

## Re: Biennial Review of Sussex County Strategic Growth Plan Plan Implementation Agenda

Sussex County is known for its commitment to integrated planning. From the earliest Cross Acceptance meetings in the late 1980's to the present day, the County has supported efforts to engage state agencies and municipal governments in coordinated, rational planning processes and the implementation of planning programs. When the new Jersey State Development and Redevelopment Plan (SDRP) was first adopted in 1987 the guiding principles of statewide regional planning were rooted in the understanding that there had and has to be a single coordinating entity for planning in the State. That entity is the State Planning Commission (SPC).

Through the years of center designation, the SPC entertained applications from numerous municipalities in the County, granting designation to eleven such centers – second to none in the state. As the process matured, plan endorsement became the preferred vehicle for coordinated and integrated planning. As of today, no fewer than nine Sussex County municipalities are in the plan endorsement process and one, Newton, the County's Regional Center, is nearing action plan approval.

As the concepts of integrated planning evolved, there also became a place for regional plans to receive plan endorsement. Since the plan endorsement process began, Sussex County remains the only county in the State to have received endorsement of a county-wide regional plan. We are now at the point of reviewing the plan implementation agenda and the assumptions that underlay that agenda when it was prepared.

Much has changed in the two years since the Sussex County Strategic Growth Plan was endorsed. Far from moving toward plan based regulation and program implementation, the State has splintered the planning function setting up individual offices in each state agency (DEP, DOT, DOA) and reduced the central coordinating role of the Office of Smart Growth and the State Planning Commission.

There is little support for planning at the executive level. All smart growth funding has been removed and the Office of Smart Growth is grievously understaffed and budgeted. State agencies are again controlling development statewide through permitting even going so far as to reverse decisions made by other agencies (State Planning Commission) to remove previously designated centers (e.g. Byram Township) through the water quality planning process. Nowhere is the lack of coordinated action by state government more evident than in the case of small municipalities, some of which have been in existence for hundreds of years. Instead of providing support, the state has effectively added to the costs of development by denying them classification as smart growth areas. Although the idea of centers is a good one, with substantial evidence that it is the best option for service provision, land conservation, mass transit and cultural options a key component, the Transfer of Development Rights program, set out in the Municipal Land Use Law and further defined by the State Planning Commission is extremely expensive to prepare – beyond the resources of most municipalities. There never was sufficient funding for large scale TDR plan establishment and now there is none. In order to create a rational center-based development pattern in rural and exurban municipalities, we have only the unpalatable option of inequitable downzoning in the environs rather than the equitable TDR mechanism.

It is also very difficult for municipalities to plan when much of the information used by the state and the Highlands Commission to define the carrying capacity of land in Sussex and other counties is incorrect. This then forces municipalities and counties with limited funds and jurisdiction to fix what's broken. In the meantime, the lands tend to be mischaracterized as inappropriate for development and regulated into near inutility. This adds cost and time as obstacles to municipal implementation of carefully planned projects and the legitimate objectives of private landowners.

Where are we now? Sussex embarked on the journey in good faith, beginning with meetings with then Commissioner Campbell and his staff. Over the years those meetings have continued and the County has continued to demonstrate its commitment to good planning and environmental stewardship. Our working relationship with the staffs of DEP, DOT, DCA/Smart Growth and DOA remain supportive and encouraging. However, the following responses to the items in the County PIA demonstrate that the process, once promising, has been rendered much less responsive to the complete spectrum of needs that must be addressed by planners. We are now faced by a web of rules adopted by various agencies without regard to the interactions between them and the economic reality attending their imposition.

For the responses, we will follow the PIA format as adopted in 2007.

The Sussex County petition for Plan Endorsement was endorsed by the New Jersey State Planning Commission on February 21, 2007. Per the Planning and Implementation Agenda; Two years from the date of endorsement and biennially thereafter, the County of Sussex shall submit a report to OSG and the public concerning the terms of this PIA and related efforts pursuant to NJAC 5:85-7.12(c). It is in accordance with the PIA that this report was prepared.

#### **A1 - Plan Endorsement Review**

2 years from the date of Endorsement and Ongoing

Two years from the date of endorsement and biennially thereafter, the County of Sussex shall submit a report to OSG and the public concerning the terms of this PIA and related efforts pursuant to NJAC 5:85-7.12(c).

**In process.**

#### **A2 - Educational Programs**

Encourage educational programs for center design, conservation practices, historic preservation and economic development.

**Ongoing, e.g. Zoning Officer education, participation in NJAPA, NJPO programs, meeting with municipalities in PE process.**

### A3.1 - 12/31/07

#### **Targets and Indicators**

Create a set of indicators and targets to demonstrate the implementation of the goals and policies of the Strategic Growth Plan. The County will update its targets and indicators in conjunction with the update of the State Development and Redevelopment Plan, which should be the basis of this document and used wherever practicable.

**We propose that the number of municipalities in PE process – pre-petition meetings, MSA’s submitted, centers preserved be an indicator. Our target is to create a center in every municipality that wishes to see significant development in the future. Some (Stillwater, Green), already zoned for very low density and/or having serious environmental impediments to large scale development, are not candidates for center based development. Others need the center designation in order to permit wastewater facilities (Montague) or acknowledgement of historic centers with particular needs.**

**This target/indicator is hampered by the Highlands where no centers are proposed and existing designated centers (Byram) have been rendered pointless by removal of necessary sewer service areas through the DEP. Some municipalities are reconsidering the plan endorsement process due to the lack of funding from OSG and substantial funding from Highlands.**

### A3.2 - 2 years from the date of endorsement and ongoing

The indicators and targets should be regularly monitored, and included in the biennial Plan Endorsement Review Report.

**The initial monitoring discussion suggested that long term targets and indicators should be consistent with the yet-to-be-adopted SDRP. We agree.**

### A4.1 - 8/31/07

The Strategic Growth Plan shall be amended to clarify that the creation of new Commercial-Manufacturing Nodes is discouraged, and that the policies set forth in the plan for job creation centers relate only to those already existing Commercial-Manufacturing Nodes that may have the potential for limited expansion if capacity can be demonstrated.

**Plan Amended. However, this begs the issue of necessary employment, proper location of facilities that do not fit well within the typical mixed use center such as business parks. Permitting business to expand and become established allows residents and those of surrounding counties options to long congested commutes. This reduces petroleum consumption, water and air pollution and directly improves the quality of life of those residents – also reversing the trend toward volunteers disappearing from municipal life.**

**A4.2 - 8/31/07**

The Strategic Growth Plan shall be amended to encourage the incorporation of existing Commercial-Manufacturing Nodes into Centers where adjacent and/or appropriate.

**Plan Amended. See above.**

**A5 - 2/28/10**

Provide further detail as to the carrying capacity of centers and nodes identified in the Strategic Growth Plan.

**Carrying capacity varies between Highlands Preservation area and all other areas of the county. Questions to be answered relate to different inputs to established models for safe water yield and appropriate septic dilution. May be offset to a certain extent by widespread use of alternative septic technologies.**

Pending release of State Water Supply Plan and approval of WQMP.

**A6.1 - 6 months post Endorsement of HRMP**

Work concurrently with the Highlands Council as they pursue Plan Endorsement to compare the Strategic Growth Plan and the Highlands Regional Master Plan.

**Pending endorsement of RMP.**

**A6.2 - 1 year post Endorsement of HRMP**

Provide municipalities with information on differing implementation strategies in the Highlands Planning Area.

**Ongoing through municipal plan endorsement, will continue under plan conformance as required.**

**A6.3 - 1 year post Endorsement of HRMP**

Reevaluate the SGP to identify any relevant inconsistencies between the SGP and the Highland's RMP, and work to amend SGP to satisfy SPC.

**SGP proposes centers in planning area. RMP eliminates new centers by identifying no community development areas in the Sussex County Highlands area. Highlands Council should be required to observe limits to authority per the Highlands Water Protection and Planning Act (Act). DEP should not use Highlands criteria to undermine centers in the region.**

## **B1 - 02/28/08-Ongoing implementation**

Develop timetable for the creation and/or distribution of model plans and ordinances for environmental protection, agriculture retention, and design.

We have not put together any original ordinances. We did work with DEP on their model recycling ordinance and with the municipalities on stormwater issues. Here, again, the DEP provided the models. We continue to work with municipalities and the DEP on wastewater. OSG to provide models or ideas you think ought to be offered to the municipalities. Timetable is ongoing.

Serve as liaison and provide technical assistance as necessary. Whenever a municipality requests assistance, the County is willing to provide the same. There is an extensive shared services system in place. Ongoing

### **B2.1 - 8/31/08**

Use green design practices for new and redeveloped county facilities using LEED and LEED-ND criteria.

Ongoing, requires input from OSG and municipal interest.

### **B2.2 - 8/31/09**

Encourage municipalities to use green design practices for new and redeveloped municipal facilities as well as private buildings using LEED and LEED-ND criteria.

County undergoing energy audit, improving fuel efficiency of fleet. See B2.1.

## **C1 - 8/31/08 and ongoing**

Outline a strategy for a rehabilitation program by partnering with municipalities and utilizing the tax abatement process to rehabilitate housing stock.

Ongoing. No strategy is possible as the County does not intend to operate a housing rehabilitation program. Were a substantial number of municipalities to seek a shared services agreement with sufficient funding, the County would consider this item. The tax abatement program is a municipal option.

## **C2 - 2/28/08**

Create and maintain an inventory of proposed affordable housing sites, including digital (GIS) depictions of the sites.

**Requires data from COAH. Upon receipt, the inventory can be prepared and maintained.  
What depiction is envisioned?**

D1 - 2/28/12

Comprehensive Redevelopment Strategy

**Create and maintain an inventory of proposed affordable housing sites, including digital (GIS) depictions of the sites. Duplicates C2.**

**E1.1 - Open Space and Recreation Plan Action Items  
5/31/2007, 5/31/2009, 5/31/2011**

The Sussex County Open Space and Recreation Plan identifies action items to be completed in one year, three years and five years. The County shall provide documentation as to their progress in achieving these action items in the time projected.

### **Within One Year**

Apply to the New Jersey Green Acres Planning Incentive Program to make the County eligible for land acquisition grants. **The County applied for three Planning Incentive Grants and was successful each time. The County has used PIG dollars extensively in its land acquisition program. Currently all PIG dollars are encumbered.**

Encourage municipalities to establish local Open Space Trusts by sharing information about the value of these dedicated funding sources and sharing the experiences of the nine municipalities that already have Trusts established. **The County is in frequent communication with all municipalities in Sussex regarding funding options. Half of Sussex County ty municipalities have dedicated open space funding sources.**

Develop materials and other information resources that educate landowners about conservation alternatives, including farmland preservation, for their land. **County has an active outreach program for all conservation activities.**

Support the Business Incubator program that illustrates how a municipality can benefit financially from open space preservation and share results with municipalities throughout the county and the state. **Business Incubator program is not currently active due to complete lack of funding.**

Provide every municipality with a copy of the Sussex County Open Space and Recreation Plan. The Plan lists resources, potential partners and successful techniques for open space preservation. **Every municipality has been provided a copy of the Open Space and Recreation Plan.**

Refine the existing criteria for judging municipal open space applications to the Sussex County Open Space Trust. **We continue to refine the open space review and acquisition process.**

## **Within Three Years**

Develop information materials that describe the benefits of open space preservation to municipalities, including financial benefits. **The County provides information to all municipalities regarding available resources.**

Develop an inventory and map showing significant historic structures, districts and landscapes throughout Sussex County. This information could be used by municipalities and other public and private groups to protect significant historic resources in the county. **Map and inventory of significant historic features has been developed as part of the Strategic Growth Plan.**

Match appropriate funding partners (*see Partners section of this Plan*) with county land preservation priorities and apply for these funding sources. Share with municipalities these funding sources and provide information to the municipalities so that they can follow up with appropriate funding sources to meet their land acquisition needs. When reviewing county grant applications, match projects, where possible, to other funding sources (*see Partners section of this Plan*) and work with communities to provide guidance and information about leveraging their funding. **Partnerships are long-standing and funding sources maximized.**

Revise the regulations for the county grant funding to include eligibility for nonprofit land conservation organizations to apply for grants, encouraging and promoting their participation in land conservation projects in Sussex County. **County grant regulations have been revised to permit non-profits to apply for grants.**

Convene a county-wide meeting of municipal recreation leaders to discuss regional issues, one of which could be a discussion about the viability and utility of county recreation facilities. **A meeting was held with all municipal recreation leaders shortly before adoption of the plan. The intent was to discuss the current status of recreation facilities in the county. There are no county-owned recreation facilities.**

Encourage cooperation among municipalities, non-profits and resource managers to address regional conservation needs, such as greenway establishment or river corridor protection. **The County has always worked with municipalities, non-profits and park managers to address regional needs and opportunities.**

Facilitate and encourage regional meetings among municipalities that build on the process of the open space and smart growth planning efforts. These meetings could result in shared services and joint open space projects. Linear land acquisition projects, such as trails and greenways, would benefit from regional cooperation and shared resources. **The County has an active shared services program. Having no county parks, no shared services agreements involving recreation facilities are anticipated.**

Facilitate and encourage meetings among park managers within Sussex County to share

information, successful strategies, and, most importantly, issues that may be addressed and resolved through combined efforts. **Each municipality has its own park/recreation field operator(s). The State has various levels of park managers and does engage in combined efforts to provide recreation opportunities. The County also helps promote its State and Federal public open spaces.**

Consider development of a workshop series or other educational forum that brings together municipal officials to communicate land conservation techniques, values of open space preservation, how to direct landowners to learn about conservation options, tourism initiatives, and other topics. Workshops can also be directed toward landowners seeking information about farmland and open space preservation options. **Workshops have been discussed. Zoning Officers training included Right-to-Farm issues. The County has participated in educational meetings organized by the Land Conservancy of New Jersey in many Sussex county municipalities.**

Place a referendum question on the ballot to establish a separate, dedicated tax source for open space preservation distinct from farmland preservation. If supported by voters, establish such a fund. **Sussex County has a combined tax for farmland and open space preservation. No separate tax is contemplated at this time.**

Work with public park managers to identify the recreation activity and visitors profile of the traveling public in Sussex County. A consistent monitoring of activity participation may be a partnership effort that benefits community recreation providers and tourism providers as well as public park managers. **Sussex has an active marketing effort that includes surveys, interviews and comprehensive data collection. The most recent resulted in a report prepared by AdvancedGroup for the Highlands Council under phase 1 of a three phase grant program to market agri-tourism in the County.**

Develop or obtain model ordinances for protection of resources, such as limestone, ridgelines, conservation easements, agricultural areas, and others. Provide these model ordinances to all municipalities and encourage resource protection through the development process. **County has encouraged municipalities to work with NJDEP model ordinances.**

Reach out to park managers to discuss potential partnership opportunities and to work together to maintain adequate support and funding for public lands in Sussex County. **There is and has been little support for park facilities in Sussex County for the past several years. Park staffs have been cut significantly and maintenance budgets have also been cut. We have had discussions regarding volunteer aid for park managers, particularly as it applies to rail-trail maintenance.**

### **Within Five Years**

Explore options to supplement or augment the funds placed in a dedicated trust for land conservation beyond tax dollars. These funds may include tourism revenues, user fees or other sources. **The County has no taxing authority beyond the property tax.**

Reach out to owners of nonprofit camp lands to discuss the feasibility of placing conservation easements on these properties. **There is no interest to date in providing voluntary conservation easements on private camp property.**

Develop effective strategies and information that promote eco-tourism. Work with public park managers to ensure degradation of natural resources does not occur through overuse. **The County is in the process of creating a marketing program with consultants as an integral part of its economic development program. Public park managers have limited funds for enforcement of park rules. Parks remain in reasonable condition nevertheless.**

Support a study of how municipalities can encourage and benefit from eco- and agritourism activities. **The County has sought funding to assist the County in this potential study. It would be most helpful if the Office of Smart Growth contributed funding and technical expertise in this effort.**

Consider various ways to disseminate resource-based education for residents and visitors. One of the ways suggested as part of the open space planning process was development of a county environmental education center that could also serve as an information source for ecotourism and agritourism opportunities. **The County has sought assistance, most recently from the Highlands Council, to study the potential for conversion of a vacant Park Service building to a combination Visitors and Highlands education center. Additionally, materials are disseminated at numerous events (e.g. NJ State Fair) both in and out of County.**

Educate community leaders about the financial benefits of open space preservation. **The County continues to discuss the merits of open space preservation with municipal officials.**

### **Ongoing**

The County continues to pursue and engage in the ongoing objectives listed below:

**Continue to work with and communicate with federal and state officials to ensure adequate funding, for stewardship and land acquisition, for federal and state public lands.**

**Continue to hold grant rounds for the County Trust to promote open space preservation at the municipal level.**

**Support initiatives that create opportunities for towns to raise revenue from preserved open space lands.**

**Continue to support initiatives that promote agritourism.**

**When the County is approved for the Green Acres Planning Incentive Program, apply every year to replenish the County's account for grant awards.**

## **E2 – Ongoing**

Continually prioritize high value open space lands for acquisition. Periodically review priorities and up-date as necessary.

**Properties offered are ranked by desirability upon submission.**

### **F1.1 - 2/28/07**

Up-date the County Wastewater Management Plan according to DEP regulations.

**WQMP still under review.**

### **F1.2 - 6 months post submission of the WMP**

DEP review and action on the County Wastewater Management Plan.

**WQMP still under review.**

### **F1.3 - 2/28/2007 and ongoing**

Incorporate a strategy for septic management districts into up-date of County Wastewater Management Plan.

**Included in the plan now under review.**

### **F1.4 - Action on alternative septic technology permits in septic management districts within 6 months of receipt of complete application.**

Provide guidance regarding alternative septic technologies in up-date of County Wastewater Management Plan

**Included.**

## **F2 - 6 months after DEP amends Standards**

At such time that the DEP amends the Groundwater Quality Standards' anti-degradation language, the County shall incorporate the same into its soil analysis and density recommendations for the Rural/Agricultural Landscape.

**Included.**

## **F3 - 8/28/07**

Create a Wellhead Protection Plan to manage potential sources of contamination and threatening activities that occur within a source water protection area. Encourage municipalities to adopt implementation strategies included in the plan. Municipal consistency is required for those municipalities seeking Plan Endorsement.

**Importance of wellhead and mapping is incorporated in endorsed plan. It is up to the municipalities to adopt plans with regulatory effect.**

**F4 - 8/28/07**

Create a Steep Slope Protection Plan to establish the basis for a municipal Steep Slope Protection Ordinance. Encourage municipalities to adopt implementation strategies included in the plan.

**Municipal consistency will be required for those municipalities seeking Plan Endorsement. Importance of steep slopes outlined in endorsed plan. It is up to municipalities to adopt plans with regulatory effect.**

**F5 - 8/27/07**

The Stream Corridor Protection Plan shall establish the basis for a municipal Stream Corridor Protection Ordinance. Encourage municipalities to adopt implementation strategies included in the plan. Municipal consistency is required for those municipalities seeking Plan Endorsement.

**The importance of stream protection is outlined in the endorsed plan. It is up to municipalities to adopt plans with regulatory effect. It is incorporated throughout the plan. Timeline to be changed to ongoing.**

**F6 - 02/28/2008**

Serve as liaison and provide technical assistance as necessary regarding habitat conservation plans.

**Ongoing.**

**F7 - 2/28/08**

Threatened and Endangered Species Habitat: Strategy of incentives to encourage habitat protection- Encourage owners/operators of preserved open space to engage in habitat maintenance BMP to secure the benefits of species diversity.

**Ongoing to the extent the County has a role. There are no incentives for property owners to engage in this process.**

**G1 – Ongoing**

The Mobility Plan and/or Strategic Growth Plan shall incorporate a strategy for dealing with retail, commercial or truck freight traffic along state, county and municipal roadways and railways as it relates to existing and future land use patterns. It should comprehensively analyze freight issues including local deliveries and issues relating to warehouse concentrations.

**Awaiting DOT assistance and guidelines. There are very few, if any, options available to the County due to its limited transportation network.**

**G2 - 2/28/09**

Provide DOT with a copy of the County Access Code, and work with the DOT to better align with the State Highway Access Code as needed.

**County Land Development Standards revised 5/22/08. Copy provided to OSG. No further action to date.**

**G3 - 2/28/2009**

The county should explore alternative methods for financing infrastructure improvements, such as Transit Development Districts and (TDD's), Transportation Improvement Districts (TIDs) and Tax Incremental Financing (TIF). The County should encourage municipalities to utilize these tools. Municipalities are encouraged to use all available tools.

**Infrastructure financing is not available to County at this time due to budget constraints. Infrastructure provision is less a matter of funding than permits. The county is interesting in working with municipal governments in projects that would support economic development. It is frequently the case that PILOT and other mechanisms are agreed to between municipality and developer, eliminating tax revenues to the County, school board, etc.**

**G4 - Action plan by: 2/28/2009**

Partner with DOT & NJ Transit to identify opportunities to expand non-automobile dependant transportation opportunities and strategies, and create an action plan for implementation.

**Ongoing. Potential shuttle to be operated in Vernon/Hardyston. Continue to explore opportunities to link with other county systems of transit.**

**G5 - Action plan by: 2/28/2009**

Partner with DOT to identify pedestrian crossings at key nodal locations on State Highways that need improvement, and create an action plan for implementation.

**DOT provided signage to alert drivers to selected trail crossings. This is not adequate. Pavement markings have been requested but not provided.**

**G6 - Action plan by: 2/28/2009**

Partner with DOT to identify State Highway corridors in need of access management, and create an action plan for initiating corridor studies.

**Preliminary discussions held regarding plans beyond Rt 94 in Vernon. Route 23 in Franklin currently under review.**

**H1 - 8/31/07**

The Strategic Growth Plan shall be amended to remove discussion of improved infrastructure availability under the Rural/Agricultural Landscape Development Pattern Section.

**Amendment limited to widespread infrastructure availability. Centers are not possible in Rural/Agricultural Landscape without infrastructure. Active cooperation and assistance from DEP and Infrastructure Trust will be required to reverse sprawl patterns of development and attendant fragmentation of habitat.**

**I1 - 2/28/09**

Partner with local and regional tourism entities to create a plan for expanded tourism.

**Ongoing. The County partnered with Highlands to obtain funds to develop marketing plan and strategy for agri-tourism and with the New Jersey Audubon Society for the Birding and Nature Festival. The County is actively seeking to market the county as a four season tourist destination for eco- and agri-tourism.**

**I2 - 2/28/2010**

Work with the EDA to create a County business development and expansion program.

**Economic development in Sussex County is and has been actively opposed by Highlands Council. SPC designated centers have been removed, sewer service areas eliminated by DEP. We are not aware of any project receiving assistance from the EDA. No money appears to be available for infrastructure. This action item is in direct conflict with the restrictions placed on smart growth at H-1, A-6.3. There needs to be a reversal of State and agency policies designed to frustrate the good faith planning efforts of municipalities and the County.**

**I3 - 8/31/2007**

OSG, DEP & EDA to develop and make available information on various grants, loans, etc. for nonprofit organizations and businesses in the Center.

**As grants become available, information is provided.**

**J1 - 12/31/07**

Creation of models for sustainable center based development that is appropriate to the existing and planned capacity for the area

**Need information from OSG and DEP as to standards for sustainability.**

**K1 - Action plan by: 8/31/2008**  
**Implementation: Ongoing**

Work with the Department of Agriculture to identify opportunities and develop an action plan to offer value added products.

**Ongoing. A Federal grant was received for a Farmers Market building to be constructed at the Sussex County Farm and Horse Show grounds. State assistance for agricultural economic activities is modest at best. . NJ law severely limits value added farm products. Need action to bring NJ standards in line with Pennsylvania and New York.**

**K2 - 2/15/07**

Sussex CADB up-date plan according to the proposed regulation of the SADC (N.J.A.C. 2:76-17 et seq.) The up-date shall include an agriculture retention component.

**Done. Submitted.**

**K3 TDR - 12/15/07**

The County Farmland Preservation Plan shall include a comprehensive plan for the utilization of TDR for agricultural retention purposes, including a discussion of inter-municipal opportunities. Further, the Sussex County Planning Department and CADB to provide technical assistance to municipalities in implementing TDR.

**Done. Submitted.**

**K4 - 12/15/07**

Sussex CADB to create a regional, criteria-based system for defining ADAs in the Farmland Preservation Plan. Designated ADAs should be a much more powerful planning tool in identifying the most productive farmlands where agriculture is the preferred use of the land and in prioritizing farmland preservation activities.

**Done. Submitted.**

**K5 - By application deadline to be set by SADC**

Sussex CADB to complete and file application with the SADC.

**Done. Submitted.**

**K6 – Ongoing**

Sussex CADB continue to coordinate farmland preservation with the county planning board's open space and recreational efforts to the greatest possible extent, where such efforts support agricultural activity. Farmland preservation should be undertaken in conjunction with the development and

implementation of cooperative preservation projects and regional plans including the Highlands Master Plan. The County should also work with interested organizations to establish a successful easement purchase program for privately-owned woodlands to complement other land preservation programs, and to adequately fund preservation commitments to avoid adverse impacts to landowner equity.

**Ongoing.**

## **MUNICIPAL IMPLEMENTATION ITEMS**

### **A1.1 – Ongoing**

Facilitate discussion of the benefits of Plan Endorsement and Plan Conformance with Highlands Council, OSG, and municipalities interested in either process.

**Ongoing.**

### **A1.2 – Ongoing**

For those municipalities that have entered into an MOU with the State Planning Commission to pursue Plan Endorsement, provide technical assistance to municipalities in completing Action Plan items to achieve municipal plan endorsement.

**Ongoing. None to date.**

### **A2.1 - 9/1/07**

Provide technical assistance to municipalities in completing center PIA activities in anticipation of plan endorsement petition.

**Ongoing. Several centers have expired. Process is long and expensive and existing centers continue to expire or are gutted by DEP wastewater decisions.**

### **A2.2 - 9/01/07**

Provide technical assistance to municipalities in refining center boundaries based on environmental constraints and infrastructure capacity.

**See WQMP. Note Highlands/DEP removal of Byram designated Town Center.**

### **A2.3 - 9/01/07**

Provide technical assistance to municipalities in completing planning documents needed to achieve consistency with the State Plan.

**Ongoing.**

#### **A2.4 - 9/01/07**

Provide technical assistance to municipalities in completing a petition for plan endorsement.

**Ongoing.**

#### **A3.1 – Ongoing**

Provide technical assistance to municipalities in defining center boundaries based on environmental constraints and infrastructure capacity.

**Ongoing. See Sparta, Franklin, Hardyston – all Highlands. Discussions continue in Wantage, Frankford, Hampton. County attends OSG meetings re: plan endorsement.**

#### **A3.2 – Ongoing**

Provide technical assistance to municipalities in completing planning documents needed to achieve consistency with the State Plan. See 3.1.

**Ongoing.**

#### **A3.3 - Ongoing**

Provide technical assistance to municipalities in completing a petition for plan endorsement.

**Ongoing. See 3.1.**

#### **A3.4 – Ongoing**

Support LEED-ND criteria for growth areas (centers). Provide technical assistance to municipalities in completing a petition for plan endorsement.

**See 3.1.**

#### **A4.1 – Ongoing**

Designation of growth areas (existing commercial and industrial nodes) Provide technical assistance to municipalities in defining node boundaries based on environmental constraints and infrastructure capacity.

**Inconsistent with H-1. Capacity exists, resources are available See prior A-4.1. SPC should support smart compact growth statewide.**

#### **A4.2 – Ongoing**

Designation of growth areas (existing commercial and industrial nodes).

Provide technical assistance to municipalities in completing planning documents needed to achieve consistency with the State Plan.

**See above. Further, the SDRP specifically provides for centers in PA 4 and PA 5. State should provide consistent and coordinated assistance.**

#### **A4.3 – Ongoing**

Designation of growth areas (existing commercial and industrial nodes).

Provide technical assistance to municipalities in completing a petition for plan endorsement

**Ongoing. See 4.2 above.**

#### **B1 – Ongoing**

Municipalities to revise zoning to encourage sustainable development to occur in Centers in a manner consistent with the goals, policies and center criteria of the State Development and Redevelopment Plan. Provide technical assistance to municipalities.

**Ongoing. Requires active assistance from state agencies.**

#### **B2 – Ongoing**

Municipalities to revise zoning outside of Centers to prohibit uses and development that would adversely affect environmentally sensitive features including "no net loss of habitat value", be to the detriment of agricultural viability or generally encourage sprawl in those areas. Provide technical assistance to municipalities.

**Internally inconsistent requirement. We are faced with limitations on centers, removal of centers and at the same time are asked to work with municipalities to revise ordinances to protect significant habitat. One of the major objectives of compact centers is to better preserve large tracts of land, thereby providing functional habitat for a wider range of species, particularly mobile species requiring large ranges. If centers are to be limited, infrastructure denied based on Planning Area, sprawl will result. See also lot size requirements in Highlands RMP. This is not a reason to eliminate this item. Rather it is a reason to get the various agencies, particularly DEP, to support centers and the infrastructure needed to provide appropriate densities.**

#### **B3 – Ongoing**

Encourage municipalities to target growth to centers using TDR or an equivalent density transfer program.

The TDR study process is extremely expensive and time consuming. As a result, there is small likelihood of near term success. TDR is the only large scale density transfer mechanism available to effectively act equitably and protect significant environmental features. See fragmented habitat. The County continues to actively support bringing TDR within reasonable economic reach of municipalities.

#### **C1 – Ongoing**

Encourage municipalities to file petitions for substantive certification.

A substantial number of municipalities have so filed. Unfortunately, the highlands has temporarily sidetracked many municipal efforts by offering large grants to undertake studies for plan conformance. Municipalities are accepting the money with the understanding that they may enter or reactivate their petitions following municipal assessment and the multi-module plan conformance process. By at least temporarily going down the Highlands path, municipalities may also delay COAH filings. As the end result will be a matter of individual municipal choice, it is not possible to evaluate the impact of the highlands programs on plan endorsement progress.

**Ongoing.**

#### **C2 – Ongoing**

Promote a mix of housing types in centers, including housing for seniors and low and moderate income households.

The County SGP does just this. Actual implementation is a municipal prerogative. Further the County holds a county-wide housing forum each year to promote fair housing.

#### **E1 – Ongoing**

Encourage municipalities to adopt Open Space and Recreation Plans consistent with the County Open Space and Recreation Plan.

**Ongoing.**

#### **F1 - 6 months after PE or 6 months after WMP is submitted to DEP**

Provide technical assistance and support to municipalities that have entered into an MOU with the State Planning Commission to pursue Plan Endorsement in structuring wastewater management plan amendments associated with development in growth areas that are consistent with the Strategic Growth Plan and the State Plan.

The County has worked extensively with all municipalities actively involved in the water quality planning process. This work continues to the present. The WQMP must be endorsed by each municipality as part of the overall approval process. As capacity is limited through DEP rules, most strikingly in the Highlands region, the result is limited ability to leverage compact development as a means of curtailing sprawl, reducing carbon footprint,

creating sustainable communities. This effort deserves renewed support from the Office of Smart Growth and continued willingness by DEP staff to construct a framework where planning is the foundation for rule-making.

**F2 - 6 months after receipt of complete application that is consistent with the adopted and up-to-date Sussex County Wastewater Management Plan.**

Treatment Works Approvals. Provide technical support to projects in plan endorsed growth areas.

**Designated centers removed (Byram) expired (Stanhope, Newton).**

### **G1 – Ongoing**

Reduce Speed Limits. Provide technical assistance and support to municipalities that have entered into an MOU with the State Planning Commission to pursue Plan Endorsement.

**Ongoing. None to date.**

### **G2 – Ongoing**

Traffic Calming. Provide technical assistance and support to municipalities that have entered into an MOU with the State Planning Commission to pursue Plan Endorsement.

**Ongoing. None to date.**

### **G3 – Ongoing**

Infrastructure provision for new development within Centers. Provide technical assistance and support to municipalities that have entered into an MOU with the State Planning Commission to pursue Plan Endorsement.

**Ongoing. None to date.**

### **I1- 2-5 years from municipal endorsement**

Business Expansion: County to work with state partners to identify opportunities, and create an action plan for implementation.

**None to date. Various discussions between municipalities, county and state regarding individual projects.**

### **K1- Ongoing**

Municipal Planning Incentive Grant Program. Sussex CADB to provide technical assistance to municipalities in completing the requisite plans and application for participation in this program.

**Ongoing.**

## Conclusions

### *Extensions Needed*

#### **A3.1 - 12/31/07**

Targets and Indicators. Create a set of indicators and targets to demonstrate the implementation of the goals and policies of the Strategic Growth Plan. The County will update its targets and indicators in conjunction with the update of the State Development and Redevelopment Plan, which should be the basis of this document and used wherever practicable.

**Number of municipalities in PE process – pre-petition meetings, MSA’s submitted, centers preserved. Should be based on proposed SDRP once adopted.**

#### **A3.2 - 2 years from the date of endorsement and ongoing**

The indicators and targets should be regularly monitored, and included in the biennial Plan Endorsement Review Report.

### **Second monitoring**

#### **C1 - 8/31/08 and ongoing**

Outline a strategy for a rehabilitation program by partnering with municipalities and utilizing the tax abatement process to rehabilitate housing stock.

**Ongoing. Extend until COAH rules have been finally amended, are through the court challenges and municipal plans are granted certification. It is unlikely that the County will be participating in a tax abatement program for fair housing.**

#### **F3 - 8/28/07**

**Should be “Ongoing”**

Create a Wellhead Protection Plan to manage potential sources of contamination and threatening activities that occur within a source water protection area. Encourage municipalities to adopt implementation strategies included in the plan. Municipal consistency is required for those municipalities seeking Plan Endorsement.

**Importance of wellhead and mapping is incorporated in endorsed plan. It is up to the municipalities to adopt plans with regulatory effect.**

#### **C2 - 2/28/08**

Create and maintain an inventory of proposed affordable housing sites, including digital (GIS) depictions of the sites.

**Requires data from COAH. Extend for one year from 1 April 2009.**

**F4 - 8/28/07**

**Should be changed to “Ongoing”.**

Create a Steep Slope Protection Plan to establish the basis for a municipal Steep Slope Protection Ordinance. Encourage municipalities to adopt implementation strategies included in the plan. Municipal consistency will be required for those municipalities seeking Plan Endorsement.

**Importance of steep slopes is thoroughly outlined in the endorsed plan. It is up to municipalities to adopt plans with regulatory effect.**

**F5 - 8/27/07 Should be changed to “Ongoing”.**

The Stream Corridor Protection Plan shall establish the basis for a municipal Stream Corridor Protection Ordinance. Encourage municipalities to adopt implementation strategies included in the plan. Municipal consistency is required for those municipalities seeking Plan Endorsement.

**Importance of stream protection is outlined in the endorsed plan. It is up to municipalities to adopt plans with regulatory effect.**

**F7 - 2/28/08**

**Should be changed to “Ongoing”.**

Threatened and Endangered Species Habitat: Strategy of incentives to encourage habitat protection-Encourage owners/operators of preserved open space to engage in habitat maintenance BMP to secure the benefits of species diversity.

**Ongoing to the extent the County has a role. Not sure there are any incentives the County can offer. Major incentives are the responsibility of state partners to move development pressures from sensitive lands to centers.**

**J1 - 12/31/07**

Creation of models for sustainable center based development that is appropriate to the existing and planned capacity for the area.

**Need information from OSG and DEP as to standards for sustainability. Extend based on DEP ability to provide assistance.**

## **Deletions/ Amendments Needed**

### **H1 - 8/31/07**

The Strategic Growth Plan shall be amended to remove discussion of improved infrastructure availability under the Rural/Agricultural Landscape Development Pattern Section.

**Amendment limited to widespread infrastructure availability. Centers not possible in Rural/Agricultural Landscape without infrastructure.**

### **I2 - 2/28/2010**

Work with the EDA to create a County business development and expansion program.

**Economic development in Sussex County is and has been actively opposed by the Highlands Council. SPC designated Centers have been removed or grossly modified, sewer service curtailed. There is limited assistance offered by EDA. There is no money for infrastructure. Conflicts with H-1, A-6.3. This section should be reemphasized and the conflicts resolved.**

#### **A4.1 – Ongoing**

Designation of growth areas (existing commercial and industrial nodes) Provide technical assistance to municipalities in defining node boundaries based on environmental constraints and infrastructure capacity.

**Inconsistent with H-1. Capacity exists, resources are available See prior A-4.1. Again, growth areas are provided for in the SDRP for all planning areas.**

#### **A4.2 – Ongoing**

Designation of growth areas (existing commercial and industrial nodes). Provide technical assistance to municipalities in completing planning documents needed to achieve consistency with the State Plan.

**See above.**

### **B2 - Ongoing**

Municipalities to revise zoning outside of Centers to prohibit uses and development that would adversely affect environmentally sensitive features including "no net loss of habitat value", be to the detriment of agricultural viability or generally encourage sprawl in those areas. Provide technical assistance to municipalities.

**Internally inconsistent requirement. If centers are to be limited, infrastructure denied based on Planning Area, sprawl will result. See also lot size requirements in Highlands RMP**

**C2 – Ongoing**

Promote a mix of housing types in centers, including housing for seniors and low and moderate income households.

**Although this is not under County jurisdiction, the County is strongly supportive of fair housing. This is demonstrated by the annual housing forum noted earlier in this report. Further evidence of cooperation between Morris and Sussex Counties in Lucy Voorhoeve presentation at Morris County College.**

3/10/09