

Draft State Strategic Plan
Advance Notice of Rules: Priority Investment Area Criteria

Background

The Draft Final State Strategic Plan (SSP) calls for the State Planning Commission (Commission) to phase out the development of the State Plan Policy Map. In its place will be the criteria-based system illustrated in the SSP and detailed further within this document and future rule proposal. The goal of this document is to receive the feedback from this “Advance Notice of Rules” prior to formal consideration as a rule proposal by the Commission.

Revisions to the State Planning Rules will be considered after the process to adopt the SSP has been completed and after a deliberative, transparent process to refine this proposal and evaluate whether its application produces the expected results. If the SSP is adopted as proposed, new definitions and refinements of existing definitions will be required along with a new Subchapter to enable this new system. Existing Subchapter 8 (The State Plan Policy Map) will remain in place throughout the transition. Some of the details included in this “Advance Notice of Rules” may be added to the Final State Strategic Plan to clarify questions that may arise during the public hearings / comment phase prior to final adoption of the SSP. The SSP identifies a target to be fully transitioned into this new system by June 2013. Once the transition is complete, the Commission will take actions to officially rescind existing Subchapter 8 of the State Planning Rules.

For reference, the existing State Planning Rules can be accessed by following this link:

<http://www.state.nj.us/state/planning/docs/stateplanningrules.pdf>

Purpose and Application

To address the statutory requirement of the State Planning Act to identify areas for growth, limited growth, open space conservation and agriculture, the SSP recommends the development of a criteria-based identification system. As the State Planning Act has no authority to regulate the use of land in the State of New Jersey, this new system will be fundamentally limited to State agency decisions on investments, incentives, and appropriate flexibility on State land use regulations, programs and operations. As such, local governments are encouraged to consider these state designations as they independently make planning and zoning decisions but ultimately these decisions remain the prerogative of local government. Increased coordination between all levels of government will be the outcome of this new system, which is consistent with the intent of the State Planning Act.

State agencies with land use or investment decision authority will connect to this new system by reference in their individual Department Strategic Plans (as required by Executive Order #78) and eventually as detailed actions within their functional plans, regulations, programs and operations. To assist government and the public seeking clarification on areas of the state that meet these designations, an online tool will be created to identify areas known to meet these designations.

Proposed New Definitions

Alternate Growth Investment Area means land that fails to meet “Priority Growth Investment Area” or “Priority Preservation Investment Area” criteria but has planned or existing infrastructure that will lead to planned development and redevelopment opportunities. State investments related to efficient planned development and redevelopment of previously developed sites and optimization of existing settlement patterns should be encouraged. These areas may be identified by regional entities through an application approved by the Commission.

Corridor means a linear pathway and the area within ¼ mile of a particular mode of transportation of people and/or goods

Limited Growth Investment Area means land that fails to meet “Priority Growth Investment Area” or “Priority Preservation Investment Area” criteria and does not have planned or existing infrastructure to support a high degree of additional new development. Large scale state investment that may lead to additional development should not be prioritized in these areas.

Priority Growth Investment Area means an area where more significant development and redevelopment is preferred and where investment to support more significant development and redevelopment is encouraged. Lands that meet one or more of the criteria identified in Appendix A meets this definition (unless requested to be removed by local government because of some technical basis) along with areas identified by Regional Entities that meet conditions through an application approved by the SPC.

Priority Preservation Investment Area means an area where land preservation, agriculture development and retention, historic preservation, environmental protection and stewardship is preferred and where investment to support land preservation, agricultural development and retention, historic preservation, environmental protection and stewardship is encouraged. Large scale state investment that may lead to additional development should not be prioritized in these areas. Lands that meet one or more of the criteria identified in Appendix A will meet this definition (unless requested to be removed by local government)

along with areas identified by Regional Entities through an application approved by the Commission.

Regional Innovation Cluster means an area designated by the Commission that includes an interrelated assemblage of firms of statewide and regional significance along with suppliers, trade associations, and education institutions. These areas will only be designated with the support of local government and in areas with existing or planned infrastructure to support expansion of existing firms along with the recruitment of new firms and other related development.

Proposed Revisions to Existing Definitions¹

Center means an efficient and compact form of development having one or more mixed-use cores and residential neighborhoods and green spaces. ~~Center designations are based on the area, population, density, and employment of the center being considered and features of the surrounding areas. Centers can range in scale from very large, an Urban Center, to the smallest, a Hamlet. Centers range in scale in the following order: Urban, Regional, Town, Village, and Hamlet. Descriptions and criteria for designating each type of center are located in the New Jersey State Development and Redevelopment Plan.~~

Center designation or designated center means a center that has been officially recognized as such by the State Planning Commission. ~~Center designations only may occur as part of the plan endorsement process. Center designations do not expire unless they are formally rescinded in whole or part by resolution of the Commission with at least 90 day notice to the impacted local government(s) supported by a report demonstrating the need for rescinding this designation or at the request of local government.~~

Prior center designations or previously designated centers means a center designated pursuant to the State Planning Rules ~~that had lapsed and in effect~~ prior to ~~May 17, 2004~~ adoption of the State Strategic Plan. ~~that was not designated as part of an endorsed plan.~~

Regional agency and regional entity means a body politic that performs planning for land development, **land preservation**, infrastructure or capital investment planning for a region.

¹ **Additions**, in bold. ~~Deletions~~, in bold strikethrough

Priority Investment Area Designations

A new subchapter of the State Planning Rules will be proposed that will apply to the designation of land to these new designations that will assist the State in its efforts to focus investment priorities. These rules will also clarify the process by which a regional entity may propose to designate additional areas within their region.

As previously defined, land that meets one or more of the criteria identified in *Appendix A* will be designated as a “Priority Growth Investment Area” where growth and redevelopment is preferred and where state investment to support development and redevelopment is preferred and incentivized. Land that meets one or more of the criteria identified in *Appendix A* will be identified as a “Priority Preservation Investment Area” where land preservation, agriculture development and retention, historic preservation, environmental protection and stewardship is preferred and incentivized.

Land that does not meet criteria for a “Priority Growth Investment Area” or a “Priority Preservation Investment Area” will be identified as either a “Alternate Growth Investment Area” or a “Limited Growth Investment Area” depending on whether or not there is planned or existing infrastructure to support development and redevelopment and the capacity and desires of that area to support additional development. Land subject to state enabled regional plans would have their particular land use management areas translated into this new system as identified in *Appendix A*.

Designation of Additional Land by a Regional Entity

A regional entity seeking to designate additional land as a Priority Growth Investment Area must demonstrate that the following have been met:

1. Municipal support, including minimum requirements for public participation
2. Demonstration that the addition is consistent with the current local and regional master plan
3. Land proposed to be designated by a regional entity shall meet, at a minimum, the following characteristics:
 - a. Served by existing or planned wastewater and water infrastructure;
 - b. In or adjacent to existing or planned centers or within corridors in need of infill and/or redevelopment;
 - c. Near transportation infrastructure by demonstrating one or more of the following:
 - i. Within ½ mile of fixed transit station

- ii. Contains or is within ½ mile of interstate interchange or major state highway interchange
 - iii. Is within ½ mile of freight rail line or spur
 - iv. Transit score equal to or greater than “Medium-High”²
 - v. Up to two additional transportation related criteria, at the request of the regional entity, subject to Commission approval
 - d. Represents an economic opportunity by demonstrating one or more of the following;
 - i. Within ½ mile of higher education facility
 - ii. Has measurable growth potential for jobs and/or workforce housing
 - iii. Meets 2001 State Plan criteria for center designation or a Commission Designated Center that has “expired”
 - iv. Up to two additional economic development criteria, at the request of the regional entity, subject to Commission approval
 - e. Local planning and zoning in the project area must support Garden State Values by demonstrating consistency with at least five of the ten stated values in the adopted State Plan
4. A minimum scale for consideration for additions (proposed = 100 acres)
 5. No sub tax parcel delineation allowed except for clear geophysical boundaries, legal covenants, regulatory determinations by a state or federal agency, or larger parcels (proposal = 100 acres).
 6. Coordinate regional entity requests for additions when it impacts land within regional planning areas designated by statute (for example, the Pinelands Commission).
 7. Land requested to be added where revised Sewer Service Area maps have been approved by the NJ Dept. of Environmental Protection will not be screened for additional environmental constraints because the existing NJ Dept. of Environmental Protection Water Quality Management Planning Rules include “screens” for environmental constraints that are sufficient to ensure general consistency with the intent of the State Planning Act
 8. At the request of the regional entity, land may be designated as an “Alternate Priority Investment Area” if the local planning and zoning do not support a high level of state investment

² See <http://www.nj.gov/state/planning/docs/2011-0413-njt-transit-score-guide.pdf>

Designations of “Priority Preservation Investment Areas” would follow a similar structure, with relevant characteristics such as agriculture retention and development resources, open space and park resources, historic preservation resources, designated scenic byways, groundwater recharge, surface water protection and restoration, flood mitigation, wetlands protection, habitat protection and restoration to be considered.

State Approval Process for Additions / Deletions

Within 90 days of receipt of a complete application, the Commission shall review, evaluate and decide on (approve, disapprove, or conditionally approve) the regional entity’s request based on a process defined by the Commission. The Commission will coordinate this review with relevant state agencies. A streamlined process will be established to limit time, expense and complication. Guidelines and template documents will be prepared by OPA to assist regional entities in this process.

Requests for Determinations & Appeals

Within 30 days of receipt thereof, the Commission /OPA shall review, evaluate and respond to inquiries from property owners related to whether or not land in question meets the Commission designations within this Subchapter based on a process defined by the Commission.

Appendix A

State Strategic Plan: Proposed Geographic Criteria for State Prioritization of Growth & Preservation Investment				
State Policy Areas	Priority Growth Investment Area	Alternate Growth Investment Area	Limited Growth Investment Area	Priority Preservation Investment Area
Former State Plan Policy Map Planning Area 1, Unexpired Designated Centers, Urban Complexes, & Delimited Nodes	X			
State Designated "Regional Innovation Clusters"	X			
Municipally Designated Transfer of Development Rights Receiving Areas	X			
Federally Designated "Foreign Trade Zones" (see note in footer)	X			
Higher Education Facilities	X			
Municipally Designated "Urban Enterprise Zones"	X			
Municipally Designated "Areas in Need of Redevelopment"	X			
NJDOT Certified Transit Villages & Land Eligible as "Urban Transit Hubs" under EDA Urban Transit Hub Tax Credit Program	X			
Land owned by the NJ Sports & Exposition Authority	X			
Land within Closed Military Facilities proposed for development / redevelopment	X			
Land permanently protected through public investment or density transfer / clustering				X
Land targeted for preservation within the State Comprehensive Outdoor Recreation Plan and/or County Open Space Master Plans				X
County Designated Agricultural Development Areas				X
Green Acres Approved "Planning Incentive Grant" Areas				X

Land within Jurisdiction of the NJ Meadowlands Commission	Priority Growth Investment Area	Alternate Growth Investment Area	Limited Growth Investment Area	Priority Preservation Investment Area
Meadowlands Master Plan - Existing Development & Redevelopment Areas	X			
Meadowlands Master Plan - Conservation Areas				X
Land with the Jurisdiction of the NJ Pinelands Commission	Priority Growth Investment Area	Alternate Growth Investment Area	Limited Growth Investment Area	Priority Preservation Investment Area
Pinelands CMP - Regional Growth Areas & Towns	X			
Pinelands CMP - Rural Development Areas			X	
Pinelands CMP - Preservation Areas District, Forest Management Areas, Ag Production Areas and Special Ag Production Areas				X
Land within the Jurisdiction of the NJ Highlands Council	Priority Growth Investment Area	Alternate Growth Investment Area	Limited Growth Investment Area	Priority Preservation Investment Area
Highlands RMP - Existing Community		X		
Highlands RMP - Highlands Centers	X			
Highlands RMP - Conservation				X
Highlands RMP - Protection				X
Note - Requests to designate additional land to these designations would be coordinated with the Highlands Council in non-conforming municipalities				

Regional Priorities	Priority Growth Investment Area	Alternate Growth Investment Area	Limited Growth Investment Area	Priority Preservation Investment Area
SPC Approved Additions & Deletions of Land w/ Comparable Conditions to State Policy Areas at the Request of Regional Entities	X	X		X