

STATE PLANNING COMMISSION/OFFICE OF PLANNING ADVOCACY 2020 ACCOMPLISHMENTS

Following the hiring of an Executive Director and the approval to hire three new planners in late 2019, the State Planning Commission (SPC) and Office of Planning Advocacy (OPA) were tasked with a goal of addressing the expiration of 95 Center designations in 93 municipalities by June, 2020. OPA began the year with one Executive Director, two Planners (one of which was on loan from DEP), a GIS Specialist and one Administrative Assistant. The State Planning Commission had 9 of its 17 seats filled, made up of 7 ex-officio members and two public members. The nine members made up the quorum needed to take action, but if one member was absent, the Commission was not able to act.

In the first quarter of 2020, the Administration appointed **4 new SPC Commissioners** (one County Representative, one municipal representative, and two public members) and did not reappoint one public member, bringing the total filled seats to 12. Additionally, **three new Planners were hired** at OPA, while the Planner on loan returned to DEP and subsequently retired, bringing the planning staff to four. All other staff remains the same.

With this structure in place, the State Planning Commission and the Office of Planning Advocacy had the ability to focus on the tasks at hand.

It was recognized that the State Development and Redevelopment Plan (SDRP) was dated, but not likely to be updated in 2020 or even in 2021. While the goals stated in the 2001 SDRP are still valid today, several current Administration priorities were not addressed in detail in that Plan, including, among others things, climate change and equity. With this in mind, priorities were set as follows:

- Continue to work with municipalities with expiring Centers to determine interest in pursuing Plan Endorsement;
- Review and update collaboration efforts among state agencies, planning partners, and other stakeholders;
- Update guidelines, where applicable;
- Prepare to update rules, where applicable;
- Determine value-added efforts that OPA can offer municipalities and identify incentive opportunities for municipalities.

Then, the COVID Crisis hit. **The State Planning Commission approved resolution #2020-07** on April 15th. The Commission found that the relaxation of the expiration date was necessary because enforcement of the existing expiration date would be detrimental to the public welfare during the emergency. Many municipalities had to devote time and resources to issues relating to the pandemic, rather than to long-term land use planning. Requiring municipalities to divert attention and resources away from emergency planning and services to the Plan Endorsement process would be detrimental. The rule extends the Center expiration until 180 days after the revocation of Executive Order 103. It is not anticipated that further extensions will be granted.

Nevertheless, the Commission and the Office have been busy. Below details the progress in each of the priority areas.

Continue to work with municipalities with expiring Centers to determine interest in pursuing Plan Endorsement

In January, 2020, 31 municipalities of the 95 (33%) were working with OPA to participate in the Plan Endorsement Process. Of the 31, only 4 (4%) were far enough along in the process that indicated a commitment to pursue Endorsement. A total of 15 of the 95 (16%) had formally decided not to pursue Endorsement. The remaining municipalities, 49 or 52%, were either undecided or had only verbally discussed the process and their intent.

Since January, **an additional 37 municipalities have actively participated in the Process** by committing resources toward submitting and/or updating planning documents to demonstrate a true commitment to pursuing Endorsement. In addition to moving those 37 municipalities from the early stage of the process toward a more committed stage, **an additional 16 were able to commit to proceeding**. Only **an additional 4 municipalities decided against moving forward**. See chart below for details.

This increase in activity is particularly positive given the challenges local, county and state governments are facing as a result of the current health crisis.

2002 PE Activity	January, 2020		November, 2020		Difference
	Number	Percent	Number	Percent	
Later in Process	4	4.2%	41	43.2%	37
Early in Process	27	28.4%	6	6.3%	-21
Unknown	49	51.6%	29	30.5%	-20
Not Pursuing	15	15.8%	19	20.0%	4
Total	95	100.0%	95	100.0%	0

In addition to the 95 municipalities, **two communities have expressed an interest in participating in the Plan Endorsement Process that have not previously been interested**. Trenton (Mercer County) and Kingwood (Hunterdon County) are currently in discussions with the Office regarding participation. Trenton is particularly interesting because as a municipal aid/urban community, the benefits are as similar as they would be for an endorsed community. The City has expressed an interest, as the State Capitol, to demonstrate their consistency with State goals.

One **map amendment** was approved by Resolution #2020-09 that made way for the provision of an affordable housing development in Berkeley Township (Ocean County); one more is in process for the same reason in the Township of Holmdel (Monmouth County). **Biennial reviews** continue as required.

Review and update collaboration efforts among state agencies, planning partners, and other stakeholders

This goal is probably the most important of all goals. Among the findings of The State Planning Act, the primary goal of State planning includes coordination at many levels. Some of these findings are as follows

- "Significant economies, efficiencies and savings in the development process would be realized by private sector enterprise and by public sector development agencies if the several levels of government would cooperate in the preparation of and adherence to sound and integrated plans";
- "It is of urgent importance that ...a State Development and Redevelopment Plan designed for use as a tool for assessing suitable locations for infrastructure, housing economic growth and conservation";
- "A cooperative planning process that involves the full participation of State, regional, county and local governments as well as other public and private sector interest will enhance prudent and rational development, redevelopment and conservation policies and the formulation of sound and consistent regional plans and planning criteria";
- "...it is important to provide local governments...with the technical resources and guidance necessary to assist them in developing land use plans and procedures which are based on sound planning information and practice...";
- "...a sound and comprehensive planning process will facilitate the provision of equal social and economic opportunity so that all of New Jersey's citizens can benefit from growth, development and redevelopment";
- "An adequate response to judicial mandates respecting housing for low and moderate income persons requires sound planning to prevent sprawl and to promote suitable uses of land".

The Office led the **Planning Interagency Workgroup** that began at the end of 2019. The Workgroup is made up of all ex-officio SPC members in addition to other State agencies relevant to land use planning. Quarterly meetings were scheduled but due to the current health crisis, all but one were canceled. Instead, we work on project specific issues as needed. The structure remains in place and the workgroup can meet as needed. It is anticipated that a major effort going forward for the Interagency Workgroup will be the update of the State Planning Rules.

A concerted effort has been made between OPA and DEP to better coordinate planning and land use approvals. Monthly meetings are held to discuss Water Quality Management Plans and Center mapping. Stress points have been identified and discussion are ongoing regarding resolution of those stress points with the objective of ensuring the same message is received by municipalities from different departments in the state as well as identifying ways to improve service to the municipalities. **The Office is involved in DEP's Interagency Council on Climate Change, DEP's Interagency Council on Environmental Justice, the NJ PACT process** and other land use related topics.

A renewed effort with the **Highlands Council** began by renewing a 2007 Memorandum of Understanding. That MOU was updated, identifying major topics to be addressed and encouraging the SPC to consider endorsing the Highlands Master Plan so that we can ensure a coordinated message to the Highlands communities. **The State Planning Commission approved Resolution #2020-08 approving the updated Memorandum of Understanding and Resolution #2020-12 endorsing the Highlands Master Plan.**

Work began with Sustainable Jersey to better coordinate their requirements with the Plan Endorsement requirements. It has been noted that many of the requirements are similar or the same

and we will be able to offer municipalities economies of scale if we accept each other's submissions where we are able. Both organizations have agreed in concept to do so. In 2020, both staffs have identified the like requirements and are currently working on reconciling the requirements where there are differences and will be making recommendations regarding those reconciliations in the second quarter of 2021. Once the recommendations are finalized, the SPC and the Sustainable Jersey Board will review and, hopefully, formally accept the program.

The Office continues to **participate in numerous state, regional and local planning organizations and initiatives**. Some of these organizations include Together North Jersey, Central Jersey Transportation Planning Forum, Somerset County Regional Center Partnership, Federal and State Brownfield Interagency Working Group, South Jersey Transportation Planning Organization, Delaware Valley Regional Plan Commission, North Jersey Transportation Planning Organization, NJ Coastal Coalition, NJ Delaware Bayshore Council, Sustainable Jersey Land Use Planning & Transportation Advisory Committee and NJ County Planners Association. The Office is involved in a joint FEMA/OPA/OEM/DEP coordination effort to ensure that resiliency planning and trainings are coordinated to ensure municipalities receive coordinated messaging and funding.

The Office continues to maintain the **Brownfields** Site Mart that provides information on statewide brownfields. Although dated, the information is useful to developers. Discussions are underway with the Economic Development Authority to transfer the function to them, due to their new brownfields programs, but no determination has yet been made on that transfer. Also under discussion is the status and future of the Brownfields Redevelopment Task Force.

The Office has consulted on topics such as electric vehicle infrastructure, equitable provision of affordable housing, autonomous vehicle planning, local redevelopment planning and economic sustainability planning and recovery.

The Office began an **outreach program**. Design of a **newsletter** is completed and mailing lists are being created. A **"leave behind" document** provided to municipalities has been developed that identifies useful links to grant and other programs that may be of interest to local officials has been created and is in use. A **slide presentation** has been created that talks about the history of State Planning.

Update guidelines, where applicable

It has been recognized that the Guidelines had not been updated in over 10 years. It was deemed important to do so, since the planning landscape and on-the-ground circumstances have changed.

The first such effort required OPA staff to review, and with input from our State agency partners, make recommendations to the SPC to update the Municipal Self Assessment (MSA) Guidelines, primarily for the purpose of incorporating resiliency planning and equity concerns as identified in Executive Orders 89 and 23, respectively, in addition to technical updates. The MSA is the first major step to which a municipality commits resources as part of their commitment to the PE process. The MSA requires a municipality to assess its long term land use plans through the lens of what is existing today. What needs to change? What should remain the same? Is the current infrastructure sufficient for future population trends? After staff and agency review, recommendations were presented to **the State Planning Commission** which **passed Resolution #2020-05 to update the Municipal Self Assessment Guidelines**.

The second effort recognizes the importance of regional/county land use planning. Both the State Planning Act and the State Planning Rules recognize the importance of regional planning, but were silent on how to do so. It was also recognized that utilizing the planning expertise at the county level would take some of the heavy lift of long range land use planning off the shoulders of a municipality. OPA staff, in conjunction with State agency and planning partners, developed and recommended Guidelines for County/Regional Plan Endorsement. Recommendations were presented to **the State Planning Commission** which **passed Resolution #2020-06 to recognize a process to endorse regional and/or county plans.**

The third effort related to updated guidelines reviewed the entire Plan Endorsement process. This was a major initiative that reviewed all 10 steps in the process for update as well as inclusion of current Administration goals, such as climate change, equity and clean energy. OPA staff, in conjunction with State agency and planning partners, presented recommendations for updated PE Guidelines to **the State Planning Commission**, which **approved Resolution #2020-10 to update the full Guidelines.**

Additionally, the Office developed rules for Plan Endorsement Renewal. This process allows for renewal of Endorsement -- a process that will recognize an update to a municipality's good planning practices rather than a requirement that mandates planning practices begin again from scratch, as it is today. This will significantly reduce the lift for municipalities coming in to renew their Endorsement. We await a decision by the DAG to determine whether or not this needs to be included in the Rule update.

Prepare to update rules, where applicable

It has been recognized that, like the Guidelines, the State Planning Rules, have not been reviewed or updated in many years. Additionally, Executive Order 89 requires the State Planning Commission to update its Rules to require a mandatory Resiliency Plan as a requirement in Plan Endorsement. As a result, staff at OPA has been preparing to open the Rule process. In preparation of the Guideline updates mentioned above, when a process required a Rule update, rather than simply a Guideline change, staff identified those changes to be ready to insert them during the Rule update.

Additionally, **informal feedback sessions with planning partners have begun to help guide the direction of the update.** Informal sessions were held with NJ Future, the American Littoral Society, the NJ State League of Municipalities, the NJ County Planners Association and the New Jersey Builders Association. . Additional sessions are anticipated with the New Jersey Chapter of the American Planning Association and the New Jersey Planning Officials. These sessions will be held informally, prior to the formal Rule update process. Additionally, ongoing discussions with our State agency partners will begin to take on more formal structure. It is anticipated that we will begin the formal Rule updating process in the first quarter of 2021.

Determine value-added efforts that OPA can offer municipalities and identify incentive opportunities for municipalities

The Plan Endorsement Process and good land use planning and implementation is critical to the future of New Jersey so that we can leave a great place to live, work, and play for our children and grandchildren. The process gets increasingly more difficult when all levels of government need to incorporate climate change considerations. The science is there to make predictions, but there are a myriad of scenarios that need to be considered and determining which one to plan toward is

complicated. Often, municipalities do not have the resources, whether those resources are staff or knowledge, to plan properly.

Municipalities must comply with the Municipal Land Use Law (MLUL), which regulates what a municipality is required to do as it relates to land use. But the MLUL requires only basic practices and does not address practices that should take place to provide equitable access to infrastructure and services, to promote equitable economic sustainability, job growth and access to good, safe affordable housing, and, to protect our natural and cultural resources. The Plan Endorsement process does that; but it is voluntary and takes a significant commitment on the part of a municipality to engage. As a result, it is important to identify incentives to assist municipalities in this effort.

The Office has prepared a **recommended list of incentives** that should be considered. Funds for planning efforts should be made available; however, understanding budget constraints, a relatively small amount of funding can go a long way toward this end. Items identified also include technical assistance, additional points for competitive state grants, possible set asides of existing funding programs and permitting assistance are all areas that likely will encourage municipalities to participate in good land use planning. Some of these ideas have been partially implemented; the Office continues to work on others with our State agency partners.

One major effort that the Office is involved with involves providing **resiliency training to municipalities**. This topic is new to many and providing technical assistance is critical at this juncture. **Three programs were held that provided assistance to 15 municipalities in 5 counties. A fourth was held in December which was available to a large audience. Approximately 70 participants attended.**

STATE PLANNING COMMISSION/OFFICE OF PLANNING ADVOCACY 2021 PRIORITIES

The Office of Planning Advocacy and the State Planning Commission will have the following priorities in 2021.

Continue the Effort to Endorse Communities

The Office will continue to work collaboratively with municipalities and our State agency partners to recognize good planning at the municipal and county levels. In addition to continuing our effort with the 95 municipalities with expiring Centers, we encourage new communities to participate in the process in recognition of their intent to comply with the Administration's goals.

In addition, we will continue to encourage regional planning efforts where appropriate and work with counties by implementing the County/Regional Guidelines developed in 2020.

The Office will continue to pursue the re-endorsement principles identified in the Re-Endorsement Guidelines developed in 2020. If necessary, as we go through the Rule update process, this area will be added to the Rules.

The Office will develop a consistent Plan Implementation Agreement that petitioners of Plan Endorsement will address after they are endorsed by the State Planning Commission.

An important aspect of Plan Endorsement is agreement of the State Plan Policy Map among the State agencies and the municipalities. This can be difficult at times as each municipality has unique circumstances. Developing protocols, better communications vehicles and updated policies can assist here. These are umbrella goals that will be addressed under separate goals as discussed below. The challenge here will revolve around ensuring that competing goals are reconciled to ensure statewide success.

Interagency Coordination

Again, this aspect of the work of the State Planning Commission and the Office of Planning Advocacy is our most important. Some topics that will be prioritized are as follows:

- Interagency Workgroup – The Office will continue to work with our State agency partners, both those that have seats on the Commission as well as those that do not. As we begin to update policies and procedures, it is more important than ever to ensure a consistent message to counties and municipalities regardless of which State agency sends the message. This Office and the SPC can facilitate that with the cooperation of our partners. The mission of the State Planning Commission and the Office of Planning Advocacy is to ensure, within the scope of our authority, the effective implementation of the Administration’s goals. By ensuring robust communication among all State agencies, this is a very achievable goal.
- Inclusion of the Department of Education and the Department of Health – The Department of Education and the Department of Health have not historically been meaningfully included in discussions of land use. Yet, school projections and community health are very much a part of decisions for a local jurisdiction. This is a gap in coverage which should be closed. As a result, these Departments should be included in our planning activities. It is recommended that they become part of the Interagency Workgroup and an invitation to join will be sent to the Departments.
- Highlands Council Coordination – The Office will continue to coordinate with the Highlands Council on many fronts. Both offices have agreed to coordinate Plan Conformance with Plan Endorsement to encourage consistent messaging throughout the regions. A municipal guidance document will also be developed for conformance and Plan Endorsement in Highlands Planning Areas. Additionally, work has already begun on ensuring that the State Plan Policy Map is consistent with the Highlands map. It is anticipated that a review of the Highlands TDR program will be reviewed (in conjunction with the State TDR program mentioned above) and updated to ensure the success of that program.
- Incentive Discussion – The State Planning Commission and the Office of Planning Advocacy continue to believe that good land use planning should be incentivized. Obviously, funding is an important incentive, but there are other incentives that provide valuable benefits to good land use planning. Important other benefits include permitting assistance and additional points for competitive grants. Further, providing access to municipalities to planning tools such as GIS is beneficial. These items have minimal budgetary impacts and if planned properly can provide priority planning for good projects that achieve State goals and provide long term beneficial use. The Office and the Commission will continue to encourage discussions toward that end.

Develop and Update State Planning Commission Policies

The State Planning Commission and the Office of Planning Advocacy are guided by the goals and principles of the 2001 State Development and Redevelopment Plan. While the goals identified in the Plan are still relevant today, they should surely be revisited and updated. Additionally, while the Plan addresses resiliency and equity, they clearly do not address the topics in sufficient detail as is needed in today's environment.

In addition, the land use concerns that were top of mind in 2001 are different than they are today. While many issues are still of concern, some are new and some require different levels of attention. So it is important, in the absence of the ability to update the State Development and Redevelopment Plan, policies and implementation of the goals in the Plan can be revisited.

All policies will be reviewed under the equity umbrella to ensure equal access for all residents of New Jersey, while also ensuring a realistic approach to implementation by considering resource availability and constraints.

These items can be interpreted and updated through statewide policy statements that can be used for guidance both for Plan Endorsed communities and those communities who chose not to pursue Plan Endorsement.

Some of the policies that will be reviewed, developed and/or updated, together with our State agency partners, and through the work of the Interagency Workgroup, include:

- **Enabling and promoting economic sustainability through land use practices** -- How does the State Planning Commission encourage "right sizing" and "right siting" economic opportunities so that entire regions are positively impacted through economic growth and sustainability? How do we ensure that, for example, the current pressure of siting warehousing and distribution centers are located without stressing the current infrastructure? How do we ensure that all appropriate industries benefit from zoning policies and building requirements? How can the SPC assist in reducing the time it takes to permit specific land uses?
- **Reconciling resiliency project priorities among state agencies** -- How can the State Planning Commission assist in leveraging state departments' funding of resiliency projects to ensure that all projects meet stated resiliency goals and provide efficient use of available funds? How can the SPC assist in determining what those specific goals should be? What factors should be considered when determining priority projects? How do we leverage federal funding? How does the SPC address planning for the impact of climate change on the built environment, water quality and important habitat?
- **How does the State Planning Commission incorporate the Energy Master Plan into actions?** How does the SPC recommend addressing Greenhouse Gas Emissions?
- **Transfer of Development Rights** -- The current Transfer of Development Rights Program is not easily workable. How does the State Planning Commission work with the Department of Environmental Protection, the Department of Agriculture and the State Agriculture Development Committee to rework the Program, develop alternatives or promote similar tools such as non-contiguous clustering that are more easily implementable and achieve the same conservation results?
- **Equitable Provision of Affordable Housing** – How does the State Planning Commission develop planning policies to assist in the provision of equitably affordable housing? It is no longer

enough to look at the issue in a simply in a quantitative manner; but how does the SPC encourage affordable housing in mixed income areas, near public transportation and other infrastructure and resources, and in centers of activity and economic opportunity? How does the SPC encourage more diversity of housing stock including ADUs and multifamily dwellings? How does the State discourage affordable housing in areas that are subject to flooding or otherwise environmentally sensitive?

- **Public Transportation Access** – How can the State Planning Commission encourage public transportation access and more rapid conversion to Complete Streets at the local and regional level; particularly in addressing equity and environmental justice?
- **Urban Redevelopment** – How do we assist municipalities through recommended land use solutions to address issues that are unique to our urban areas, such as food insecurity, concentrated poverty, disproportionate exposure to environmental hazards, and access to broad band internet?
- **Rural sustainability** – How do we support rural communities with land use solutions that support access to public transportation, retention of small businesses, food deserts, access to broad band internet and climate resiliency?
- **Public Facilities and Infrastructure** – How does the State Planning Commission recommend land use policies through the lens of the current state of public facilities and infrastructure? Can some flooding issues be resolved by addressing Combined Sewer Outflows or maintenance of sewer service lines or providing green infrastructure? How can public facilities be improved through redevelopment agreements?
- **Working Waterfronts** – How does the SPC support water-based activities in changing coastal environments especially as climate change and sea level rise makes NJ waterfront's more vulnerable.

Update the State Planning Rules

It is anticipated that the Rule update process will begin in the first quarter of 2021. All of the procedures that we currently work under will be reviewed and updated. There will be several areas of focus that will require definitional updates:

- Inclusion of mandatory resiliency planning, per Executive Order 89;
 - How does the SPC encourage center based development and economic growth in areas that are subject to climate change and flooding? Do we create restricted centers? How do we utilize Critical Environmental Site Overlays in center based development? Is there a separate approach for working waterfronts?
 - How do we address the long term climate change threat?
- Inclusion of mandatory equity planning and implementation;
- Ensuring that new Plan Endorsement practices are developed to ensure requirements are reasonable but that also provide evidence of compliance with State goals;
- Updating cross-acceptance procedures to ensure that State messaging to counties and municipalities is consistent regardless of which agency is communicating and to incorporate current technology to provide feedback at any level. These changes must allow for proper public participation, but ensure a less cumbersome process during future Plan updates.

- Addressing current infrastructure needs and requirements reporting that is necessary for Plan updates.

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Coordination with Other Planning Partners

Having partnerships with other planning partners, whether they are government (at any level), quasi government, non-profits or constituent organizations, is beneficial to our process. Public participation and input from all levels of government can only enhance the process. As a result, we will continue to work with all planning partners that we are current working with and expand our outreach programs so that we can provide meaningful support and be considered a valuable resource for the betterment of the State. Some specific efforts are as follows:

- Sustainable Jersey – In 2020, the Office began working with the Sustainable Jersey Program to better coordinate their requirements with those of Plan Endorsement. Many requirements of both programs are consistent and work continues on developing recommendations for those requirements that are inconsistent. In 2021, a full programmatic recommendation will be presented to both the Commission and the Sustainable Jersey Board to receive formal approval of the program, including policies as well as programmatic implementation.
- Information Sharing – It is the goal of the Office to enhance our information sharing ability. In 2020, we began to plan for several efforts and will continue toward implementation and enhancement as follows:
 - “News You Can Use” -- The new OPA newsletter is currently in development and will be ready for production in early 2021. It is anticipated that this newsletter will provide information to the reader on policy updates, resource availability and other information that will provide easy access to important information
 - Training Catalogue – The Office does not have the knowledge or the resources to provide training on resiliency or other land use matters. We can, however, work with our partners to provide a catalogue of training resources that are available to those who are interested in expanding their knowledge base.
 - Technical Assistance – Whether it be during the Plan Endorsement process or on an ad-hoc basis, Office staff stand ready and able to assist in day to day land use planning. Staff will continue to make themselves available for task forces and other workgroups on specific subject matter where we can be useful.

And, finally....

The year 2021 will be a year of recovery and rebirth after the effects of COVID on both our economy and the health of our communities. How we respond to this recovery will likely impact the State for years to come. The Office of Planning Advocacy and the State Planning Commission must be able to proactively address all of the above issues and more. It is beyond our ability to predict what changes await us and we need to be flexible enough to adjust our plans and objectives. Reacting is not good enough;

proactively addressing what we know and being nimble enough to address what will be new is required. The Office and the State Planning Commission are prepared to do just that.