (N.J.S.A. 58:1A-15.1) until sufficient water supply has been planned to adequately supply the municipality's affordable housing obligation.

1. Municipalities proposing any residential development of 5 or more housing units that creates a new consumptive or depletive water use within a Current Deficit Area as defined in the RMP (or in an adopted Water Use and Conservation Management Plan) shall be required to have prepared, adopted and implemented a Water Use and Conservation Management Plan (in accordance with the approved implementation schedule) prior to the approval of any Water Quality Management Plan Amendment or Water Allocation Permit for any development (residential or non-residential) proposed in that same HUC-14 subwatershed.
2. Where a municipality seeks to use RMP net water availability as a constraint on development within its Housing Element or Fair Share Plan, any development (residential or non-residential) shall trigger the requirement to have prepared, adopted and implemented a Water Use and Conservation Management Plan (in accordance with the approved implementation schedule) prior to the approval of any Water Quality Management Plan Amendment or Water Allocation Permit for any development proposed in that same HUC-14 subwatershed.

### **III. Critical Habitat**

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RMP (2008) Policy 1F1 is hereby amended as follows to replace Significant Natural Areas with New Jersey Department of Environmental Protection Natural Heritage Priority Sites and modify Vernal Pool Buffers to be 300 meters:

Policy 1F1: Critical Habitat shall be:

1. Critical Wildlife Habitat, defined as those areas within the most recent published version of NJDEP's Landscape Project that are Landscape Rank 3 through 5 and Landscape Rank 2 with Highlands Conservation Rank of Critically Significant or Significant.
  1. Landscape Rank 5 – Habitat supporting a federally listed threatened or endangered species;
    - a. Landscape Rank 4 – Habitat supporting a species designated as State Endangered;
    - b. Landscape Rank 3 – Habitat supporting a species designated as State Threatened; and
    - c. Landscape Rank 2 – Habitat supporting a species designated as Special Concern. The Highlands Conservation Rank index for each species occurrence based upon how critical the Highlands Region is to the continued existence of the species within New Jersey. Following are the Highlands Conservation Ranks that were used:
      - i. Critically Significant (Rank 3) – If habitats in the Highlands Region were lost, that species would not exist in the State;
      - ii. Significant (Rank 2) – Highlands Region habitats play a significant role for that species' existence in the State;
  2. New Jersey Department of Environmental Protection Natural Heritage Priority Sites. Significant Natural Areas, defined as the 95 NJDEP Natural Heritage Priority Sites, including habitat for documented threatened and endangered plant species, and lands that include unique or regionally significant ecological communities and other significant natural sites or features; and
  3. Vernal pools, defined as NJDEP-certified vernal pools plus a ~~1,000-foot~~ 300 meter protection buffer.

### **1.5 Affordable Housing Land Availability Analysis**

The following Highlands areas and resources must be considered when analyzing lands for the potential for development of affordable housing. Nothing herein shall prevent a municipality from identifying additional resources or constraints that may affect the availability of vacant land.

#### **I. Conformance Status**

Preservation Area: All lands in the Preservation Area are subject to mandatory development limitations irrespective of conformance status. For lands located in the Preservation Area, the standards provided herein shall govern irrespective of the conformance status of the municipality.

Planning Area: For lands located in the Planning Area, the following standards apply to conforming municipalities, as defined in RMP Addendum 2019-2 Plan Conformance Procedures. The definition is provided below:

“Conforming municipality” means a municipality that has adopted a land development ordinance implementing the municipality’s plan conformance petition and said land development ordinance has been certified as consistent by the Highlands Council with the Highlands Act, the RMP and the municipality’s Plan

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Conformance approval. The term “land development ordinance” shall be inclusive of any amendment to the municipality’s land development ordinances that is adopted to further the municipality’s petition of plan conformance. This shall include, but not be limited to, any of those ordinances listed in Appendix A.5 (*of the Plan Conformance Procedures*).

### **II. Highlands Preservation Area and Conforming Planning Area Land Use Capability Zones**

For lands in the Preservation Area, and for conforming Planning Area municipalities as defined herein, the following shall be considered as appropriate standards in considering whether vacant land can accommodate five housing units or more.

- Designated Highlands Centers
  - A Highlands Center is an area within a municipality where development and redevelopment is encouraged and fostered in accordance with municipal goals. Highlands Centers are intended to support economic balance in the Highlands Region, providing for sustainable economic growth, while protecting critical natural and cultural resources. Highlands Centers may vary in size and character from the smallest hamlet focused on development of a sustainable economy without significant new physical development, to the very largest of Highlands towns proposing significant new, infill, and redevelopment projects.
  - Land within a designated Highlands Center, that has not been designated as a Highlands Environmental Resource Zone, may be considered as land available for affordable housing development, subject to the resource constraints outlined in this section.
  - Where public wastewater collection and treatment systems are not available within any designated Highlands Center the underlying Land Use Capability Zone shall govern for the purposes of determining the applicable nitrate dilution standards (see Appendix A).
  - For purposes of affordable housing planning, “designated Highlands Centers” shall include only those in the Planning Area for which the municipality has: a) completed the center planning process; b) identified locations that meet the criteria of this document; and c) adopted the associated standards, design protocols, and site planning procedures needed to properly consider and address site development applications. (RMP Addendum 2019-2, Appendix B).
- Designated Highlands Redevelopment Areas
  - Highlands Redevelopment Areas are adopted pursuant to N.J.S.A. 13:20-9 and identify areas in which redevelopment shall be encouraged in order to promote the economic well-being of the municipality, provided that the redevelopment conforms with the goals of the Act. Designated Highlands Redevelopment Areas are varied in extent and character but are typically defined with specificity by the approval process for their designation (see RMP Addendum 2019-1).
  - Highlands Redevelopment Areas may be considered as available land for affordable housing development, subject to the conditions of approval of the specific Highlands Redevelopment Area and any conditions related to any associated NJDEP approval.
  - Where public wastewater collection and treatment systems are not available within any designated Highlands Redevelopment Area, the underlying Land Use Capability Zone shall govern for the purposes of determining the applicable nitrate dilution standards,

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except where specifically modified by the Highlands Council during the approval process (see Appendix A).

- Planning Area Existing Community Zone and Lake Community Subzone:
  - The Planning Area Existing Community Zone and Lake Community Subzone consists of areas of concentrated development representing existing communities. These areas tend to have limited environmental constraints due to previous development patterns and may have existing infrastructure that can support additional development or redevelopment.
  - Vacant lands in the Planning Area Existing Community Zone and Lake Community Subzone that are served, or is eligible to be served, by public wastewater collection and treatment systems may be appropriate for development and may be considered as available vacant land for affordable housing development, subject to the Resource Protection Standards found herein.
  - All development in areas not eligible to be serviced by public wastewater collection and treatment systems in the Existing Community Zone and Lake Community Subzone shall comply with the RMP nitrate dilution standard of 2.0 mg/L (RMP Objective 2L2b).
    - This equates to an average of 9.9 acres per individual subsurface sewage disposal system, based on a maximum flow of 300 gallons of wastewater per day.
    - Vacant contiguous parcels of land outside an existing designated sewer service area that are less than 5 times the density standard for the Existing Community Zone specific to each municipality (found in Appendix A) are not considered as available vacant land.
- Preservation Area: The Preservation Area was designated for immediate imposition of stringent water and natural resource standards effective on the date of enactment of the Highlands Act to protect it from “the imminent peril that the ongoing rush of development” posed to the Region. (N.J.S.A. 13:20-2). Preservation Area goals are far-reaching in seeking to protect Highlands water and natural resources, preserve extensive and contiguous areas of land in its natural state, retain its unique scenic resources and natural beauty, and to prohibit construction or development incompatible with preservation. (N.J.S.A. 13:20-10(b)).
  - Due to statutory limitations, no extensions of public water systems or public sewer service areas are permitted in the Preservation Area. (N.J.S.A. 58:11A-7.1, Designated sewer service areas, certain approvals revoked; N.J.S.A. 58:12A-4.1 Limitation on construction of new or extension of public water systems.)
  - Due to statutory limitations upon all development within the Preservation Area, development of properties that can provide for a minimum of 5 housing units would require a minimum of 125 acres of land for non-forested parcels or 425 acres of land for forested parcels. (N.J.A.C. 7:38-1 et. seq.)
  - Undeveloped land in the Preservation Area shall be considered as inappropriate for development of affordable housing of 5 units or more and should not be considered as available vacant land.
  - This section shall not apply to sites specifically identified in the municipality’s fair share plan as able to support 5 or more units due to being exempt development, designated Highlands Redevelopment Areas, or for sites granted a waiver for the development of 100% affordable housing development as defined herein.
- Planning Area Protection Zone:
  - The Protection Zone contains the highest quality natural resource value lands of the Highlands Area. Lands in the Protection Zone are essential to maintaining water quality, water quantity, and sensitive ecological resources and processes (RMP pg. 111) and have



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- limited or no capacity to support human development without adversely affecting overall ecological function (RMP Goal 7A).
- Except as noted in RMP Objective 2K3c, the RMP prohibits the creation and expansion of public water systems, and new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities into the Protection Zone unless the project has received from the Highlands Council a public health and safety waiver, a (Highlands) redevelopment waiver, a takings waiver or has been determined to be a cluster development that meets all the requirements of Objective 2K3d.
    - For the purposes of Objective 2k3d the “Extension of an existing public wastewater collection and treatment system... within or immediately adjacent to an Existing Area Served” shall mean a public wastewater collection and treatment system that was in place and operation at the time of the adoption of this RMP Amendment.
  - All development not serviced by public wastewater collection and treatment systems in the Protection Zone shall comply with the RMP nitrate dilution standard of 0.72 mg/L (RMP Objective 2L2b).
    - This equates to an average of 17 acres per individual subsurface sewage disposal system, based on a maximum flow of 300 gallons of wastewater per day.
    - Vacant contiguous parcels of land outside an existing designated sewer service area that are less than 5 times the density standard for the Protection Zone specific to each municipality (found in Appendix A) are not considered as available vacant land.
  - Planning Area Conservation Zone and Conservation Environmentally Constrained Subzone: The Conservation Zone consists of areas with significant agricultural lands interspersed with associated woodlands and environmental features that should be preserved whenever possible. The Conservation Zone is intended primarily for agricultural use and development, including ancillary and supporting uses and activities. (RMP pg. 111). Non-agricultural development activities will be limited in area and intensity due to infrastructure constraints and resource protection goals. (Goal 6D).
    - Except as noted in RMP Objective 2K3c, the RMP prohibits the creation and expansion of public water systems, and new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities into the Conservation Zone and the Conservation Environmentally Constrained Subzone unless the project has received from the Highlands Council a public health and safety waiver, a (Highlands) redevelopment waiver, a takings waiver or has been determined to be a cluster development that meets all the requirements of Objective 2K3d.
      - For the purposes of Objective 2k3d the “Extension of an existing public wastewater collection and treatment system... within or immediately adjacent to an Existing Area Served” shall mean a public wastewater collection and treatment system that was in place and operation at the time of the adoption of this RMP Amendment.
    - All development not serviced by public wastewater collection and treatment systems in the Conservation Zone and the Conservation Environmentally Constrained Subzone shall comply with the RMP nitrate dilution standard of 1.87 mg/L (RMP Objective 2L2b).
      - This equates to an average of 11 acres per individual subsurface sewage disposal system, based on a maximum flow of 300 gallons of wastewater per day.

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- Vacant contiguous parcels of land outside an existing designated sewer service area that are less than 5 times the density standard for the Conservation Zone specific to each municipality (found in Appendix A) are not considered as available vacant land.
- This section may not apply to sites specifically identified in the municipalities fair share plan as able to support 5 or more units due to being sites that comply with the cluster provisions of the RMP (Chapter 4, Part 2) and are located immediately adjacent to existing to public wastewater infrastructure, Highlands Centers, designated Highlands Redevelopment Areas, or sites granted a waiver for the development of 100% affordable housing development as defined herein. (RMP Goals 2J, 2K, 6B).
- Planning Area Existing Community - Environmentally Constrained Subzone: The Existing Community Zone – Environmentally Constrained Sub-Zone consists of significant contiguous Critical Habitat, steep slopes and forested lands within the Existing Community Zone that should be protected from further fragmentation. They serve as regional habitat “stepping stones” to larger contiguous Critical Habitat and forested areas. As such, they are not appropriate for significant development, and are best served by land preservation and protection. Development is subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands. (RMP pg. 111)
  - Except as noted in RMP Objective 2K3c, the RMP prohibits the creation and expansion of public water systems, and new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities into the Existing Community Zone – Environmentally Constrained Sub-Zone unless the project has received from the Highlands Council a public health and safety waiver, a (Highlands) redevelopment waiver, a takings waiver or has been determined to be a cluster development that meets all the requirements of Objective 2K3d.
    - For the purposes of Objective 2k3d the “Extension of an existing public wastewater collection and treatment system... within or immediately adjacent to an Existing Area Served” shall mean a public wastewater collection and treatment system that was in place and operation at the time of the adoption of this RMP Amendment.
  - All development not serviced by public wastewater collection and treatment systems in the Existing Community Zone – Environmentally Constrained Sub-Zone shall comply with the RMP nitrate dilution standard of 2.0 mg/L (RMP Objective 2L2b).
    - This equates to an average of 9.9 acres per individual subsurface sewage disposal system, based on a maximum flow of 300 gallons of wastewater per day.
    - Vacant contiguous parcels of land outside an existing designated sewer service area that are less than 5 times the density standard for the Existing Community Zone specific to each municipality (found in Appendix A) are not considered as available vacant land.
  - This section may not apply to sites specifically identified in the municipalities fair share plan as able to support 5 or more units due to compliance with the cluster provisions of the RMP (Chapter 4, Part 2) and are located immediately adjacent to existing public wastewater infrastructure, Highlands Centers, designated Highlands Redevelopment Areas, or sites granted a waiver for the development of 100% affordable housing development as defined herein. (RMP Goals 2J, 2K, 6B).

### **III. Resource Protection Standards**

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The following resource protection standards may limit the availability of land in the Preservation Area or conforming Planning Area municipalities. The following resource standards should be considered when determining whether a site can accommodate five housing units or more. In addition, in areas where development is prohibited due to the environmentally sensitive nature of the land as determined by the Highlands Act and RMP, these standards shall be considered.

- Highlands Open Water Buffers (RMP Goal 1D):
  - In accordance with RMP Goal 1D, there is required a 300 ft. buffer from all Highlands Open Waters in the Planning and Preservation Area of the Highland region.
  - Development in Open Water Buffers is prohibited, except:
    - In the Planning Area Existing Community Zone (ECZ) where said buffers have been previously disturbed. For any project that provides a minimum of 20% affordable housing, any existing agricultural disturbance in the ECZ shall be considered disturbance for the purposes of this section. (See RMP Objective 1D4f)
    - In the Planning Area, Protection and Conservation Zone where a waiver has been approved by the Highlands Council in accordance with RMP Policy 7G2.
    - In the Preservation Area where a waiver has been approved by the Highlands Council in accordance with RMP Policy 7G2 and a waiver has been approved by the N.J. Department of Environmental Protection in accordance with N.J.A.C. 7:38-1 et. seq.
- Prime Groundwater Recharge Areas (RMP Policy 2D):
  - Development is prohibited in any Prime Groundwater Recharge Area.
  - Disturbance of any on site Prime Groundwater Recharge Area may be permitted if only to avoid disturbance of Critical Habitat, Open Water Buffers or Moderately or Severe Steep Slopes Areas and shall be limited to 15% of the Prime Groundwater Recharge Area on site.
  - A municipality may apply to the Highlands Council to replace Prime Groundwater Recharge Areas with Municipally Important Groundwater Recharge Areas. This permits the re-assignment of Recharge Areas within the municipality while maintaining the overall recharge volumes.
- Severe Steep Slopes (RMP Goal 1E): Development in severe steep slopes (20% or greater) is prohibited.
- Critical Habitat (RMP Goal 1F):
  - Vernal Pools:
    - No disturbance is permitted in any 300 meter buffer of a certified vernal pool.
    - Where the buffer can be shown to the satisfaction of the municipality to be separated by a barrier (such as a road) that prevents the functioning of that buffer, then the buffer may be considered to be developable.
  - Natural Heritage Priority Sites (Significant Natural Areas):
    - As noted in Section 1.4, III, the RMP is amended to replace Significant Natural Areas with the NJDEP Natural Heritage Priority Sites.
    - No development is permitted in any identified NJDEP Natural Heritage Priority Sites.
    - NJDEP Natural Heritage Priority Sites shall not be considered as potential developable land for affordable housing.

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- A site specific analysis may be provided in the Housing Element or Fair Share Plan to refine or refute the identification of the property as a NJDEP Natural Heritage Priority Site.
- Highlands Special Environmental Zone (RMP Policy 1H7): No development is permitted within a designated Special Environmental Zone unless prior approval of a waiver is provided by the Highlands Council. Highlands Special Environmental Zones are found only in the Preservation Area.

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Appendix A  
Individual Subsurface Sewage Disposal System Densities by LUCZ

<b>Municipality</b>	<b>SSN</b>	<b>Weighted Planning Area Recharge (in/yr)</b>	<b>Protection Zone Density (acres/system) (1.17 mg/L)</b>	<b>Conservation Zone Density (acres/system) (1.77 mg/L)</b>	<b>Existing Community Zone Density (acres/system) (2 mg/L)</b>
Alexandria Township	1001	8.0	19	12	11
Allamuchy Township	2101	8.6	17	12	10
Alpha Borough	2102	6.2	25	16	14
Bedminster Township	1801	8.5	18	12	10
Belvidere Town	2103	8.3	18	12	11
Bernards Township	1802	8.4	18	12	11
Bernardsville Borough	1803	10.0	15	10	9
Bethlehem Township	1002	8.9	17	11	10
Bloomington Borough	1601	9.7	15	10	9
Boonton Town	1401	8.6	18	12	10
Boonton Township	1402	9.4	16	11	9
Butler Borough	1403	9.6	16	10	9
Byram Township	1904	9.3	16	11	10
Chester Borough	1406	10.6	14	9	8
Chester Township	1407	11.0	14	9	8
Clinton Town	1005	9.8	15	10	9
Clinton Township	1006	9.8	15	10	9
Denville Township	1408	9.4	16	11	9
Dover Town	1409	8.6	17	12	10
Far Hills Borough	1807	9.4	16	11	9
Franklin Borough	1906	9.4	16	11	9
Franklin Township	2105	8.4	18	12	10
Frelinghuysen Township	2106	8.3	18	12	11
Green Township	1908	8.5	18	12	10
Greenwich Township	2107	7.0	22	14	13
Hackettstown Town	2108	9.5	16	11	9
Hamburg Borough	1909	9.5	16	10	9
Hampton Borough	1013	9.4	16	11	9
Hanover Township	1412	7.2	21	14	12
Harding Township	1413	10.4	14	10	8
Hardyston Township	1911	9.4	16	11	9
Harmony Township	2110	7.5	20	13	12
High Bridge Borough	1014	10.4	14	10	8
Holland Township	1015	7.4	20	13	12

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<b>Municipality</b>	<b>SSN</b>	<b>Weighted Planning Area Recharge (in/yr)</b>	<b>Protection Zone Density (acres/system) (1.17 mg/L)</b>	<b>Conservation Zone Density (acres/system) (1.77 mg/L)</b>	<b>Existing Community Zone Density (acres/system) (2 mg/L)</b>
Hopatcong Borough	1912	8.9	17	11	10
Hope Township	2111	8.6	18	12	10
Independence Township	2112	9.1	17	11	10
Jefferson Township	1414	8.8	17	11	10
Kinnelon Borough	1415	8.9	17	11	10
Lebanon Borough	1018	9.3	16	11	9
Lebanon Township	1019	10.5	14	9	8
Liberty Township	2114	9.0	17	11	10
Lopatcong Township	2115	6.4	24	16	14
Mahwah Township	0233	9.6	16	10	9
Mansfield Township	2116	10.1	15	10	9
Mendham Borough	1418	10.6	14	9	8
Mendham Township	1419	10.8	14	9	8
Milford Borough	1020	7.7	19	13	11
Mine Hill Township	1420	9.2	16	11	10
Montville Township	1421	8.2	18	12	11
Morris Plains Borough	1423	8.4	18	12	11
Morris Township	1422	9.2	16	11	10
Morristown Town	1424	8.5	18	12	10
Mount Arlington Borough	1426	8.9	17	11	10
Mount Olive Township	1427	9.0	17	11	10
Mountain Lakes Borough	1425	7.7	20	13	11
Netcong Borough	1428	8.8	17	11	10
Oakland Borough	0242	9.8	15	10	9
Ogdensburg Borough	1916	9.4	16	11	9
Oxford Township	2117	8.7	17	11	10
Parsippany-Troy Hills Township	1429	7.9	19	13	11
Peapack-Gladstone Borough	1815	9.8	15	10	9
Pequannock Township	1431	8.2	18	12	11
Phillipsburg Town	2119	6.0	25	17	15
Pohatcong Township	2120	5.8	26	17	15
Pompton Lakes Borough	1609	9.6	16	10	9
Randolph Township	1432	10.0	15	10	9
Riverdale Borough	1433	9.6	16	10	9
Rockaway Borough	1434	8.6	18	12	10
Rockaway Township	1435	9.5	16	10	9

**DRAFT - Highlands Affordable Housing RMP Amendment**

<b>Municipality</b>	<b>SSN</b>	<b>Weighted Planning Area Recharge (in/yr)</b>	<b>Protection Zone Density (acres/system) (1.17 mg/L)</b>	<b>Conservation Zone Density (acres/system) (1.77 mg/L)</b>	<b>Existing Community Zone Density (acres/system) (2 mg/L)</b>
Roxbury Township	1436	9.4	16	11	9
Sparta Township	1918	8.9	17	11	10
Stanhope Borough	1919	8.8	17	11	10
Tewksbury Township	1024	9.8	15	10	9
Union Township	1025	9.0	17	11	10
Vernon Township	1922	10.0	15	10	9
Victory Gardens Borough	1437	8.9	17	11	10
Wanaque Borough	1613	10.4	14	10	8
Washington Borough	2121	8.5	18	12	10
Washington Township (Morris)	1438	10.5	14	9	8
Washington Township (Warren)	2122	9.1	17	11	10
Wharton Borough	1439	9.2	16	11	10
White Township	2123	8.4	18	12	10