

## Critical Areas Preservation in Development Strategy Worksheet: RB-S2

<p><b>Strategy:</b> All municipalities adopt land use provisions in their master plans and ordinances requiring that developments preserve critical areas for water resource protection.</p>	<p>Strategy Priority: <b>H</b> (H/M/L)</p>
<p><b>Objectives Addressed by Strategy:</b>  <b>NSSM-01B:</b> To have no increase in potential flood damages, by 2008.  <b>NSLU-01A:</b> By _____, establish techniques to ensure that development protects and improves water and water related resources of the North &amp; South Branch Raritan WMA.  <b>NSHW-01C:</b> By _____, establish a consensus within the Watershed Management Area regarding responsibility for the protection of headwaters through the collaboration of municipalities that results in an economy of effort, and the social and political benefits for all communities.  <b>MOR-S1B4:</b> Work with SBMWA to get all 26 municipalities to incorporate water resources open space planning and riparian area protection into their master plan  <b>MOR-O3A:</b> By 2004, mechanisms to maximize protection of (non-impaired) stream corridors and riparian areas in the Millstone WMA from future degradation adopted by NJDEP, local governments, and landowners  <b>LRLU-O3A.</b> By 2004, municipalities shall help protect environmental resources and mitigate environmental impacts by requiring a thorough examination of environmental impacts from applicants for development or redevelopment projects.  <b>LRLI-O1A.</b> By 2004, understand municipal, county and state capabilities for watershed management in the Lower Raritan WMA to guide watershed strategy development and implementation.  <b>LRSW-O3B.</b> No increase in the potential for flood damages due to new development or redevelopment.</p>	<p>Strategy Schedule: (Begin/End)</p>
<p><b>Narrative Description of Strategy:</b> Municipalities have the ability to incorporate special provisions in their zoning, subdivision and site plan ordinances that require the preservation of critical areas, as long as the restrictions are based on valid public purposes and reasonable science, and the restrictions do not in aggregate overly restrict use of the property. The Raritan Project has identified critical areas criteria for protection of water resources. These criteria can be used both to target open space acquisitions (see Strategies NSHW-S1C2, NSHW-S1C3, NSLU-S1B4, NSLU-S1B5, NSLU-S1B6, <b>LRLM-S1D3</b>, LRLU-S3A3 and MOR-S2A1) and to guide the site layout of developments. This strategy focuses on the later approach and calls for municipalities to preserve such critical areas in development sites using either or both of two techniques – setback requirements (which uses lot sizes according to the zoned density but requires that the critical areas be outside of the building envelope) and clustering or “open space subdivisions” (which allows for a <u>net</u> development density equal to the zoned density, but requires that the critical areas be placed in common ownership or otherwise set aside in separate lots, by placing development on smaller lots than the gross zoning density). Model ordinances and supporting master plan language will be developed, and technical/planning assistance provided to municipalities.</p>	
<p><b>Areawide WQM Plan Consistency Determination Issues:</b> NA</p>	

Action Plan (Steps or Tasks)	Responsible Parties for Planning, Design & Implementation	Responsible Parties for Oversight	Resource Needs (L,M,H,VH)	Committed or Recommended Resources	Major Challenges and Opportunities	Evaluation Method & Indicators	Schedule and Milestones for Implementation
1. Identify or develop model master plan language supporting use of the Raritan Plan critical areas criteria in development design, and model ordinance	C:  R: Watershed Institute, watershed associations, counties, NJWSA, ANJEC Resource	C:  R: WMA Committees, Raritan Basin Council replacement	L-M	C: SBMWA Stream Corridor Ordinance  R: Existing resources, foundation grants,	Must develop model provisions that are flexible for municipalities with different development	Peer reviewed model plan and ordinance provisions	

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language implementing the master plan concepts (e.g. overlay zones, conservation districts, performance zoning, resource and corridor preservation)	Center, Envl Law Clinics			CBT	levels and geographic settings, and are fully defensible in a court of law		
2. Develop a guidance manual with the model provisions and visual examples of good and bad development layout and design, plus a public education version	C:  R: Watershed Institute, watershed associations, counties, NJWSA, ANJEC, NJDEP, NJ Office of Smart Growth, NJ Planning Officials	C:  R: WMA Committees, Raritan Basin Council replacement	M	C:  R: Existing resources, foundation grants, CBT, Smart Growth grants	Bad examples are easy to find but few good NJ examples exist of clustering. The manual must speak to a variety of audiences	Peer reviewed guidance manual, and pre-tested educational tools	
3. Develop and implement a program to provide the model provisions/guidance to municipalities along with technical and planning assistance, including easement management issues.	C:  R: Watershed Institute, watershed associations, counties, NJWSA, ANJEC Resource Center, Envl Law Clinics	C:  R: WMA Committees, Raritan Basin Council replacement	L per municipality M overall	C:  R: Existing resources, foundation grants, CBT	Must be clear, concise, easily used by the municipalities, presented by qualified experts only to avoid misconceptions and misuse	Assistance program with sufficient resources to meet municipal needs	
4. Municipalities update their master plans and ordinances to adopt any components of the model provisions that are not currently in place	C:  R: Municipalities	C:  R: Municipalities	L per municipality M overall	C:  R: Municipal planning board resources	Each municipal ordinance must be reviewed; the political will to act must exist. Updating as part of the 6-year master plan/ordinance update can reduce costs	# of municipal ordinances that fully protect critical areas for water resource protection	

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5. Developers modify development applications to comply with the provisions	C: R: Developers	C: R: Municipalities	L-H depending on property size and complexity	C: R: Developer resources & fees	Municipality must be careful to tailor design to site, limit variances to legitimate needs	# of variances given from ordinance provisions will be an indicator of failing implementation	
6. Track adoption and use of the model ordinance provisions for protection of critical areas for water resources.	C: R: Counties	C: R: WMA Committees, Raritan Basin Council replacement	L	C: R: Existing resources		Percent of critical areas preserved within developments, in addition to preserved thru acquisition	