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**FOR CONSIDERATION AT THE AUGUST 3, 2011 MEETING
OF THE HIGHLANDS COUNCIL**

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

**PETITION FOR PLAN CONFORMANCE:
TOWNSHIP OF OXFORD, WARREN COUNTY**

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

JULY 8²⁷, 2011

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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 Oxford, with the Highlands Regional Master Plan (RMP). The Report provides review and discussion of each component of the Petition for Plan Conformance, in the order in which they are set forth under submission guidelines provided to municipalities by the Highlands Council. It begins with a brief summary of Staff findings, displayed in a table format, to provide an at-a-glance overview of the results of Staff review.

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REPORT SUMMARY

Municipality: Township of Oxford

Date of Petition Submission: December 7, 2009

Date Deemed Complete: January 22, 2010

Conformance Area: Planning Area & Preservation Area

Staff Recommendation: Approve Petition with Conditions

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

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

*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	11/4/10	Highlands Center designation planning is ongoing; staff recommends preliminary approval with conditions (see Appendix B).
4. Highlands Redevelopment Area Designation Requests	N/A	

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A. REVIEW OF ADMINISTRATIVE SUBMITTALS

1. **Resolution.** The Resolution petitioning the Highlands Council for Plan Conformance was adopted by the municipal Governing Body at its noticed public meeting of December 8, 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 to municipal lands located in both the Preservation Area (2,206 acres, 57%) and the Planning Area (1,672 acres, 43%) of the municipality.
2. **Record of Public Involvement.** The Petition includes appropriate documentation of the public process engaged in by the municipality with regard to the development of Petition materials and adoption of the Resolution petitioning the Highlands Council for Plan Conformance. The submission includes the following:
 - a. Copy of public meeting notice for a joint meeting of the Township Committee and Land Use Board held on November 9, 2009 to discuss Plan Conformance and Petition components, specifically including drafts of both the Master Plan Highlands Element and Highlands Area Land Use Ordinance.
 - b. Copy of meeting agenda and adopted meeting minutes associated with the November 9, 2009 joint Township Committee and Land Use Board meeting.
 - c. Copy of Township Committee Resolution 2009-91 petitioning the Highlands Council for Plan Conformance, adopted at public meeting held on November 9, 2009.
3. **List of Current Planning Documents.** The list of current municipal planning and regulatory documents is comprehensive and includes required dates of adoption, as applicable. Pursuant to Highlands Council Module 7 Municipal Plan Conformance Petition instructions, all of these documents should be available in the offices of the Highlands Council in Adobe pdf format. Staff review indicates that all of the required documents are available as required. The Township Code is also available in full, through e-Code, on-line subscription service, and can be found at <http://www.ecode360.com/?custId=OX0459>.

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B. REVIEW OF PLAN CONFORMANCE PETITION COMPONENTS

1. **Highlands Municipal Build-Out Report (Modules 1-2).** Consistent. The Highlands Municipal Build-Out Report was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The date of the Highlands Municipal Build-Out Report is August 2009.
2. **Housing Element & Fair Share Plan (Module 3).** Consistent. Both the RMP and Highlands Council instructions concerning submission of Master Plan Housing Elements and Fair Share Plans, sought municipal participation in a three-step process, intended to culminate in the submission of fully developed affordable housing plans to both the Highlands Council and the Council on Affordable Housing (COAH) (or alternatively the Highlands Council and the Superior Court). This process was designed to assist municipalities in developing plans to address fair share housing obligations that are consistent with the RMP. For most Highlands municipalities, the deadline for submission to COAH was extended to June 8, 2010. The extended time allowance was intended to provide for completion of Highlands Municipal Build-Out Reports (see Modules 1-2, above) and incorporation of resulting information into fully developed affordable housing plans in accordance with Executive Order #114 (2008) and COAH's *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*. This process also allows for Highlands Council review of as yet unconstructed projects in municipal housing plans, for consistency with the RMP.

The Township of Oxford provided all components required by the Highlands Council. The first submission was included as requested within the municipality's Petition for Plan Conformance, while the remaining items were provided in accordance with the revised submission deadlines. Completed Highlands Council forms used to conduct preliminary submission reviews appear in Appendix A. Review of the final Housing Element and Fair Share Plan submission, adopted by the Land Use Board on May 25, 2010 and endorsed by the Township Committee on June 2, 2010, follows below. These documents were filed with COAH on June 7, 2010. The final Housing Element and Fair Share Plan appear to address the municipality's Fair Share Obligation. As to consistency with the requirements of the RMP, the Plan is satisfactory.

- a. **Summary of Municipal Obligation.** The Municipal Obligation appears to be correctly calculated and includes the components listed below.
 - **Rehabilitation Share:** 6 units
 - **Prior Round Obligation:** 2 units
 - **Growth Share Obligation (see B.2.b, below):** 14 units
- b. **Municipal Growth Projections.** Municipal Growth Projections, used to determine the Growth Share Obligation (above) were correctly indicated in the COAH Workbook D form or other submittals provided by the municipality. The

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final figures are listed below. Note: Highlands Full Build-Out Projections apply in the case of conformance for the full municipality (i.e., for split municipalities, including both the Planning and Preservation Area) in accordance with COAH's instructional document, *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*; COAH Growth Projections apply in all cases where the municipality is not petitioning for conformance for the whole of the municipality, until or unless modified by COAH consistent with the Guidance or as applicable, the Superior Court. The municipality's Housing Element relies upon Highlands Full Build-Out Projections.

- **Highlands Full Build-Out Projections**
 - Residential Growth (housing units): 68
 - Non-Residential Growth (jobs): 6
 - Total Growth Share, after exclusions (units): 14
- **COAH Growth Projections through 2018**
 - Residential Growth (housing units): 170
 - Non-Residential Growth (jobs): 127
 - Total Growth Share, after exclusions (units): 42
- c. **Summary of Proposed Fair Share Plan.** The Fair Share Plan proposes to address the municipal obligation by use of the mechanisms and/or development projects listed below. Where Affordable Housing Sites were included that have not yet been constructed, each was reviewed for consistency with the RMP using the on-line Highlands Council RMP Consistency Review Report tool. In this case, no unbuilt Affordable Housing Sites were proposed and thus the Consistency Review was not applicable.
 - **Rehabilitation Program:** The Township will continue to participate in the Warren County Housing program.
 - **Prior Round Site 1:** Oxford Heritage Manor. 32 age restricted units. Completed.
 - **Prior Round Site 2:** ARC of Warren County. 5 bedrooms. Completed.
- d. **Findings/Recommendations.** The Plan appears to address the municipality's Fair Share Obligation (final determination in that regard under jurisdiction of COAH) while providing for consistency with the Regional Master Plan. Goals and objectives consistent with the goals and objectives found in the Model Housing Element appended to the Module 3 instructions have been incorporated into the

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municipality's Housing Element. The Township is required to seek a waiver from COAH for the requirement to provide 2 family rental units.

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

Note: The following sections of the model Highlands ERI are not relevant to the municipality and have thus been deleted or for the most part deleted from the municipal submission: Significant Natural Areas, Vernal Pools, and Lake Community Sub-Zone.

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

Oxford Highlands Center Designation. It is important to note that Oxford's Master Plan Highlands Element will require certain modifications to reflect the anticipated designation of its Highlands Center. As currently developed, the Element incorporates all provisions and requirements applicable to Planning Area lands that are not so designated. With Highlands Center designation, Oxford's revised Highlands Element should: a) recognize and set aside specified areas within the Center that are essential to the protection of critical Highlands Environmental Resources, as applicable; b) provide for areas of infill development and redevelopment that are both consistent with available water supply and wastewater treatment capacities, and designed in accordance with center-based, smart growth development standards; and c) allow for areas of higher density, mixed-use development providing for residential/retail/commercial development consistent with the extent of available utility capacities, in a pedestrian-oriented, center-based format. These modifications will, in large part, supplant the provisions currently included in Oxford's draft Highlands Master Plan Element.

Review of Submittal Document. For purposes of the review that follows, the evaluation pertains to the Element as currently prepared. All recommendations listed herein are intended to apply as a part of the proposed conditions of approval of Oxford's Petition for Plan Conformance (inclusive of modifications as may be required in keeping with the anticipated Highlands Center designation).

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

- a. Policies, Goals & Objectives.** Consistent
 - i. Preservation Area Goals. Consistent
 - ii. Planning Area Goals. Consistent
 - iii. General Purposes of Zoning. Consistent
 - iv. Relationship Between Highlands Act & MLUL. Consistent

- b. Land Use Plan Element.** Consistent
 - i. Highlands Zones and Sub-Zones. Consistent. (Note: Lake Community Sub-Zone Not Applicable – Deleted.)
 - ii. Land Uses. Consistent. The municipality will address/incorporate the minor modifications provided by the Highlands Council.
 - iii. Density and Intensity of Development. Consistent. The municipality will address/incorporate the minor modifications provided by the Highlands Council.
 - iv. Cluster Development. Consistent
 - v. Land Use Inventory. Consistent
 - vi. Redevelopment Planning. Consistent
 - vii. Highlands Center Designation. Following approval by the Highlands Council, the municipality will develop a new subsection to address and support the proposed Oxford Highlands Center.

- c. Housing Plan Element.** Consistent. Review and recommendations concerning the Housing Plan Element appear at item #2 above, Housing Element & Fair Share Plan.

- d. Conservation Plan Element.** Consistent
 - i. Forest Resources. Consistent
 - ii. Highlands Open Waters and Riparian Areas. Consistent
 - iii. Steep Slopes. Consistent

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- iv. Critical Habitat. Consistent
 - v. Carbonate Rock. Consistent
 - vi. Lake Management. Consistent
 - vii. Water Resources Availability. Consistent
 - viii. Prime Ground Water Recharge Areas. Consistent
 - ix. Water Quality. Consistent
 - x. Wellhead Protection. Consistent
 - xi. Low Impact Development. Consistent
- e. **Utility Services Plan Element.** Consistent
- i. Preservation Area. Consistent
 - ii. Planning Area. Consistent
 - iii. Planning & Preservation Areas. Consistent
- f. **Circulation Plan Element.** Consistent
- g. **Land Preservation/Stewardship Plan Element.** Consistent.
- h. **Agriculture Retention/Farmland Preservation Plan Element.** Consistent
- i. **Community Facilities Plan Element.** Consistent
- j. **Sustainable Economic Development Plan Element.** Consistent
- k. **Historic Preservation Plan Element.** Consistent
- i. Historic, Cultural, and Archaeological Resources. Consistent. The municipality will address/incorporate the alternative language that has been inserted into the document by the Highlands Council. It provides for the case where a municipality chooses not to regulate historic resources, which the Highlands Council has determined is an optional component of Plan Conformance, not mandatory.
 - ii. Scenic Resources. Consistent
- l. **Development Transfer Plan Element.** Inclusion of this Section is optional and the municipality has elected to incorporate it. As provided, the Section is consistent.
- i. The Township should build on prior work accomplished through a 2005 Highlands Council grant (MP3 grant program) evaluating the feasibility of TDR receiving area(s) within Oxford's borders.

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m. **Relationship of Master Plan to Other Plans.** Consistent

n. **Appendices.** Consistent.

o. **Highlands Center.** A short summary section has been added to the Element (see above) to address the proposed Oxford Highlands Town Center, as discussed in Appendix B of this document. The proposed Oxford Highlands Town Center is the first phase of Highlands Center planning, as Oxford Township intends to conduct further planning to identify additional areas that may be appropriate for a modified Highlands Center designation at a future date. Any such modification will require approval of the Highlands Council following public comment.

p. **Exhibits.** Consistent. The list of Exhibits includes all that apply to the municipality. ~~The applicable Exhibits are not attached to the Highlands Element, but appear in a separate document.~~

5. **Highlands Area Land Use Ordinance (Module 6).** The proposed Township of Oxford Highlands Area Land Use Ordinance is based on the model Highlands Area Land Use Ordinance provided to municipalities by the Highlands Council. Since the time of issuance of the Model, the Highlands Council, with input from municipal professionals, has made certain revisions to the document to refine and simplify it for purposes of municipal implementation. The Township of Oxford Highlands Area Land Use Ordinance as proposed (including modifications by the Highlands Council), contains all required Highlands Area Land Use Ordinance language and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance. Please note that additional provisions of the Highlands Area Land Use Ordinance will be developed and included specific to the proposed Highlands Center, as appropriate, which in some cases will replace the standard Planning Area provisions relative only to the Highlands Center area.

Review of Submittal Document. For purposes of the review that follows, the evaluation pertains to the Ordinance as currently prepared. All recommendations listed herein are intended to apply as a part of the proposed conditions of approval of Oxford's Petition for Plan Conformance (inclusive of modifications as may be required in keeping with the anticipated Highlands Center designation).

The specific components of the model Highlands Land Use Ordinance are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Plan Conformance, the heading or sub-heading indicates "Consistent." Where minor modifications are required to complete the document for purposes of adoption, the heading or sub-heading indicates, "Minor Modifications Required for Completion." If needed, explanatory discussion is provided.

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- a. **Article 1. Title, Purpose, Scope.** Consistent. The municipality will address/incorporate the minor modifications made by the Highlands Council. Please see revised document text.
- b. **Article 2. Applicability.** Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text.
- c. **Article 3. Definitions.** Consistent. The municipality will address/incorporate the minor modifications made by the Highlands Council. Please see revised document text.
- d. **Article 4. Establishment of Highlands Area Districts.** Consistent. The municipality will address/incorporate the significant modifications made by the Highlands Council, inclusive of new map titles at Section 4.4. Please see revised document text. (Note: Lake Community Sub-Zone is Not Applicable – Deleted.)
- e. **Article 5. Highlands Area Zone District Regulations.** Consistent. The municipality will address/incorporate the significant modifications made to the section by the Highlands Council. In addition, all highlighted sections require municipal selections to finalize. Please see revised document text.
- f. **Article 6. Highlands Area Resource Regulations.** Consistent
 - i. Forest Resources. Consistent
 - ii. Highlands Open Waters & Riparian Resources. Consistent
 - iii. Steep Slopes. Consistent
 - iv. Critical Habitat. Consistent
 - v. Carbonate Rock. Consistent
 - vi. Lake Management Area. Consistent
 - vii. Water Conservation & Deficit Mitigation. Consistent
 - viii. Prime Ground Water Recharge Areas. Consistent
 - ix. Wellhead Protection. Consistent
 - x. Agricultural Resources. Consistent
 - xi. Historic, Cultural & Archaeological Resources. Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text. These regulatory provisions have been made optional, and thus the municipality will need to make a determination regarding the preferred approach to this issue.
 - xii. Scenic Resources. Consistent
- g. **Article 7. Highlands Area General Regulations.** Consistent

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- i. Affordable Housing. Consistent
- ii. Low Impact Development. Consistent
- iii. Conservation Restrictions. Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text.
- iv. Stormwater Management. Consistent
- v. Special Environmental Zone. Consistent
- vi. Septic System Design and Maintenance. Consistent
- vii. Public Water Systems. Consistent
- viii. Wastewater Collection and Treatment Systems. Consistent
- h. Article 8. Planned Development Regulations.** Consistent
 - i. Bulk standards will be determined prior to adoption of Land Use Ordinance.
- i. Article 9. Application Review Procedures & Requirements.** Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text.
- j. Article 10. Appeals, Waivers, Exceptions.** Consistent.. The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text.
- k. Article 11. Enforcement, Violations, Penalties.** Consistent
- l. Appendices.** Consistent. [Please note Highlands Council replacement of SIC Codes with current North American Industry Classification System \(NAICS\) codes in Appendix D, Major Potential Pollutant Sources.](#)
- m. Exhibits.** The Exhibits, including the List of Exhibits and all in-text document references to Exhibits, have been updated by the Highlands Council to include Highlands Council parcel-based maps, which indicate the locations and boundaries of each Highlands Area, Zone, Resource, Resource Area, and Special Protection Area. These Exhibits were not available when the Model Land Use Ordinance was initially provided by the Highlands Council for use in preparing Petitions, but are crucial to the regulatory function of the Highlands Area Land Use Ordinance. Please note that the revised maps have been provided in Adobe® pdf format, and in this case, should not be converted for insertion directly in the MSWord® version of the Ordinance. After adoption, they should accompany the Ordinance at all times, however, as an integral component of it – whether made available to the public in paper or electronic format. As provided currently, the maps are at a scale suited to

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printing on large plotters, for purposes of municipal reproduction and display (ensuring high-resolution detail).

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 for purposes of Plan Conformance.
 - ii. Spreadsheet Portion.** The Spreadsheet Portion has been completed accurately for purposes of Plan Conformance.
- 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:

- a) included all mandatory components required to achieve Plan Conformance; and
- b) incorporated timeframe estimates associated with each mandatory element. The Highlands Implementation Plan and Schedule has been modified since first issued by the Highlands Council. 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 Petitions, including the 2012 State fiscal year.

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

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

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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 accompanied by a request for Highlands Center Designation. This request is described in detail in the attachments at Appendix B, inclusive of the Staff recommendations. The proposal focuses on an area of approximately 367 acres within the downtown area of Oxford Township (fully within the Planning Area), and includes a variety of existing uses and areas of potential development/redevelopment, all proposed to be included in the future sewer service area.

In summary, Highlands Council staff recommends inclusion of the Highlands Center designation in any Highlands Council approval of Oxford Township's Petition for Plan Conformance. Such approval would be accompanied by conditions, as noted in Appendix B, including significant further efforts to fully define the Oxford Highlands Center, specify all existing and intended land uses and resource protections that would apply therein, and develop the needed master plan provisions and development regulations that would govern future land uses in the Highlands Center. These provisions would be included within the Oxford Township Master Plan Highlands Element and Highlands Area Land Use Ordinance, and would override the Planning Area provisions otherwise applicable to the Planning Area with respect to the Highlands Center, unless specifically indicated otherwise. The proposed Oxford Highlands Town Center is the first phase of Highlands Center planning, as Oxford Township intends to conduct further planning to identify additional areas that may be appropriate for a modified Highlands Center designation at a future date. Any such modification will require approval of the Highlands Council following public comment.

4. **Highlands Redevelopment Area Designation Requests.** The Petition for Plan Conformance was not accompanied by any requests for Highlands Redevelopment Area Designation, however, the Township has included within its Highlands Center proposal several sites within the Planning Area that may be appropriate for redevelopment.
5. **Other.** The Petition for Plan Conformance was not accompanied by any other requests for approvals not listed above.

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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 Oxford, as currently proposed by the municipality, be approved with conditions as outlined below.

1. Approval with Conditions. Highlands Council Staff recommend that this Petition for Plan Conformance be approved by the Highlands Council. This finding specifically includes a recommendation that the proposed Highlands Center for Oxford be approved by the Highlands Council, subject to conditions as discussed below and in Appendix B. The approval should be conditioned upon satisfactory completion of all items noted within Sections A through C of this Report (including all items addressed in the herein-referenced Highlands Council Staff-provided MSWord “Track-Changes” versions of the various Petition documents), and in addition, satisfaction of the below-listed requirements.

a. Adoption of Approved Planning Area Petition Ordinance. The municipality shall prepare and submit to the Highlands Council a draft municipal ordinance petitioning the Highlands Council for Plan Conformance with respect to the municipality’s Planning Area lands (based upon or consistent with the model provided by the Highlands Council). 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 Planning Area Petition Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Ordinance adoption 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 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.

b. Adoption of Approved Checklist Ordinance. The municipality shall prepare and submit to the Highlands Council a draft “Checklist Ordinance” (model available) requiring that Development Applications be deemed incomplete by the reviewing board or applicable municipal authority, until or unless accompanied by: a) for applications under Highlands Council jurisdiction, 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 Preservation Area Approval, waiver, or Highlands Applicability Determination indicating non-applicability. With respect to lands within the proposed Oxford Highlands Center, the Highlands Council would also seek consistency with the conditions applicable to

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

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

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

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adopted Highlands Element shall be provided to the Highlands Council. The process of Highlands Element adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands 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.

- e. **Adoption of Approved Highlands Area Land Use Ordinance.** The Highlands Area Land Use Ordinance shall be completed in accordance with the requirements of Section B5 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Area Land Use Ordinance shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. After the municipal Planning Board has adopted the Master Plan Highlands Element, the municipal Governing Body shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Area Land Use Ordinance by the municipal Governing Body. At the conclusion of the process, a certified copy of the adopted Highlands Area Land Use Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Highlands Area Land Use Ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Area Land Use Ordinance, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the Governing Body.

- i. **Municipal Exemption Determinations.** As a component of the Highlands Area Land Use Ordinance, the Township shall provide for “Municipal Exemption Determinations” in accordance with Highlands Council delegation of such authority to the municipality in the Planning Area, or NJDEP delegation in the Preservation Area. (NOTE: NJDEP currently does not have a delegation program; the provisions in the Highlands Land Use Ordinance are provisional.) Such determinations (detailed within the current draft Ordinance) 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 Land Use Ordinance. The effective date of such provisions shall occur only after the municipality indicates readiness to

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proceed and receives written authorization from the Highlands Council or the NJDEP, respectively, granting it the authority to do so.

- ii. Highlands Council Information and Training Sessions.** Prior to the effective date of the Highlands Area Land Use Ordinance, municipal representatives (e.g., Land Use Administrators, Zoning Officials, Planners) shall attend information and training session(s) to be provided by the Highlands Council on the implementation and administrative procedures set forth within the Ordinance. Such sessions will provide detailed instruction on application processes and procedures, notice requirements, Highlands Council referrals and call-up provisions, decision-making and formal action, variances, waivers, exceptions, and enforcement activities. Prior to the effective date of the Municipal Exemption Determination provisions, moreover, municipal representatives (in particular, Exemption Designee(s)) shall attend an information and training session on the exercise of Municipal Exemption Determination authority.

- f. Adoption of Updated Zoning Map.** The Township shall prepare an updated Municipal Zoning Map which shall be adopted immediately following or at the time of adoption of the Highlands Area Land Use Ordinance, to reflect the new overlay Highlands Zones and Sub-Zones. The Zoning Map should also include the delineation of the final limits of this phase of the Oxford Highlands Center, as approved by the Highlands Council (any later phases approved by the Council would be updated at that time). The adoption process shall mirror that outlined above for the Highlands Area Land Use Ordinance.

- g. COAH Approval of Housing Element & Fair Share Plan.** The Highlands Council shall be copied on all related correspondence and kept apprised of the process as it unfolds. Any subsequent revision to the Housing Element and Fair Share Plan shall be provided to the Highlands Council for review and approval prior to implementation by the municipality. Until and unless the municipality secures final approval of a Highlands Council-approved (as RMP consistent) Housing Element and Fair Share Plan, this Plan Conformance component shall remain a conditionally approved item. (In recognition of potential changes in the applicable COAH Rules and State laws pertaining to the provision of affordable housing in the State of New Jersey, 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, at any given time, and maintains consistency with the RMP, so as to protect the municipality from legal challenge.)

- h. 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

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requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final Court- or COAH-approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.

- i. 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. This plan will be recognized as a chapter of the County WMP in accordance with NJDEP Administrative Order 2010-03 and all applicable NJDEP rules and requirements. However, Oxford Township, as a municipality conforming for the full municipal area, will collaborate with the Highlands Council to develop a WMP that conforms to the RMP, on a schedule based on Plan Conformance approval. The Highlands Council will draft the WMP using information from the Township, and collaborate with the Township to finalize the WMP for NJDEP consideration and approval.
- j. 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

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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. The Highlands Implementation Plan & Schedule includes an allocation toward development of a Water Use and Conservation Management Plan for the *Furnace Brook* subwatershed [HUC14 02040105090050]. The Highlands Council will serve as lead for this project.
- Habitat Conservation & Management Plan. The Highlands Implementation Plan and Schedule includes an allocation toward development of a municipal-wide Habitat Conservation & Management Plan. This Plan will identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects. Funds to be released upon approval of scope of work.
- Stormwater Management Plan (Updates Only)
- Agricultural Retention/Farmland Preservation Plan: The Highlands Implementation Plan and Schedule includes an allocation toward development of a municipal-wide plan to address the ongoing needs of agricultural businesses for economic sustainability.
- Sustainable Economic Development Planning (Master Plan Element). This master plan element will include an overview of economic development opportunities within Oxford Township, including an investigation of potential redevelopment sites, with special attention to the “triangle” between Washington Street, Wall Street, and Route 31. The Township will also develop strategies for incorporating the wealth of existing historic resources within the community’s overall economic development plan. The Highlands Implementation Plan and Schedule has been modified to include an allocation to accomplish this task, with linkage to the planning discussed below regarding Highlands Center designation and redevelopment areas.
- Implementing ordinances associated with each of the above (long-term, as applicable), as well as a Right to Farm ordinance (adoption

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of which is anticipated earlier in the Plan Conformance phase without need for a prior planning/program document).

- iv. Non-Mandatory Components.** The Highlands Implementation Plan and Schedule also provides for certain non-mandatory components including development and implementation of the plans herein listed, all intended as municipal-wide, long-term initiatives unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans be developed in a manner to ensure that implementation is both feasible and practicable, potentially involving assistance of outside agencies/organizations, working cooperatively for and with the municipality. In each case where the municipality will serve as lead, release of funds is contingent upon approval of a scope of work by the Highlands Council Executive Director.
- Stream Corridor Restoration/Protection Plan. The Highlands Implementation Plan and Schedule includes an allocation for the development of a Stream Corridor Restoration/Protection Plan to focus on the quality of streams affected by the proposed Highlands Town Center. Funds to be released upon approval of scope of work.
 - Highlands Center Designation/Redevelopment Planning. The Highlands Implementation Plan and Schedule includes an allocation for the preparation of a Highlands Center designation. Planning for the Center will be linked with the work accomplished through the Sustainable Economic Development Plan element described above. The Center will also incorporate redevelopment opportunities, with particular attention given to the “triangle” between Washington Street, Wall Street, and Route 31, as described above.
- k. Revisions/Amendments Subject to Highlands Council Approval.** Any proposed revision or amendment to any of the aforementioned documents, or to any other document, plan, or other item approved by the Highlands Council as a component of Plan Conformance, shall be provided to the Highlands Council for review. In the event the Highlands Council staff determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the applicable municipal board, commission, or governing body. Any revision or amendment adopted without the approval of the Highlands Council may subject the municipality to revocation of Plan Conformance approval.

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2. **Optional Petition Requests.** The findings below apply to the Optional Petition Requests discussed at Section C of this Report.

- a. **Highlands Center Designations.** The Highlands Center Designations requested in connection with this Petition for Plan Conformance should be approved subject to the conditions listed and discussed in detail at Appendix B.

E. MUNICIPAL RESPONSE PERIOD

The Highlands Council provided a Draft Consistency Review and Recommendations Report dated June 22, 2011, to the municipality on June 22, 2011. Prior to expiration of the allocated Municipal Response period, the Township of Oxford indicated that it would not be submitting revised or supplemental materials at this time, but reserved the option to provide further input during the public comment period. The Township retains that prerogative and moreover, may seek modifications to any of the documents, as needed, even after Petition approval by the Highlands Council. Provided such modifications are consistent with the RMP and the Highlands Council approval, they may be authorized upon review by Highlands Council staff.

F. COMMENTS FROM THE PUBLIC

The Final Draft Consistency Review and Recommendations Report ~~was~~ posted to the Highlands Council website and made available (in paper format) at the Highlands Council offices in Chester, NJ, for review and comment by the general public. ~~Comments may be submitted to the Highlands Council by e-mail (maryjude.haddock-weiler@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.~~

Two comments were received during the period established by the Highlands Council for receipt of written public comment (July 8, 2011 – July 22, 2011). Upon its completion, ~~the~~ comment/response document ~~will be~~ attached to this document, at Appendix C.

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 Oxford, ~~remain~~ unchanged/~~require substantial revision/require only minor modifications~~ from the Preliminary

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Staff Recommendations at Section D 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 Oxford, 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.~~

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APPENDIX A

HIGHLANDS COUNCIL REVIEW
MODULE 3 HOUSING ELEMENT AND FAIR SHARE PLAN

Draft Housing Element & Fair Share Plan

Township of Oxford, Warren County

Date of Draft: 03/01/10

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MODULE 3 REVIEW FORM December 8, 2009 Submission

MUNICIPAL INFORMATION			
Municipal Code: 2117	Date: 02/18/2010		
Municipality: Oxford Township			
REVIEW CHECKLIST			
	Yes	No	N/A
1. Review Affordable Housing Obligation			
a. Prior Round Obligation Correct;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Rehab Obligation Correct (Optional)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Growth Share Obligation and Calculations Correct (see Workbook D);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Review of Highlands Consistency Review Report(s) required (use Site Review form);	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Housing Transfer (RAHDP) Letter of Interest (Optional).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Sending	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Receiving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIGHLANDS COUNCIL STAFF REVIEW			
Follow up Required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Comments: Two existing prior round sites. No prior round site review required because the projects have already been constructed.			
Reviewer Name: James Humphries			
Initial: pjh	Date: 02/18/2010		

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APPENDIX B

HIGHLANDS COUNCIL REVIEW

REQUEST FOR HIGHLANDS CENTER DESIGNATION

Township of Oxford, Warren County

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Highlands Council Staff Draft Recommendation Report

Proposed Highlands Center Designation

Township of Oxford, Warren County

Application Type:	<i>Proposed Highlands Center Designation</i>
Name:	<i>Oxford Highlands Town Center</i>
Municipality:	<i>Township of Oxford</i>
County:	<i>Warren County</i>
Highlands Act Area:	<i>Planning Area</i>
Proposed:	<i>Highlands Town Center Designation for the Township of Oxford</i>

Executive Summary

Oxford Township was established in 1754 in response to the iron mining operations being conducted in the area. The Oxford Furnace had been built in 1741 and, although it was the third furnace in Colonial New Jersey, it was the first constructed near ongoing iron ore mining. The “village” grew around the furnace and its mines with much of the lands owned by “The Iron Company.” Oxford Furnace is distinguished as the longest operating mine and mill in the country’s history, running from 1741 to around 1940. Other industrial operations followed, including the Oxford Textile Mill, and the Township thrived for a time as an industrial employer within a largely rural area.

Today Oxford Township is home to a rich array of historic sites, including two historic districts; one located entirely within the other. The Oxford Furnace District established in 1970 has been completely subsumed by the larger Oxford Industrial Historic District formed in 1991. The Oxford Industrial Historic District encompasses much of the developed sections of the Township, extending along Route 31, Lower Denmark Road, Belvidere Avenue, Buckley Avenue, Washington Avenue, Jonestown Road, Mine Hill Road, Academy Street, and Church Street. The District is listed on both the State and National Registers of Historic Places and contains 394 contributing historic resources, including the Oxford Furnace, Shippen Manor, Oxford Methodist Church (originally a grist mill), and Oxford Presbyterian Church, as well as many individual dwellings. This extensive and unique concentration of historic resources offers valuable opportunities for the Township to explore as part of their economic development planning, including heritage tourism and destination marketing.

The proposed Oxford Highlands Town Center generally follows the boundaries of the original Village Center endorsed by the State Planning Commission. The Highlands Town Center (see Figure 1) is completely within the Planning Area and encompasses the anticipated redevelopment and development areas and downtown core of the Township, as well as certain areas with significant environmental value within the Highlands Center that are targeted for open space protection (labeled Highlands Environmental Resource Sites, “HERS”). With the exception of the HERS, all properties in the Highlands Center are proposed to be included within the Future Sewer Service Area. The proposed Oxford Highlands Town Center is the first phase of Highlands Center planning, as Oxford Township intends to conduct further planning to identify additional areas that may be appropriate for a modified Highlands Center designation at a future date. Any such modification will require approval of the Highlands Council following public comment.

The Highlands Council encourages adoption of an intra- or regional transfer of development rights (TDR) program where feasible. Oxford Township has in the past, through a Highlands Council grant, undertaken a study of the feasibility of TDR within its borders, specifically evaluating several sites as potential TDR

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receiving areas. As part of the Highlands Center designation process, including any potential Phase 2 Highlands Center designation, the Township will review this study and assess the viability of identifying TDR receiving area(s) within the Township, such as the potential for intra-municipal TDR that would preserve farmland in the Conservation Zone west of Route 31.

The Township has identified several areas for development and redevelopment within the proposed Highlands Center boundaries. The Oxford Textile Mill Redevelopment Area was adopted by the Oxford Township Committee on April 18, 2007 and most recently updated on August 18, 2008. Plans for this area include mixed use development, with residential, commercial and retail space, and open space. The area encompasses approximately 271 acres (Block 33, Lots 4, 4.02, and 4.03) and is bordered by Lower Denmark Road to the north and west, Foundry Street to the south, and Axford Avenue to the east. Most of the area is within Block 33, Lot 4, and most of that lot is proposed for use as a commercial wetlands mitigation bank project. The proposed Oxford Highlands Town Center excludes all of the wetlands mitigation bank area.

The area known as the “triangle” (Block 45 Lot 1) located between Washington Street, Wall Street, and Route 31 is the location of the former Oxford Iron and Nail Company. The structures have been damaged by fire, however, Oxford’s 2000 Master Plan calls for restoration of the Company Store Building and redevelopment of the site. The “triangle” is across Washington Avenue from Shippen Manor and has been a focus of Township attention for many years.

The intent of Highlands Center designation is to advance sustainable economic development within Oxford Township while preserving the integrity of Highlands resources and establishing a comprehensive open space and recreation network. The Township’s stated goals for the Highlands Center are to: preserve and enhance the historic nature of the community; improve traffic safety and aesthetics of the Route 31 corridor; recognize environmentally sensitive areas and promote their preservation; expand and maintain local parks and recreation areas; preserve, enhance and protect the existing farmland properties in the Township; encourage the development of the existing town center; recognize the historic character of the town center and strive to maintain and enhance it through the use of consistent and compatible architectural themes and community design features; and develop a housing rehabilitation program.

Having reviewed all aspects of the proposed Oxford Highlands Town Center, the Highlands Council staff concludes that designation of Oxford’s proposed Highlands Town Center would advance the goals and purposes of both the Highlands Act and the Highlands Regional Master Plan (RMP). Highlands Center designation would have no negative impact upon the public good nor be detrimental to the RMP or the local master plan. Designation would confer substantial benefits upon each, the municipality, the sub-region in which the municipality is located, and the Highlands Region as a whole. Highlands Council staff recommends approval of this Highlands Center by the Highlands Council as a component of Plan Conformance for the Township of Oxford.

Highlands Resources Affected by the Highlands Center Designation

Much of the proposed Oxford Highlands Town Center is currently developed. Highlands resources within the developed areas are very limited. In some cases, Highlands resources do exist within the proposed Highlands Center but will be protected in the same manner as equivalent resources within the Existing Community Zone.

Only one area of significant Highlands Resources, in the southeast corner of Block 33, Lot 4, is proposed for development within the Highlands Center. This area is forested land within a Forest Resource Area and is mapped as Critical Habitat. The portion included within the proposed Highlands Center was preliminarily mapped as wetlands; however, a Letter of Interpretation from the NJDEP has established that a significant area near the road is not wetlands. The verified wetlands areas have been excluded from the Highlands Center. Under the RMP, the benefits of Highlands Center designation is compared to potential losses of Highlands Resources, with consideration of mitigation opportunities provided by or committed to by the

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Township, with a goal of no net loss of resources relative to conditions that would apply absent Highlands Center designation. Oxford Township proposes that certain areas with development potential be set aside as part of the commitment to no net loss of resources.

Three areas within the proposed Town Center have been identified as Highlands Environmental Resources (HERS): 1) Axford Avenue/Hill Street near the Mansfield Township border; 2) Shippen Manor area/Belvidere Avenue; and 3) Furnace Lake Area/Township-owned land. Each of these three HERS contains Forest within a Forest Resource Area, Critical Habitat, and Steep Slopes. The area near Furnace Lake also includes Streams, Wetlands, Riparian Corridor and Open Water Protection areas. Each site has development potential, as they currently are not preserved and could be sold for development by the Township. All of the HERS are to be protected as a condition of Town Center planning, along with additional conditions as enumerated here and repeated under the Conditions section below. These conditions are specific to the Oxford Highlands Town Center to address potential impacts to Highlands Resources known to be located within the proposed (Phase 1) boundaries.

1. Critical Habitat: A site-specific assessment of critical habitat shall be developed for that portion of Block 33 Lot 4 within the Highlands Center, to analyze the current status and potential for loss of habitat and to plan for minimization of impacts. Development on the forested portion of Block 33 Lot 4 property shall be guided by the site-specific habitat analysis and design of the site shall seek to minimize the impact on critical habitat. Performance standards shall be developed, in coordination with Highlands Council staff, to measure the level of success of the various protection measures. In addition, the preservation of the properties discussed below will protect critical habitat that could otherwise have been lost through development of those parcels.

A 14 acre portion of Block 33 Lot 4, in the southeast corner, is proposed for development of single family homes. This area is adjacent to verified wetlands identified by the NJDEP Letter of Interpretation discussed above. A 150 foot buffer area is associated with those wetlands, 75 feet of which is located outside of the proposed Highlands Center boundary (reflecting the minimum width allowed through a transition area averaging waiver, which would not be disturbed) and the remainder within the proposed Highlands Center boundary. The 75 foot buffer section within the Highlands Center would be disturbed only upon NJDEP approval of a transition area averaging waiver in accordance with N.J.A.C. 7:7A-6.1 and 6.2. The resulting area of non-wetlands forested Critical Habitat that may be lost, depending on development design, would be approximately 12 acres and potentially less. Based on a recent survey of applicable methods, the Highlands Council concludes that a reasonable ratio for mitigation regarding loss of forested Critical Wildlife Habitat would be on the order of 2.5 or 3 acres for each acre of loss. Assuming 12 acres of loss, the range of mitigation would then be from 30 to 36 acres. To offset this anticipated resource loss, Oxford Township proposes to preserve approximately 32 acres of land that were previously acquired for municipal purposes and held for potential development. Eleven (11) acres would be preserved in what is known as the “Coachlight Property” and 21 acres would be preserved in the area known as “Cambridge West.” The 32 acres of forest habitat that would be preserved is within the range of 2.5:1 to 3.0:1 ratio of mitigation. This level of mitigation is essentially consistent with a “no net loss” requirement for Critical Habitat. Should development design further reduce the loss of Critical Habitat, some of the mitigation lands may be available for future use. In addition, part of the “Coachlight Property” may be currently in non-forested or disturbed forest condition, providing an opportunity for forest habitat restoration, serving as further mitigation. The Highlands Council will work with Oxford Township to identify potential funding sources for forest restoration, should this option be available.

Highlands Center development provides for flexibility within its borders to both protect resources while allowing for a reasonable level of development. As noted above, the wetland buffer required

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by the NJDEP Letter of Interpretation is 150 feet, unless modified by a transition area averaging waiver. The Highlands Regional Master Plan generally requires a 300 foot buffer on all Highlands Open Waters, however, relief from the strict adherence to standards may be granted in Highlands Center designations. Within the Highlands Oxford Town Center, particularly Block 33 Lot 4, development will be based upon the site-specific analysis and the transition area will be between 150 feet and 75, as appropriate under N.J.A.C. 7:7A, with mitigation for Critical Habitat based upon the full area of habitat lost.

2. **Forests within a Forest Resource Area, Conservation Zone:** Development on a portion of the Block 33 Lot 4 property would require mitigation, as per Policy 1B2 and Objective 1B2a. As discussed above in Critical Habitat, up to approximately 12 acres of non-wetlands forested lands may be lost, depending on development design. Low Impact Development (LID) practices shall be followed for the development of this parcel in order to limit disturbance and protect the forest resources. Mitigation for the forest impacts can be accomplished through the preservation of forest parcels of equal or higher quality habitat or through habitat enhancement or creation on parcels that are not currently high quality forest habitat. Ratios for forest mitigation would be determined by calculating the quality of the current forest and determining a quality score. Given that the area of forest losses is the same area as the Critical Habitat losses, the Highlands Council considers mitigation that is sufficient for Critical Habitat, as discussed above, to also be sufficient for Forests within a Forest Resource Area.
3. **Highlands Open Water Buffers:** As discussed above, the Highlands Regional Master Plan generally requires a 300 foot buffer on all Highlands Open Waters, however, relief from the strict adherence to standards may be granted in Highlands Center designations. Within the Highlands Oxford Town Center, particularly Block 33 Lot 4, development will be based upon the site-specific analysis and the transition area will be between 150 feet and 75, as appropriate under N.J.A.C. 7:7A, with mitigation for Critical Habitat based upon the full area of habitat lost. The proposed Highlands Land Use Ordinance does not include any modifications to Highlands Land Use Ordinance provisions for Highlands Open Water Buffers outside the designated Highlands Center. Development on a portion of the Block 33 Lot 4 property shall require a 150 foot protection buffer from the delineated Letter of Interpretation (LOI) line issued by the NJDEP for wetlands.
4. **Carbonate Rock:** The proposed Highlands Center designation does not include any modifications to Highlands Land Use Ordinance provisions for Carbonate Rock Areas. Any proposed development within the limits of the Carbonate Rock Area shall be preceded by a Geotechnical Investigation to locate karst features. The investigation shall occur in two phases: 1) Phase I Geological Investigation which shall identify the geologic nature of the materials underlying the site based on a review of existing available information, such as prior investigation reports on properties proximate to the subject parcel(s), aerial photography, and on-site field investigation. 2) Phase II Geological Investigation, if warranted based on the findings of the Phase I Investigation, shall delineate and define karst features noted or suspected in the Phase I Geological Investigation and evaluate the effects of those features on the proposed development and propose methods of protection and mitigation if needed.

Anticipated Sewer and Water Capacity for the Highlands Center Designation

The proposed Oxford Highlands Town Center would be served for wastewater treatment by the Pequest River Municipal Utilities Authority (PRMUA) Oxford Sewage Treatment Plant. The current design capacity of the Oxford Sewage Treatment Plant is 500,000 gallons per day (gpd). The average annual flow through the plant is currently estimated at approximately 220,000 gpd. The Resource Recovery Plant/Landfill sends approximately 50,000 gpd of leachate through the system; however, the landfill is slated for closure within the

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next 5 to 10 years. Once capped, the anticipated flow will be less than 1,500 gpd. The estimated capacity available to meet the needs of new development and redevelopment within the Township is 150,000 gpd; with an increase to approximately 200,000 gpd once the landfill is closed.

Development of Block 33, Lots 4, 4.02, and 4.03 within the Highlands Center is expected to generate an approximately 88,400 gpd demand for sewer treatment capacity. Infill redevelopment in the remaining Highlands Town Center is anticipated to require 22,350 gpd of sewage capacity. The total, anticipated need is approximately 110,750 gpd, which is within the estimated available capacity (see Table 1 at the end of this section).

The water purveyor for Oxford Township is New Jersey American Water Company (Oxford and Washington Systems). According to the Oxford Township Highlands Municipal Build-Out Report, this system has an available capacity (2003 data) of 7.25 million gallons per month (MGM), a portion of which is available to Oxford Township. Currently only 110 acres are served by public water in the Planning Area of Oxford Township. Assuming that water supply demands are approximately 127 percent of sewer demands (i.e., that sewer demands are 79 percent of water supply, based on the RMP Water Resources Technical Report), the proposed Oxford Highlands Town Center is expected to generate demand for roughly 140,000 gallons per day, or 4.26 MGM. The capacity of this water supply system to provide sufficient water to Oxford Township, while also providing sufficient flow for the Washington Borough and Washington Township portions of the system, is currently unknown and must be determined prior to approval of development.

Rationale for Approval of Highlands Center Designation

As provided in the RMP, “Municipalities may seek the designation of centers, cores, and nodes through Plan Conformance by proposing such a designation in a Petition for Plan Conformance that is both consistent with the State Development and Redevelopment Plan’s (State Plan) criteria for center, core, and node designation and is in conformance with the Regional Master Plan. Designated centers, cores, and nodes in the Highlands Region may include the full range of types afforded by the State Plan.” The proposed Oxford Highlands Town Center conforms to this intent.

1. Highlands Center designation directly addresses the goals of the Highlands Act for the Planning Area and supports RMP Future Land Use Programs associated with the identification of suitable locations within the Planning Area in which to permit and encourage appropriate, sustainable growth and development.
2. The Oxford Highlands Town Center addresses the principles of smart growth, both locally and within the larger Highlands Region, and is supportive of Highlands Regional Master Plan Policy 6F6, Objective 6F6a, and Policies 6O2 and 9A3.
3. The Oxford Highlands Town Center focuses future development and redevelopment into the core of the Township and provides for appropriate sustainable growth and economic development opportunities.
4. The unique concentration of historic resources within the proposed Highlands Town Center presents an opportunity to incorporate these resources into the sustainable economic development plan for the Township, including a component of sustainable tourism.
5. The Highlands Town Center incorporates smart growth principles espoused by the RMP Future Land Use Programs and incorporates the Fair Share Plan affordable housing obligations for the municipality in accordance with the RMP.
6. The proposed Oxford Highlands Town Center addresses the Sustainable Regional Economy component of the RMP by maintaining and expanding the existing job and economic base by

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promoting appropriate, sustainable and environmentally compatible economic development in the Highlands Region.

7. Incorporation of a condition for development of a Water Use and Conservation Management Plan (WUCMP) for affected HUC14 subwatersheds provides opportunity for enhanced water resource protections in a key location of the Highlands Region. The purpose of the WUCMP is to avoid creation of a deficit or achieve the reduction or elimination of a deficit in Net Water Availability, as applicable, for any source HUC14 subwatershed through measures for conservation and recharge protection and augmentation.
8. Plans for the Highlands Center include supplementing the existing preserved open space lands which could facilitate the creation of an interconnected recreation network.

Conditions of Highlands Center Designation

1. Adoption of an ordinance petitioning for Plan Conformance with respect to all Planning Area lands.
2. Development within the Oxford Highlands Town Center shall include sufficient affordable housing to meet the Township's constitutional obligations and any statutory requirement.
3. The Oxford Highlands Town Center shall align development plans with available water supply and wastewater treatment capacities in accordance with an NJDEP approved Wastewater Management Plan, which shall be developed through a coordinated effort of the Highlands Council and the Township. As part of that analysis, the capacity of New Jersey American Water Company (Oxford and Washington Systems) to provide sufficient water to Oxford Township, while also providing sufficient flow for the Washington Borough and Washington Township portions of the system, must be determined.
4. Any development in the forested area of Block 33, Lot 4 and other parcels must be low impact residential development that utilizes Low Impact Development Best Management Practices and have an associated approved forest mitigation plan, as per Policy 1B2 and Objective 1B2a.
5. Low Impact Development Best Management Practices for Critical Habitat shall follow the following order of preference: 1) avoid disturbance; 2) minimize impacts; and 3) mitigation. Mitigation shall be towards the goal of "no net loss," to the maximum extent practicable.
6. Oxford Township will develop a municipal-wide Habitat Conservation & Management Plan to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects, which shall establish mitigation requirements, where applicable and appropriate, for development within the Oxford Highlands Town Center.
7. Adoption of ordinance provisions governing the Highlands Town Center that include the relevant development and redevelopment conditions required by the RMP Water Resources and Water Utilities Program, and the Future Land Use Program – Low Impact Development, Redevelopment and Housing and Community Facilities components.
8. The Oxford Highlands Town Center ordinance shall: identify environmentally sensitive lands as Highlands Environmental Resources and restrict future disturbance activities; maximize protection of Highlands resources within the context of center-based development; incorporate already-developed areas having potential for infill development and redevelopment; utilize clustered development for residential development areas; and achieve compact development of the mixed-use area.

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9. Oxford Township shall develop a Sustainable Economic Development Plan that incorporates the existing wealth of historic resources, as well as sensitive redevelopment of the “triangle” located between Washington Street, Wall Street, and Route 31.
10. Oxford Township shall, in cooperation with the New Jersey Department of Transportation, take actions to the maximum extent practicable to address the safety issues associated with Route 31 and pedestrian safety. This effort shall consider the development of a “complete streets” approach for the section of Route 31 that travels through Oxford Township, particularly the downtown area.
11. Oxford Township shall develop a plan for an interconnected open space and recreation network system to serve the entire Township, as well as providing a recreation destination within the Highlands Region.
12. Critical Habitat: Development on a portion of the Block 33 Lot 4 property shall utilize the findings and conclusions of the site-specific Critical Habitat assessment and incorporate appropriate protection measures for restoration and enhancement of critical habitat lands through development design. Performance standards shall be developed, in coordination with Highlands Council staff, to measure the level of success of the various protection measures. In addition, the preservation of the properties discussed below will protect critical habitat that could otherwise have been lost through development of those parcels. A conservation easement, as approved by the Highlands Council, shall be attached to the deeds of the specific parcels.

An approximately 12 acre portion of Block 33 Lot 4, in the southeast corner, is proposed for development of single family homes. Assuming 12 acres of loss, the range of mitigation would then be from 30 to 36 acres. To offset this anticipated resource loss, Oxford Township will preserve approximately 32 acres of land previously acquired for municipal purposes and held for potential development, which is within the range of 2.5 to 3.0 ratio of mitigation. Eleven (11) acres would be preserved in what is known as the “Coachlight Property” (which will also be evaluated for potential reforestation options with assistance from the Highlands Council) and 21 acres would be preserved in the area known as “Cambridge West.”

13. Forests within a Forest Resource Area, Conservation Zone: Up to approximately 12 acres of non-wetlands forested lands may be lost, depending on development design. Low Impact Development (LID) practices shall be followed for the development of this parcel in order to limit disturbance and protect the forest resources. Given that the forest losses are the same area as the Critical Habitat losses, the Highlands Council considers mitigation sufficient for Critical Habitat to also be sufficient for Forests within a Forest Resource Area.
14. Highlands Open Water Buffers: Within the Highlands Oxford Town Center, particularly Block 33 Lot 4, development will be based upon the site-specific analysis and the transition area will be between 150 feet and 75, as appropriate under N.J.A.C. 7:7A, with mitigation for Critical Habitat based upon the full area of habitat lost. The proposed Highlands Land Use Ordinance does not include any modifications to Highlands Land Use Ordinance provisions for Highlands Open Water Buffers outside the designated Highlands Center. Development on a portion of the Block 33 Lot 4 property shall require a 150 foot protection buffer from the delineated Letter of Interpretation (LOI) line issued by the NJDEP for wetlands.
15. Carbonate Rock: In keeping with Highlands Land Use Ordinance provisions for Carbonate Rock Areas, any proposed development within the limits of the Carbonate Rock Area shall be preceded by a Geotechnical Investigation to locate karst features. The investigation shall occur in two phases: 1) Phase I Geological Investigation which shall identify the geologic nature of the materials underlying

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the site based on a review of existing available information, such as prior investigation reports on properties proximate to the subject parcel(s), aerial photography, and on-site field investigation. 2) Phase II Geological Investigation, if warranted based on the findings of the Phase I Investigation, shall delineate and define karst features noted or suspected in the Phase I Geological Investigation and evaluate the effects of those features on the proposed development and propose methods of protection and mitigation if needed.

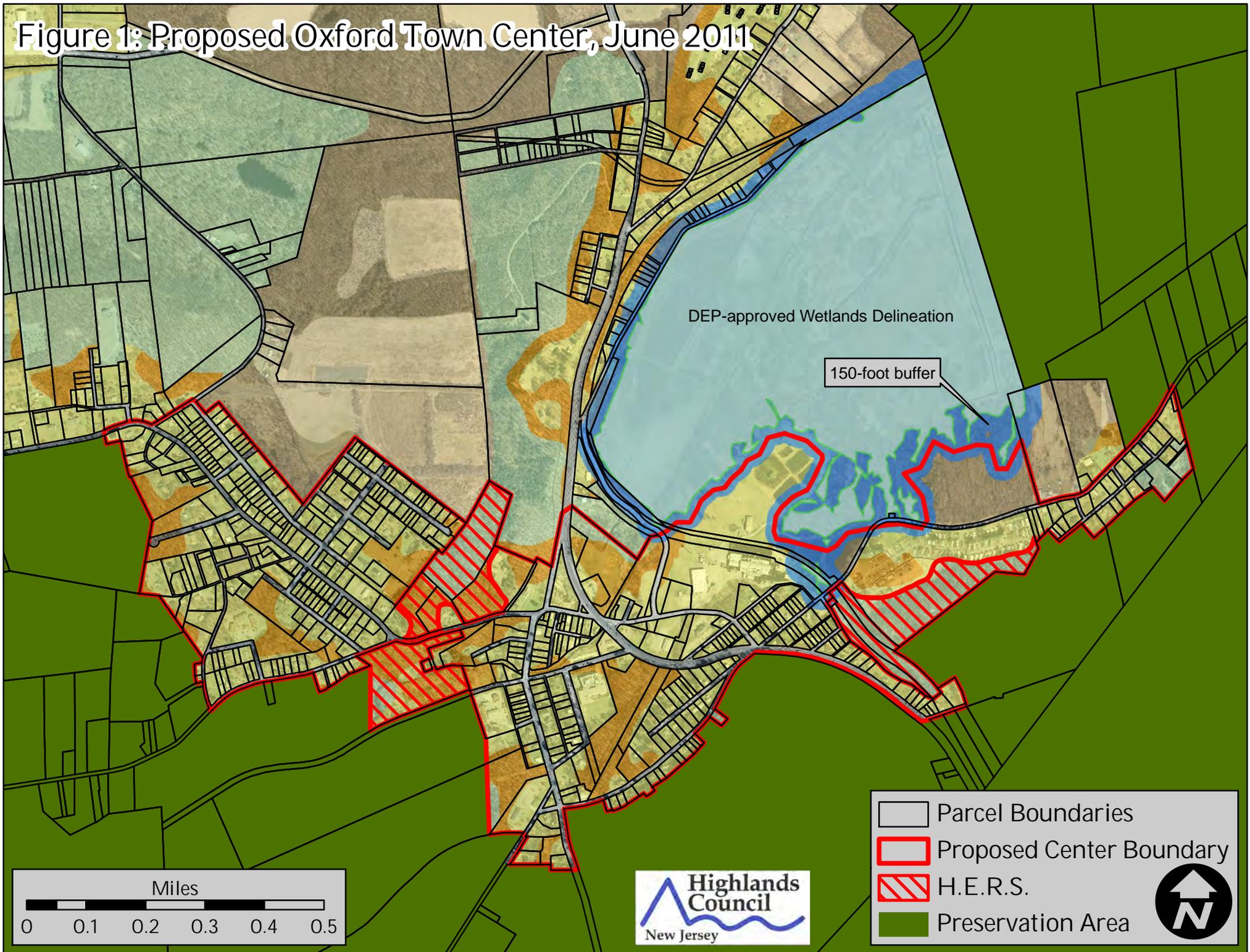
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Table 1 – Anticipated Sewer Capacity for Oxford Highlands Town Center			
Phase 1 – Oxford Town Center			
<i>Available Sewer GPD</i>	<i>150,000</i>		
OTI Redevelopment Area			
<i>Development Type</i>	<i># of Dwellings</i>	<i>Total Square Feet</i>	
Single Family	40		
Townhomes	95		
2-4 Family	95		
Apartments (2 stories above retail/office)	95		
Retail/Office		40,000	
Total	325	40,000	
Single Family Residential (40 Dwellings)			
<i>Unit Type</i>	<i>Sewer Capacity Required/ Dwelling</i>	<i># of Units</i>	<i>Sewer Requirement</i>
Two Bedroom	225	0	0
Three Plus Bedrooms	300	40	12,000
	<i>Sub-Total</i>	<i>40</i>	<i>12,000</i>
Townhomes (95 Dwellings)			
<i>Unit Type</i>	<i>Sewer Capacity Required/ Dwelling</i>	<i># of Units</i>	<i>Sewer Requirement</i>
Two Bedroom	225	47	10,575
Three Plus Bedrooms	300	48	14,400
	<i>Sub-Total</i>	<i>95</i>	<i>24,975</i>
2-4 Family (95 Dwellings)			
<i>Unit Type</i>	<i>Sewer Capacity Required/ Dwelling</i>	<i># of Units</i>	<i>Sewer Requirement</i>
Two Bedrooms	225	47	10,575
Three Plus Bedrooms	300	48	14,400
	<i>Sub-Total</i>	<i>47</i>	<i>24,975</i>
Apartments (95 Dwellings)			
<i>Unit Type</i>	<i>Sewer Capacity Required/ Dwelling</i>	<i># of Units</i>	<i>Sewer Requirement</i>
One Bedroom	150	20	3,000
One Bedroom - COAH	150	11	1,650
Two Bedroom	225	21	4,725
Two Bedroom - COAH	225	11	2,475
Three Plus Bedrooms	300	21	6,300
Three Plus Bedrooms - COAH	300	11	3,300
	<i>Sub-Total</i>	<i>95</i>	<i>21,450</i>
Commercial/Office (40,000 sf)			
<i>Development Type</i>	<i>Sewer Capacity Required/ 1 sf</i>	<i>Development Size</i>	<i>Sewer Requirement</i>
Commercial/Retail/Office	0.125	40,000	5,000
	<i>Sub-Total</i>	<i>40,000</i>	<i>5,000</i>

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Table 1 – Anticipated Sewer Capacity for Oxford Highlands Town Center			
Phase 1 – Oxford Town Center			
	<i>OTI Residential Sewer Requirement GPD</i>		<i>83,400</i>
	<i>OTI Non-Residential Sewer Requirement GPD</i>		<i>5,000</i>
	<i>Total OTI Development GPD</i>		<i>88,400</i>
Existing Town Center			
<i>Development Type</i>	<i>Sewer Capacity Required</i>	<i>Development Size</i>	<i>Sewer Requirement</i>
Commercial/Retail/Office	0.125	20,000	2,500
One Bedroom	150	15	2,250
Two Bedroom	225	15	3,375
	<i>Sub-Total</i>		<i>8,125</i>
Ox-Wall Site			
<i>Development Type</i>	<i>Sewer Capacity Required</i>	<i>Development Size</i>	<i>Sewer Requirement</i>
Commercial/Retail/Office	0.125	40,000	5,000
One Bedroom	150	15	2,250
Two Bedroom	225	15	3,375
	<i>Sub-Total</i>		<i>10,625</i>
Single Family Homes Health & Safety			
<i>Development Type</i>	<i>Sewer Capacity Required/ Dwelling</i>	<i># of Units</i>	<i>Sewer Requirement</i>
Three Plus Bedrooms	300	12	3,600
	<i>Sub-Total</i>	<i>12</i>	<i>3,600</i>
	<i>Residential Sewer Requirement GPD</i>		<i>14,850</i>
	<i>Non-Residential Sewer Requirement GPD</i>		<i>7,500</i>
	<i>Total Other Development GPD</i>		<i>22,350</i>
	<i>Remaining Capacity</i>		<i>39,250</i>

Figure 1: Proposed Oxford Town Center, June 2011



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APPENDIX C

MUNICIPAL AND PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Township of Oxford, Warren County

Public Comment Period: July 8, 2011 to July 22, 2011

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MUNICIPAL COMMENT/RESPONSE SUMMARY

Oxford Township submitted a formal written comment in the form of a letter dated July 21, 2011 from Paul Gleitz, PP, AICP of Heyer, Gruel & Associates, the Township's professional planning consultant. Following is a summary of their comments and responses from the Highlands Council.

Comment/Response to Oxford Township Municipal Response Letter dated July 21, 2011

1. **Comment:** Oxford Township will work with the Highlands Council to provide updated information regarding open space, recreation, farmland and other preserved lands.

Response: Highlands Council acknowledges the Township's comment and will continue to work with the Township to identify a comprehensive list of open space, recreation, farmland and other preserved lands.

2. **Comment:** Oxford Township will review the new language regarding Historic Preservation in the Highlands Master Plan Element and the Land Use Ordinance.

Response: Highlands Council acknowledges the Township's commitment to review the amended language in the Historic Preservation section of the Highlands Master Plan Element and the Land Use Ordinance. Given the richness of the historic resources within the Township and the existence of many of these resources within the proposed Oxford Highlands Town Center, the Highlands Council has allocated funding for a Sustainable Economic Development Plan Element to explore economic development opportunities within Oxford Township, including strategies for incorporating the wealth of existing historic resources within the community's overall economic development plan.

3. **Comment:** Oxford Township will continue to consider an intra-Municipal Transfer of Development Rights (TDR) program.

Response: Highlands Council acknowledges the Township's commitment to investigate the potential for a TDR program and will continue to assist the Township in these efforts.

4. **Comment:** Oxford Township may, as they conduct Center planning, identify areas that may be appropriate for future Center designation.

Response: Highlands Council acknowledges the Township's intention to conduct further planning to identify additional areas that may be appropriate for a modified Highlands Center in the future.

5. **Comment:** Oxford Township will review the new language regarding Conservation Restrictions in the Land Use Ordinance.

Response: Highlands Council acknowledges the Township's commitment to review the amended language regarding Conservation Restrictions in the Land Use Ordinance. This section is particularly important in relation to lands to be set aside for mitigation.

6. **Comment:** Oxford Township will work with the Highlands Council to develop bulk standards for planned development.

Response: Highlands Council staff will assist Oxford Township in the development of bulk standards for planned development.

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7. Comment: Oxford Township agrees with the schedule and timing outlined in the Implementation Plan and Schedule, but may choose to prioritize specific planning elements, such as Center planning.

Response: Highlands Council staff will work cooperatively with Oxford Township to facilitate the timely completion of the components outlined in the Highlands Implementation Plan and Schedule, and will allow flexibility in the timing of specific items as the Township moves through plan conformance implementation.

8. Comment: Oxford Township would like further direction and guidance regarding Low Impact Development Best Management Practices (LID-BMPs) relative to the forest mitigation plan and critical habitat.

Response: Highlands Council staff will work closely with Oxford Township in the development of a forest mitigation plan to offset the potential loss of forest within the designated Highlands Town Center. As stated in Appendix B of the Final Draft Consistency Review and Recommendations Report (Final Draft Report), the forest losses would be the same area as the Critical Habitat losses thus measures to mitigate the forest and Critical Habitat impacts will be addressed in combination.

A point of clarification regarding the forested parcel located within the Town Center in the area known as the Oxford Textile Industries (OTI) site is necessary. The Consistency Review Report identifies the entire parcel as Block 33 Lot 4 and the forested parcel as a 14 acre portion in the southeast corner of the site. A recent subdivision has occurred on this property resulting in lots now designated Block 33, Lots 4, 4.01, 4.02, and 4.03. The forested parcel is now designated Lot 4.03. The Final Consistency Review Report will be amended to reflect this correction.

9. Comment: Oxford Township is willing to participate in a Habitat Conservation and Management Plan as long as the overall proposed density of development within the Center is not affected and the future management costs are not a burden to local taxpayers.

Response: The Implementation Plan and Schedule allocates funding for the preparation of a municipal-wide Habitat Conservation and Management Plan to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects. The conclusions of the Habitat Conservation and Management Plan cannot be known until the study has been completed, however, the Highlands Council acknowledges the Township's concerns.

10. Comment: Oxford Township would like further direction and guidance regarding Low Impact Development and Community Facilities components.

Response: Highlands Council staff will work closely with Oxford Township to develop the ordinances necessary for development and redevelopment within the Highlands Town Center. Low impact development guidelines are available from a number of sources within the industry, including Leadership in Energy and Environmental Design (LEED), the Sustainable Sites Initiative, National Association of Home Builders, among others. The Highlands Regional Master Plan also offers guidance under the Low Impact Development Program and the Housing and Community Facilities Program contained in Chapter 5.

11. Comment: Oxford Township would like further clarification of the impact of Highlands Environmental Resource Sites (HERS) designation on private property owners. Specifically, the Township would like to know if by virtue of being named a HERS the properties are subject to the same restrictions as properties

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within the Preservation Area. They also would like to know if this affects their eligibility for Highlands Act exemptions.

Response: The HERS, as their name indicates, are parcels that contain environmental resources, such as Forest within a Forest Resource Area, Critical Habitat, Steep Slopes, Streams, Wetlands, Riparian Corridor, and Open Water Protection areas. They are intended to be protected as a condition of Town Center planning, but do not take on the restrictions of the Preservation Area because they remain within the Planning Area. The three HERS identified in the Oxford Highlands Town Center are: 1) Axford Avenue/Hill Street near the Mansfield Township border; 2) Shippen Manor area/Belvidere Avenue; and 3) Furnace Lake Area/Township-owned land. The HERS near Furnace Lake, also known as part of the “Coachlight” property, has been identified by Oxford Township as a potential mitigation site to offset the loss of forest elsewhere within the Town Center. Should this particular site be designated for mitigation, a deed restriction would be attached which would limit any developability on the site. The remaining HERS would be slated for protection according to land preservation strategies, but would retain the right to exercise an exemption under the Land Use Ordinance.

12. Comment: Oxford Township expressed concern that the HERS would be precluded from inclusion in the future Sewer Service Area in the case of a health and safety issue.

Response: Although the HERS are deliberately excluded from the future Sewer Service Area, a waiver for purposes of dealing with a health and safety issue would continue to be available.

PUBLIC COMMENTS RECEIVED

Written comments regarding Oxford Township’s Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on July 22, 2011. Comments were provided by the following individuals/entities:

1. Helen Heinrich, on behalf of the New Jersey Farm Bureau
2. Erica Van Auken, on behalf of the New Jersey Highlands Coalition
3. Robert Freudenberg and Peter Kasabach, on behalf of Regional Plan Association and New Jersey Future

The comments are summarized in the section that follows with Highlands Council responses provided below, for each.

PUBLIC COMMENT/RESPONSE SUMMARY

1. Comment: The New Jersey Farm Bureau expressed support for the designation of a Highlands Town Center in Oxford Township, particularly regarding its consideration of Transfer of Development Rights (TDR) program. The Farm Bureau further suggests that sending zones include farmland as well as historic properties.

Response: The Highlands Council acknowledges the support from the New Jersey Farm Bureau and will continue to work with Oxford Township to assess the potential for TDR sending and receiving areas within the municipality.

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2. Comment: The New Jersey Farm Bureau suggests that a TDR Program become a key provision of the Township's Agriculture Retention/Farmland Preservation Plan

Response: The Highlands Implementation Plan and Schedule includes an allocation for the Township to develop a municipal-wide Agriculture Retention/Farmland Preservation Plan to address a wide range of topics related to economic sustainability of agriculture. The Highlands Council will encourage the Township to consider the Farm Bureau's suggestion when a scope of work is developed.

3. Comment: The New Jersey Farm Bureau is concerned that Section 6.10.3 of the Highlands Area Land Use Ordinance sets standards for "permitted" crops and facilities, thus giving the impression that a municipality may make these determinations. This would be in conflict with the "Right to Farm" Act which pre-empts some municipal regulations in this regard.

Response: Municipalities have certain discretion within the existing State statutes regarding agricultural developments. The Highlands Area Land Use Ordinance provides an important exclusion for agricultural and horticultural use and development, as follows (see § 2.1.1): "Unless specifically indicated otherwise, and in that case only to the specific extent indicated, the provisions of this Ordinance shall not apply to Agricultural or Horticultural Use and Development (as defined at § 3.2)." Section 6.10.3 applies only to those agricultural developments for which an exemption or exclusion does not apply. Further, the Highlands Council requires all conforming municipalities with significant agricultural lands to adopt a Right to Farm ordinance, and recommends use of the State Agriculture Development Committee model ordinance (<http://www.nj.gov/agriculture/sadc/rtfprogram/resources/modelrtfordinance.pdf>) for this purpose.

4. Comment: The New Jersey Highlands Coalition supports Oxford Township's Petition for Plan Conformance, the inventory of environmentally constrained areas within the Center, and the development of a Habitat and Conservation Management Plan.

Response: The Highlands Council acknowledges the support from the New Jersey Highlands Coalition.

5. Comment: The New Jersey Highlands Coalition suggests that a condition of the Center Designation and the Petition should be the implementation of a Water Use and Conservation Plan that addresses deficits in water availability within the entire watershed.

Response: The Highlands Implementation Plan and Schedule includes an allocation for the preparation of a Water Use and Conservation Management Plan for the Furnace Brook subwatershed, which encompasses the majority of the Township and is the HUC 14 subwatershed wherein the proposed Highlands Center is located. The Water Use and Conservation Management Plan will be ~~developed~~ developed cooperatively between the Township and the Highlands Council (and Washington Township-Warren which shares the subwatershed), with the Council taking the lead in the project, and water deficits will be addressed.

6. Comment: The New Jersey Highlands Coalition acknowledges the careful efforts made to minimize impacts to the 14 acre parcel of critical habitat within the proposed Highlands Town Center, but believes that disturbances and impacts to sensitive ecology can never be mitigated by preserving land elsewhere. The Coalition suggests that the resource values be maintained on the parcel where they currently exist.

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Response: The parcel in question, noted to be Block 33 Lot 4.03, is an upland forested parcel along the northeastern edge of the proposed Highlands Town Center. This parcel is to be the subject of a site-specific critical habitat assessment with protection measures to be developed in coordination with Highlands Council staff. Any disturbance is proposed to be offset within Oxford Township at a mitigation ratio of between 2.5 to 3.0 acres for each acre disturbed. A conservation easement will be attached to the deed of each specific parcel identified for mitigation and performance standards will be developed to measure the level of success of the various protection measures.

7. **Comment:** Regional Plan Association and New Jersey Future encourage a favorable consideration by the Highlands Council of Oxford Township's Petition for Plan Conformance and the center designation component which would help facilitate sustainable economic growth, development, and redevelopment.

Response: The Highlands Council acknowledges the support of the Regional Plan Association and New Jersey Future for Oxford Township's Petition for Plan Conformance.

8. **Comment:** Regional Plan Association and New Jersey Future state that the Township's Petition represents an important opportunity to advance the goals of the Highlands Water Protection and Planning Act and is key in implementing the Highlands Regional Master Plan.

Response: The Highlands Council acknowledges the comments submitted by Regional Plan Association and New Jersey Future.

9. **Comment:** Regional Plan Association and New Jersey Future believe that the Highlands Council's technical and financial support to municipal governments will help ensure the proper balance of environmental protection and responsible growth necessary for the long-term health of the Highlands Region, as well as the entire State of New Jersey.

Response: The Highlands Council acknowledges Regional Plan Association's and New Jersey Future's comments and concerns.