

State Planning Commission

State Plan Issues for the Plan Development Committee (PDC)

Dr. M. A. Bierbaum

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- **State Plan Format** – It has been suggested that the existing State Plan format is not user-friendly. As part of a suggestion to improve this situation, it has been recommended that the number of policies in the State Plan be reduced as well as examined for contradictions. The State Plan has also been criticized for perhaps being too comprehensive and thereby not being strategic or focused enough.
 - *How should the State Plan be re-written and re-organized to be more user-friendly?*
 - *How can the State Plan be both comprehensive and strategic?*
 - *Is the number of policies unwieldy and so should simply be reduced? If so, which ones?*
 - *Are there any policies that stand out as being contradictory?*

- **Equity Concerns** – In previous iterations of the State Plan, the question of “equity” was largely defined by concerns that the State Plan would have the effect of diminishing land values in the rural and environmentally sensitive areas of the State. Since that time, equity concerns have been raised that are much wider including environmental justice issues and questions related to poverty, affordable housing and urban revitalization.
 - *To what extent and in what ways should the State Plan address wider “equity” concerns such as environmental justice, affordable housing and issues related to poverty?*

- **The Nature and Application of Population, Employment and Housing Projections** – There are multiple forecasts related to population, employment and housing projections applied by different government departments and agencies.
 - *How should the State Plan relate to these different forecasts?*
 - *Should it attempt a range of forecasts or a single forecast?*
 - *If a range of forecasts might be attempted, should these then relate to an effort at scenario planning?*
 - *Which population, employment and housing projections should be used, in what ways and to what ends?*

- **The Assumption of “No Loss of Population and Employment Growth” as a Result of State Plan Implementation** – Related to the application of population, employment and housing projections, with both the first and second iterations of the State Plan, it was assumed that there would be no loss of population or employment growth as the state would simply accommodate projected growth in a different way, i.e., in planning areas identified for growth and centers. Yet at least one county (Hunterdon) raised a question during cross-acceptance about whether New Jersey should continue to accommodate itself to its projected growth, or should the state more explicitly acknowledge that it was approaching “build-out” or its “carrying capacity” limits.
 - *Does the State Planning Commission wish to continue to accommodate projected growth or does it want to make a statement about the need to limit growth as the state begins to approach its carrying capacity limits?*
 - *How might this position fit with the news accounts and studies that suggest that New Jersey may be losing population and employment?*

- **The State Plan is intended to provide guidance and is not intended to be a regulatory document.** – The State Plan is intended by statute to provide policy guidance rather than serving as a regulatory instrument. Yet concerns have been raised that the distinctions between policy guidance and regulation may be lost in the State Plan and its application by State departments and agencies, especially the New Jersey Department of Environmental Protection (NJDEP).
 - *How can the distinction between planning and regulation be conveyed in the State Plan?*
 - *How might the State Plan communicate the notion that “regulation” is an implementation tool that ought to be employed to implement the State Plan, rather than having the State Plan transformed into a regulatory document?*

- **The State Plan and its Relationship to Smart Growth, Sustainability and Regenerative Processes** – The State Plan as a statewide “growth management” plan preceded by nearly a decade the discussion of such concepts as “smart growth,” “sustainability” and “regenerative processes.” In important, but only implicit, ways the State Plan anticipated and includes these concepts.
 - *To what extent should these concepts and language describing these concepts now be made explicit in this iteration of the State Plan?*

- **The Relationship among Property Taxes, School Financing and Land-use Decision-making**—The entangled connection among property taxes, school financing and land-use planning has long been recognized in New Jersey. However, in previous iterations of the State Plan, the State Planning Commission appeared to avoid acknowledging such connections.
 - *Should the State Plan include a statement and/or contain policies directed at property tax and school finance reform?*
 - *If so, what policies should be included in the State Plan in these regards?*

- A sub-issue related to property tax reform is a recommendation by Hudson County that the State Planning Commission include a policy that establishes a two-tiered land valuation taxation system. Such an approach has been tested in municipalities in other states. It would likely require legislation, but could become part of a State Plan legislative/implementation program.
 - *Should the State Plan include a policy to promote a two-tiered land-value taxation approach?*
- **Public Investment Priorities** – The public investment priorities contained in the State Plan have been criticized for either being contradictory or failing to provide adequate guidance in terms of either State or local government decision-making.
 - *Are the Public Investment Priorities (pp. 116-119) reasonable?*
 - *Are they understandable?*
 - *If not, how should they be re-written?*
 - *More specifically, it has been recommended that included among these priorities special mention should be made of “areas in need of rehabilitation” and “areas in need of redevelopment.” Should these areas be specifically mentioned among these priorities?*

- **Defining the Relationship between the State Planning Commission and the Council on Affordable Housing (COAH).** The relationship between the State Planning Commission and the Council on Affordable Housing has not always been an easy one, although their respective establishing acts emanate from the New Jersey Supreme Court's *Mt. Laurel* decisions. The difficulty stems from the divergent missions of the two divisions within the same department.
 - *What should the relationship be between the State Planning Commission and the Council on Affordable Housing (COAH)?*
 - *How should it be defined?*
 - *What should be the State Planning Commission's reaction to the latest COAH rules?*
 - *Should the population, employment and housing projections contained in the State Plan be employed by COAH? If so, in what ways?*
 - *There is an inconsistency between COAH's RCA policy and Policy 31 (p. 135) of the existing State Plan. How does the State Planning Commission propose to reconcile this inconsistency?*
 - *In light of COAH's employment of a "growth share" approach to allocating affordable housing units, in what ways, if any, will population, employment and housing projections employed by the State Plan be applied by COAH? Will these projections be employed to translate into recommended and/or prescribed densities across planning areas?*
 - *How should the State Planning Commission-COAH relationship be memorialized, if at all, e.g., MOU?*

- **Planning Area 3 (Fringe or Transition Planning Area)** – Planning Area 3 or the “fringe” planning area was viewed as a transitional area to be employed as a type of buffer between growth planning areas and those where growth was to be tightly managed and even restricted. However, it was difficult to define and apply meaningful policy objectives and policies to this Planning Area in light of its ambivalent nature.
 - *Does the State Planning Commission have a clear understanding of the nature of Planning Area 3?*
 - *Is it accurately and adequately conveyed in the previous iteration of the State Plan?*
 - *If not, what changes might be recommended for incorporation into the State Plan at this time?*

State Department & Agency --Policy Drafting Requests

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- **Equity Policies** – Assign to: Governor’s Office, Treasury, Agriculture, DEP, DOT, DCA, Commerce, OSG; to draft policies related to devising environmental justice, housing equity, and urban revitalization policies.
- **Inter-department Coordination Policy** – Assign to: Governor’s Office, Treasury, Agriculture, DEP, DOT, DCA, OSG, Commerce; to draft policy and reach consensus on appropriate language with respect to State Department Policy/Program Coordination and role of State Planning Commission related to the same.
- **Smart Growth/Sustainable Development Policies** – Assign to: Governor’s Office, Treasury, Agriculture, DEP, DOT, DCA, Commerce, to draft Smart Growth/Sustainable Development Policies that extend beyond just the environment.
- **Public Investment Priorities** – Assign to: Governor’s Office, Treasury, Agriculture, DEP, DOT, DCA, Commerce; to draft language for policies that ensure that public investment priorities are reasonable and easily understood; and also more specifically determine whether priorities should concentrate or emphasize “Areas in Need of Rehabilitation” and “Redevelopment for Infrastructure Investments.”
- **Agriculture** – Assign to: Department of Agriculture; to ensure the provision of additional technical and financial support for farmland preservation.
- **Agriculture** – Assign to: Department of Agriculture; to prioritize farmland acquisitions in Planning Area 4 and 4b rather than in other Planning Areas and to ensure that SADC adheres to this prioritization.

- **Agriculture/Environmental** – Assign to: Department of Agriculture, DEP; to improve/streamline approval process for on-site alternative wastewater systems in rural areas.
- **Agriculture/Environmental** – Assign to: Department of Agriculture, DEP; to improve consistency and coordination between DEP and Dept. of Agriculture--SADC with respect to water allocation permits and farmland preservation.
- **BPU/Governor's Office -- Energy Resources** – Assign to: Governor's Office, N.J. Board of Public Utilities, OSG; to move towards a regional Sustainable Energy Framework including the provision of appropriate economic incentives for renewable energy resources and new technologies.
- **DCA -- Shared Services Policy** –Assign to: DCA, OSG; to draft a shared services policy.
- **DCA -- Residential Site Improvement Standards** – Assign to: DCA, OSG; to assess parking standards in urban areas and whether any changes appear to be warranted as per comment by Hudson County through cross-acceptance process.
- **DCA -- Housing** – Assign to: COAH, OSG; to determine response to position on Regional Contribution Agreements (RCA's). There is a current inconsistency between the way RCA's operate and Policy 31 (p. 135) of the existing State Plan. What does the DCA policy in this regard? Shouldn't the inconsistency between Policy 31 and RCA's be reconciled?
- **DCA -- Housing** –Assign to: COAH, OSG; to determine a response to the way that COAH expects to apply its growth share formula and in what way might it relate to the population, employment and housing projections that are anticipated to be included in the State Plan? (See Statewide Policy 7-Housing and the section on "coordination with New Jersey Council on Affordable Housing (p. 139)

More specifically, Hudson County continues to experience strong growth and is apprehensive that COAH's Growth Share will have a chilling effect on growth in metropolitan areas where the State Plan desires growth to go. Will Growth Share apply to Hudson County, to urban enterprise zones? COAH's policies in these regards need to be clarified in light of most recent COAH developments.

In addition, Somerset County contends that COAH ought to make allowances for the cost of providing affordable housing so that when housing is built in older urban areas requiring greater expense than building in a "Greenfield," an acknowledgment of the increased cost ought to be translated into a reduced COAH number. This allowance would be tantamount to a "credit" or incentive given to build in places that are State Plan consistent. Should COAH provide an additional incentive or "credit" to reduce its affordable housing allocation when building in redevelopment areas to acknowledge the likely increased cost associated with such housing?

- **DCA/Agriculture** – Assign to: Department of Agriculture, DCA, OSG; Housing & Farm workers – to confer with DCA/Department of Agriculture – to devise policy language to meet the housing needs for rural farm workers.
- **Education** -- Schools Construction Policies – Assign to: N.J. Department of Education, Schools Development Authority, OSG; to draft policies related to siting and financing school facilities.
- **Education** -- School Finance and Property Tax Reform -- Assign to: Governor's Office, Treasury, N.J. Department of Education, OSG; to draft a Property Tax/School Finance Reform Policy.

A sub-issue involving property tax reform that was raised by Hudson County through the cross-acceptance process is the question of a two-tiered tax system that would involve land-value taxation. Such an approach may become a part of a State Plan legislative/implementation initiative. It may be explored and researched for inclusion in the State Plan by the Governor's Office, Treasury, and the Department of Community Affairs.

- **Environmental Protection** -- Historic, Cultural & Scenic Resources – Assign to: DEP; to insert in appropriate places in the State Plan language to emphasize the importance of these resources including references to the State and National Register of Historic places and what those properties experience in terms of benefits as well as eligibility requirements and constraints.
- **Environmental Protection** -- Historic, Cultural & Scenic Resources– Assign to: DEP; to include incentives including grants, tax incentives, etc. These incentives might best be included in an implementation guide to the State Plan.
- **Environmental Protection** -- Historic, Cultural & Scenic Resources – Assign to: DEP; to insert “engineering practices” in policy 4 on page 144 of the State Plan. Check with SHPO within NJDEP.
- **Environmental Protection** – Air Resources – Assign to: DEP; to insert sentence or phrase to policy #6 on p. 147 of the State Plan to facilitate transition from traditional fossil fuel vehicles to clean and renewable energy sources.
- **Environmental Protection** -- Wastewater – Assign to: DEP; to draft policy language related to the provision of technical assistance for wastewater facilities in Smart Growth Areas.
- **Environmental Protection** – Wastewater – Assign to: DEP; to draft policy language related to consistency/compatibility between State Plan and wastewater management plans (especially with respect to recent rule changes).
- **Environmental Protection** – Storm water – Assign to: DEP; to draft policy language to improve coordination of regional flood and storm water management planning initiatives.
- **Environmental Protection** – Storm water – Assign to: DEP; to provide additional policy language for the State Plan including policies in regard to storm water utilities and storm water mitigation techniques.

- **Environmental Protection** – Groundwater and Surface Water Policies – Assign to: DEP; to clarify relationship and nature of these policies as they currently exist in the State Plan.
- **Environmental Protection** – Water Supply -- Assign to: DEP; to clarify policies with respect to development near potable water supplies in densely populated areas such as Bergen County and to coordinate with DEP in regard to Water Supply Master Plan, more generally.
- **Environmental Protection** – Water Supply – Assign to: DEP; to maximize water supply protection by preserving riparian areas and to coordinate with DEP's water supply master plan.
- **Environmental Protection** – Flood Hazards (Dam Safety)— Assign to: DEP; to clarify whether such policies are within the scope of the State Plan and if so, to devise appropriate policy language.
- **Environmental Protection** – Flood Hazards – Assign to: DEP; to review language related to Flood Hazards more generally in the State Plan with DEP to ensure there is adequate language in the State Plan in regard to Flood Hazards.
- **Environmental Protection** – Green Acres – Assign to: DEP; to promote changes to the Green Acres formula to better assist urban areas especially in transforming brownfields into greenfields.
- **Environmental Protection** – Green Acres – Assign to: DEP; to provide additional focus on open space and open space linkages in Metropolitan Planning Area (PA 1).
- **Environmental Protection** – Green Acres – Assign to: DEP; to urge open space initiatives in urban areas to be used in ways to assist in revitalizing communities.
- **Environmental Protection** – Green Acres – Assign to: DEP; to use open space acquisition for active recreation in PA's 1, 2, 3, but for passive uses in PA's 4, 5.

- **Environmental Protection** – Waste Management, Recycling, Brownfields – Assign to: DEP; to support brownfields remediation so that it is given a high priority for both increased funding and planning.
- **Environmental Protection** – Waste Management, Recycling, Brownfields – Assign to: DEP; to reduce the impacts of contaminated sites on water supply and natural systems.
- **Environmental Protection** – Coastal Resources – Assign to: DEP; to prohibit on-site wastewater disposal systems on the State's barrier islands.
- **Environmental Protection** – Coastal Resources – Assign to: DEP; to ensure that barrier island preservation and beach replenishment are adequately funded.
- **Environmental Protection/Agriculture** – Green Acres & Farmland Preservation-- Assign to: Department of Agriculture and DEP;– to expand open space land acquisition priorities to ensure their application to the following features: critical environment sites, to define centers through greenbelts, greenways, land containing areas of significant agricultural value, recreation value, scenic value or with environmentally features, land required to meet existing and future needs for active recreation, parks, plazas and public open spaces in urban areas to enhance community character and to support redevelopment efforts, threatened and endangered species habitats, to accommodate storm water management and wetlands mitigation projects, agricultural lands located within adopted local PIG project areas and County and State agricultural priority areas, waterfront areas and undeveloped land adjoining and buffering public water supply sources.
- **Environmental Protection/Agriculture** – Public Acquisition of Forest Resources – Assign to: Department of Agriculture and DEP; to encourage the preservation of forest resources that serve an overriding public purpose through public acquisition.

- **Environmental Protection/Agriculture** – Density clustering & TDR’s – Assign to: Department of Agriculture, DEP; to employ clustering, density transfer and TDR in Planning Area 5, while currently it only applies to Planning Area 4, the Agricultural Planning Area.
- **Environmental Protection/Agriculture** – Storm water Regulations and Right-to-Farm – Assign to: Department of Agriculture, DEP; to identify, clarify and design appropriate language in the State Plan by conferring with the Department of Agriculture and DEP.
- **Environmental Protection/Treasury** – Tax policy and Forested lands—Assign to: Department of Agriculture, DEP, Treasury; to change tax policy with respect to forested areas to encourage selective cutting and other sound stewardship practices.
- **Environmental Protection/Treasury**—Adequate funding for Municipalities Subject to Seasonal Stress – Assign to: DCA, Treasury, Travel & Tourism within the Dept. of State, DEP; to ensure that coastal resort municipalities that are chronically under-funded given the seasonal demands placed on them are adequately funded.
- **Transportation** -- Transit Villages – Assign to: DOT; to draft appropriate policy language for a Transit Village Policy.
- **Transportation** – Traffic Calming – Assign to: DOT; to review recommended language change – “Encourage the use of traffic calming techniques to enhance pedestrian and bicycle circulation, [and], increase public safety and protect community character within compact communities and other locations where local travel and land access are a higher priority than regional travel;” and to also draft any additional appropriate “traffic calming” policy language to add to the existing State Plan.
- **Transportation** – Goods Movement -- Assign to: DOT; to draft appropriate policy language to reflect the major concerns highlighted by the New Jersey Freight Master Plan (2007) including policies drawn from that plan that should be incorporated in the State Plan – See Policy 23 “goods movement” (pp. 143-144) Policies should also include appropriate policies related to Ports and their facilities.

- **Transportation** – Bicycle and Pedestrian Movement – Assign to: DOT; to draft appropriate policy language to promote bicycle and pedestrian alternatives to automobile transportation.
- **Transportation** – Maintenance & Repair (Policy 1) (p. 140) – Assign to: DOT; to review policy language in current State Plan and elaborate on one sentence policy with appropriate additional language, making mention of addressing public safety issues, management of travel demand, introduction of multi-modal alternatives, employment of technology to address current traffic congestion concerns.
- **Transportation** – Public Transportation Priorities – Assign to: DOT: to review Policy 2 (p. 140); & augment what is currently written by also addressing issues related to optimizing multi-modal transfer locations and making connections between residential and employment centers.
- **Transportation** – Land use and Transportation Planning Integration– Assign to: DOT; to draft policy language that emphasizes the integration of land use decision-making and transportation planning in light of DOT efforts in these regards in the recent past.
- **Transportation** – Transportation Enhancement Districts (TED’s) – Assign to: DOT; to confer with DOT to determine whether TED legislation is still pending and if this legislation is still timely and relevant. Should TED legislation be included in the State Plan or included in an implementation guide or volume?
- **Transportation** – Regional and Local Traffic Patterns – Assign to: DOT; to confer with DOT to determine whether alternative policy language with respect to the separation of regional from local traffic and the limited use of bypass roads is preferable to what already is written in the State Plan. The Hunterdon County recommended the following alternative language: “Separate regional through traffic from local traffic by way of limited access bypass roads when planned to minimize sprawl and adverse impacts on adjacent communities where and when alternative circulation patterns using existing and/or proposed roads are not feasible.” (see policy 19 at page 143)

- **Transportation/Environment** – Environmental Concerns related to State Plan Transportation Policies – Assign to: DOT, DEP; to confer with both departments to identify policy areas of joint concern and to make appropriate policy language changes and/or additions to transportation policies so that they take into account and balance environmental concerns.

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