



New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	MERCER COUNTY	OSG Item No.	1
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Agree Conditionally

General Topic:

Other

County/NE Proposed Change to State Plan Section:

The delineation criteria for the various Planning Areas - particularly PA2 through PA5 - are not sufficiently specific (for example, PA2-PA5 all have the same population density standard).

1. Change the Delineation Criteria

We continue to question the Planning Area delineation criteria both in substance and in application. The criteria take on increased importance given the fast track legislation and other state agency reliance of the SDRP. While the counties have long supported state agency coordination, leading to putting teeth in the Plan, the lack of distinction between planning areas raises substantial equity issues. Density appears to be the most critical in achieving a particular feel in an area, yet Planning Areas 2-5 all have the same population density criteria. Existing developed areas are not necessarily the best places for new growth. Many have substantial constraints on infrastructure systems.

At a meeting to discuss policy issues of the Preliminary Plan and Map, it was suggested by a majority of participants that the current delineation criteria are flawed and should be altered. The following are recommendations and issues with the current criteria that must be addressed:

- A capacity analysis of systems must be undertaken in order to determine where growth can be supported. Systems such as sewer service, water, transportation and other systems, as well as plans to improve or expand them must be undertaken in order to determine where growth can be supported.
- Planning Area delineation criteria should be more specific and clear, and include such criteria such as density, development patterns, zoning, and environmental constraints.
- Planning Area 3 should have specific, clear, delineation criteria, or the delineation criteria for the other Planning Areas should be changed to minimize the land area in PA3. The true intent of Planning Areas 3 is either unknown, or confusing.
- There should be greater differentiation between Planning Area delineation criteria. The delineation criteria for Planning Areas 2, 3, 4, 4b and 5 all contain the criteria "Population density of less than 1,000 people per square mile."
- Population density should not be the sole determinant of density.

During the Cross-Acceptance Process, the County prepared a list of criteria and tested these criteria on a map. We believe that this exercise demonstrated the importance of more specific delineation criteria, yet issues remain. Therefore, we are not proposing that the Commission adopt the changes and have not included them in the Report. Rather, we are urging that the delineation criteria be reviewed, have clear definitions, and that the role of sewer service areas be clarified.

Mercer County Response to OSG, 8/30/2006:

What is the purpose of the State Plan Map and how should it be used? (See How the State Plan Should Be Used, Overview of the State Plan, NJ SDRP, pg 11). Without a clear answer to this question from the SPC the Map will continue to be contentious. And, because the planning area criteria are the data components of the Map, the criteria have to support the purpose. A better understanding of the purpose of the Map will result in delineation criteria that



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make sense to interpreters of the Map.

The delineation criteria result in information on the State Plan map that does not clearly represent the intent of the State Plan. The delineated planning areas on the State Plan map tend to represent current conditions, not intended outcomes for each planning area. These outcomes could include new areas for growth. This results in a State Plan map that only conveys current information about the planning area—a representation of the planning area today—and does not adequately portray the intended result of the planning area based on implementation of policies in the future. The problem arises when the interpreter attempts to apply knowledge of 1) planning practice and process and 2) policies established in the Plan, to the planning areas represented on the Map.

In Mercer County the planning areas on the State Plan map represent the areas' current characteristics. This reference point alone either stymies new ideas for growth and preservation or causes the practitioner to abandon the State Plan policies and Map altogether. The current Map is a pictorial description or summary of what is. The current Map does not demonstrate the broad strategies needed to achieve planning area goals nor does it explain the rationale behind those strategies.

Practitioners continually work from a map that represents static planning area boundaries whose geographic location, in part, is inherently based on the evolution of those areas overtime (a conventional approach) and today are dictated by adjacent planning area criteria. The framework of cities, suburbs and hinterlands is established and expansive changes in land use are moderate in these areas. On the other hand, the true intent of Planning Area 3 is unknown and confusing

because this is the area that represents the most recent and extensive changes in land use; a planning area that practitioners are reacting to rather than planning for. In practice, strategies for site-specific development often require trade-offs that affect geographic areas across several different planning areas.

Planning area criterion, such as "greater than one square mile" does not have much meaning when the description of planning areas (Overview of the State Plan, NJ SDRP, pg 8) - large masses of land that share a common set of conditions - is revisited. All the planning areas but PA 3 have characteristic design elements and patterns (roadway and lot configurations, density) that are readily recognized and that practitioners can use to broadly define an area's geographic extent.

Preliminary State Plan Section as Currently Proposed:

Planning Areas

p. 41 (only addresses delineation of CES)

Section in Existing State Plan:

Delineation criteria for the various Planning Areas are contained on pages 190, 195, 201, 207, 215, 216, and 226 (for CES). Criteria for PA1-PA5 include land area greater than one square mile, with density >1000 per square mile in PA1 and density <1000 per square mile in PA2-5.

Additional Information Regarding Proposal:

Staff Response:



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STATEWIDE ISSUE

- 1) Regarding capacity analysis of systems: Agree- Capacity analysis of systems should be undertaken in order to determine where growth can be supported.
- 2) Regarding planning area delineation criteria: Disagree - Different areas are defined based on their current and potential uses, which take into account density, development patterns, zoning and environmental constraints. Planning areas are intended for use as general guidelines, not as tools for zoning.
- 3) Regarding Planning Area 3: Disagree - Planning Area 3 is land that does not fit the criteria for other planning areas. As such the land's future has not yet been determined. It is assumed it can either be developed or preserved when the time is right based on the overall planning decision for the area.
- 4) Regarding differentiation of the criteria among planning areas 2 through 5 (particularly population density): Disagree - Population is only one of the delineation criteria for each of these Planning Areas. Considering all the criteria enables one to determine the appropriate Planning Area and therefore future land uses.
- 5) Agree - Population density should not be the sole determinant of Planning Area designation, of density and it is only one of the delineation criteria for each of the planning areas.



New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	MERCER COUNTY	OSG Item No.	2
Source:	County Report	Approved by OSG Director	
NE Item No.	2	Preliminary Staff Recommendation:	Agreement

General Topic:

Other

County/NE Proposed Change to State Plan Section:

It is unrealistic to designate corporate campuses as PA4 or PA5, which might prevent them from completing approved construction.

Recognize Existing Places, Including Corporate Campuses:

One major purpose of the State Plan is to change the landscape of New Jersey by directing growth to appropriate locations. However, it must be recognized that New Jersey still needs to have jobs and housing. A careful balance must be struck. Therefore, we must identify areas for growth with the understanding that these areas may have environmental constraints that must be respected. We also believe that in many cases, careful planning and design can provide for development in an environmentally sensitive manner.

We must recognize that for many of our corporate citizens, the choice is not city or suburb; rather the choice is New Jersey or some other state. In Mercer County, this is a particular issue because the border formed by the Delaware River isn't any more real than the border formed by the Raritan River. While there may have been past decisions that encouraged development in places we would not approve today, substantial investment has been made in these areas. Many of these corporate facilities have approved General Development Plans and should not be precluded from implementing them. The mapping threshold presents problems because Planning Areas 4 or 5 surround many of these places.

Mercer County Response to OSG, 8/30/2006:

What is the purpose of the State Plan Map and how should it be used? (See How the State Plan Should Be Used, Overview of the State Plan, NJ SDRP, pg 11). Without a clear answer to this question from the SPC the Map will continue to be contentious. And, because the planning area criteria are the data components of the Map, the criteria have to support the purpose. A better understanding of the purpose of the Map will result in delineation criteria that make sense to interpreters of the Map.

The delineation criteria result in information on the State Plan map that does not clearly represent the intent of the State Plan. The delineated planning areas on the State Plan map tend to represent current conditions, not intended outcomes for each planning area. These outcomes could include new areas for growth. This results in a State Plan map that only conveys current information about the planning area—a representation of the planning area today—and does not adequately portray the intended result of the planning area based on implementation of policies in the future. The problem arises when the interpreter attempts to apply knowledge of 1) planning practice and process and 2) policies established in the Plan, to the planning areas represented on the Map.

In Mercer County the planning areas on the State Plan map represent the areas' current characteristics. This



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reference point alone either stymies new ideas for growth and preservation or causes the practitioner to abandon the State Plan policies and Map altogether. The current Map is a pictorial description or summary of what is. The current Map does not demonstrate the broad strategies needed to achieve planning area goals nor does it explain the rationale behind those strategies.

Practitioners continually work from a map that represents static planning area boundaries whose geographic location, in part, is inherently based on the evolution of those areas overtime (a conventional approach) and today are dictated by adjacent planning area criteria. The framework of cities, suburbs and hinterlands is established and expansive changes in land use are moderate in these areas. On the other hand, the true intent of Planning Area 3 is unknown and confusing

because this is the area that represents the most recent and extensive changes in land use; a planning area that practitioners are reacting to rather than planning for. In practice, strategies for site-specific development often require trade-offs that affect geographic areas across several different planning areas.

Planning area criterion, such as (greater than one square mile) does not have much meaning when the description of planning areas (Overview of the State Plan, NJ SDRP, pg 8) - large masses of land that share a common set of conditions—is revisited. All the planning areas but PA 3 have characteristic design elements and patterns (roadway and lot configurations, density) that are readily recognized and that practitioners can use to broadly define an area's geographic extent.

Preliminary State Plan Section as Currently Proposed:

I. State Plan Policy Map

This is not addressed in the Preliminary Plan.

Section in Existing State Plan:

P. 186: The State Plan anticipates continued growth throughout New Jersey in all Planning Areas. The character, location and magnitude of this growth vary among Planning Areas according to the specific character of the area.

Additional Information Regarding Proposal:

Staff Response:

STATEWIDE ISSUE

Corporate campuses are not mapped as PA4 or PA5 as a rule. Rather, they are mapped according to the planning area criteria as applied to where they are located. For example, they would be mapped as PA2 if the area meets the minimum size requirement of one-square mile and other characteristics required for PA2.



New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	MERCER COUNTY	OSG Item No.	6
Source:	County Report	Approved by OSG Director	
NE Item No.	6	Preliminary Staff Recommendation:	Agreement

General Topic:

Other

County/NE Proposed Change to State Plan Section:

Update the State Plan Policy Map to reflect sewer service area changes, plan endorsement, and preserved land additions.

Keep the Map Current: The map should be regularly updated to reflect changes in approved sewer service areas, additions to the preserved land inventory and changes as a result of Plan Endorsement.

Preliminary State Plan Section as Currently Proposed:**I. State Plan Policy Map**

Updates to the map are not addressed in the Preliminary Plan.

Section in Existing State Plan:

Updates to the map are not addressed in the Plan.

Additional Information Regarding Proposal:**Staff Response:****STATEWIDE ISSUE**

The map is routinely updated based on decisions made by the State Planning Commission during Cross Acceptance and with Plan Endorsement.



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NE Item No.	2	Preliminary Staff Recommendation:	Disagreement

General Topic:

Other

County/NE Proposed Change to State Plan Section:

Many fully developed Boroughs shouldn't be PA1/2, since they can't accommodate or don't desire more development.

Recognize Existing Places:

Our Boroughs are wholly surrounded by townships. These existing, fully developed places have no room and/or no infrastructure to grow within their own boundaries. It may be desirable from a pure planning perspective to have these places be centers for growth. However, the reality is that these places do not want their borders breached and many have preserved greenways to avoid such a pattern. There needs to be a way to recognize existing developed places without identifying them as locations for growth. Boroughs such as Pennington are wholly developed in a dense residential pattern. Given the "fast track" legislation, a Planning Area 2 designation raises concerns. Yet, the development pattern is consistent with density one would expect in Planning Area 1 or 2. The Plan should recognize these places as existing places with no room to grow.

Mercer County Response to OSG, 8/30/2006:

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NE Item No.	2	Preliminary Staff Recommendation:	Disagreement

expansive changes in land use are moderate in these areas. On the other hand, the true intent of Planning Area 3 is unknown and confusing

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Preliminary State Plan Section as Currently Proposed:

I. State Plan Policy Map

This is not addressed in the Preliminary Plan.

Section in Existing State Plan:

P. 186: The State Plan anticipates continued growth throughout New Jersey in all Planning Areas. The character, location and magnitude of this growth vary among Planning Areas according to the specific character of the area.

Additional Information Regarding Proposal:

Staff Response:

STATEWIDE ISSUE

The State Plan defers the decision to continue to grow or to redevelop in "existing developed places" to the municipality's zoning authority and to the ability of infrastructure and resources to sustain additional development.



New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	MERCER COUNTY	OSG Item No.	4
Source:	County Report	Approved by OSG Director	
NE Item No.	4	Preliminary Staff Recommendation:	Disagreement

General Topic:

Agricultural

County/NE Proposed Change to State Plan Section:

Show Preserved Farmland on the Plan Map.

Preserved farmland is currently not shown on the 2001 State Plan Map or the 2004 Delta Map. Not only is agricultural preservation a Statewide Goal in the existing Plan, it is a primary piece of the State's and County's preservation efforts. Further, these lands are not available for development. Therefore, it is important that they not be counted in acreage of developable areas. Preserved farmland should be added to the Parks and Natural Areas Planning Area.

Mercer County Response to OSG, 8/30/2006:

Preserved farms should be mapped as a cultural resource and within agricultural industry nodes if they exist within these. Appropriate farming practices can also advance certain aspects of conservation and farms that achieve this should be recognized in the plan and on the secondary CES/HCS map as such. Preserved farms use the same financial resources as preserved open space. Additionally, the presence of large contiguous areas of preserved agricultural lands, should impact the way the state allocates its resources. The mere presence of a planning area 4 is not indicative of a lack of subdivisions or other non-agricultural lands. For example, roads may still need to be widened in these areas. Large areas of preserved land may abrogate the need for such infrastructure. They are not CES's and should not be mapped as such.

Preliminary State Plan Section as Currently Proposed:

I. State Plan Policy Map

This is not addressed in the Preliminary Plan.

Section in Existing State Plan:

p. 182 shows the State Plan Policy Map; p. 183 contains a table which enumerates acres of preserved land (including preserved) farmland within each Planning Area.

Additional Information Regarding Proposal:**Staff Response:****STATEWIDE ISSUE**

It is not practical to create a new Planning Area for preserved farmland. However, depending on the complexity of the mapping, the State Planning Commission may consider mapping them on the State Plan Policy Map in the future in the similar manner that CES's are mapped.



New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	MERCER COUNTY	OSG Item No.	5
Source:	County Report	Approved by OSG Director	
NE Item No.	5	Preliminary Staff Recommendation:	Disagreement

General Topic:

Other

County/NE Proposed Change to State Plan Section:

De-clutter the State Plan Policy Map by removing CES and HCS. Also, do not rely exclusively on the NJDEP wetlands map for CES identification.

Critical Environmental Sites Because Critical Environmental Sites (CES) are included on the Plan Map for apparently “informational” purposes, and because the sites are protected by their own regulations, CES should not be included on the Plan Map. Instead, a Second Map should be included in the State Plan that identifies CES and Historic and Cultural Sites (HCS). This Second Map will serve to “clean up” the Plan Map, improving what has become a difficult map to read, and still provide the environmental information critical to responsible planning.

Critical Environmental Sites are currently only shown overlaying PA1 and PA2. CES should be shown overlaying PA1, PA2, and PA3 to promote responsible planning.

On the 2004 Delta Map, only wetlands and Natural Heritage Priority Sites are used to determine Critical Environmental Sites (CES). The NJ Department of Environmental Protection’s wetlands map is notoriously problematic. We caution that this data layer be used only as a starting point for field verification. There currently exists an additional wide range of data and mapping that should be used to determine CES designation. When not resulting in a designation of PA 4b or 5, the following data should be included in CES designations:

- Groundwater Recharge Areas
- Critical Sub-Watersheds (designated C1 Streams HUC14 Subwatersheds)
- Wellhead Protection Areas
- NJDEP Landscape Project Endangered Species Habitat, Ranks 3, 4, 5
- All major stream corridors – major stream corridors are important to the protection of wildlife habitat and water quality, and are considered important aesthetic qualities of our communities. In addition, preservation of stream corridors and connectors are identified as priorities in the County’s Open Space and Recreation Plan. A buffer of 100-feet is suggested for maximum protection of the stream.

However, while Stream Corridors should be included as Critical Environmental sites in the State Plan, they should not be included on the Plan Map. Even a buffer of 100-feet of Stream Corridors barely registers when shown on the Plan Map.

Historic and Cultural Sites Because Historic and Cultural Sites (HCS) are included on the Plan Map for apparently “informational” purposes, and because the sites are protected by their own regulations, HCS should not be included on the Plan Map. Instead, HCS should be shown on the Second Map recommended above.

- All historic districts identified on the State and National Registers of Historic Places (the Registers) should be identified on the Second Map as Historic and Cultural Sites. If a Second Map is not included, HCS should not be included on the Plan Map. Their inclusion would make an already unwieldy map, more so.
- The State Plan should reference the Registers in Statewide Policy 9. Historic, Cultural and Scenic Resources and note that properties listed receive various forms of protection, determined by their listing.

Mercer County Response to OSG, 8/30/2006 (with regard to CES):

The State Plan identifies thirteen (13) features for CES Delineation. The criteria for including CES in the State



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County:	MERCER COUNTY	OSG Item No.	5
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NE Item No.	5	Preliminary Staff Recommendation:	Disagreement

Plan Policy Map are those less than one square mile in extent and protected by regulations or ordinance. In addition to landscape project data, Mercer County's municipalities have natural systems that are infrastructure-related and regulated to some degree: 1) adopted stream corridor ordinances, 2) wellhead protection areas and aquifer recharge areas that are significant to public water supply/infrastructure, and 3) green corridors, freshwater wetlands, and prime forested areas where both migratory and unique plant community habitats exist. Many of these features are significant because of their geographic extent (greater than one square mile) and the dependent relationship these features have with one another. The State Plan's existing "less than one square mile criterion, creates disconnected "pockets" of natural features that, in reality, are part of larger natural systems and infrastructure. This criterion goes against the intent of the CES, which is to conserve natural resources and systems and when portrayed on a map results in misleading information about these features. In addition, mapping CES less than one square mile on the State Plan map in letter-sized format for book reproduction creates information on a scale too small to read and to interpret. To better fulfill the intent of the State Plan with regard to natural resource and system conservation it seems more appropriate to publish a second map displaying natural resources and systems separately. The printed version of the primary State Plan map can make reference to this second map.

Since the State Plan map is developed using GIS applications, OSG should consider standards and methods for developing and maintaining the State Plan data layers and map layouts in a statewide geodatabase format. This requires development of a centralized database at the State level that can be accessed by all state agencies for further data development and maintenance. The geodatabase format can allow users of the State Plan to display the primary layers of the map but retrieve other relevant data in separate tables. This method will provide an informative State Plan Policy Map that can be used to interpret environmental information for responsible planning.

Mercer County Response to OSG, 8/30/2006 (with regard to HCS):

Many of the features identified in the State Plan for HCS designation coincide with CES features such as greenways, dedicated open space, archaeological sites, and natural landscapes. A second map that contains both HCS with CES will clearly show how the features of both these resources are related. The printed version of the primary State Plan map can make reference to this second map.

Since the State Plan map is developed using GIS applications, OSG should consider standards and methods for developing and maintaining the State Plan data layers and map layouts in a statewide geodatabase format. This requires development of a centralized database at the State level that can be accessed by all state agencies for further data development and maintenance. The geodatabase format can allow users of the State Plan to display the primary layers of the map but retrieve other relevant data in separate tables. This method will provide an informative State Plan Policy Map that can be used to interpret environmental information for responsible planning.

Preliminary State Plan Section as Currently Proposed:

I. State Plan Policy Map

p. 41-2:



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County:	MERCER COUNTY	OSG Item No.	5
Source:	County Report	Approved by OSG Director	
NE Item No.	5	Preliminary Staff Recommendation:	Disagreement

Section 8: Mapping Policies

I. Critical Environmental Sites.

Section in Existing State Plan:

p. 226-7:

CES and HCS can be mapped in any Planning Area acting as an overlay within the Planning Area.

Additional Information Regarding Proposal:

Staff Response:

STATEWIDE ISSUE

With regard to CES, there is a limited amount of information that can be portrayed on one map at one time. However, computer mapping tools and overlays can add information to a base map. CESs will remain in PA1,2 , 3 and DC. Additional information can be made available through overlays. The State Planning Commission made the decision to map CES in the SDRP and does not see the need to create a second map.

With regard to HCS, there is only one SPPM. HCS are shown on the map for informational purposes in order to highlight the need to preserve these resources.



New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	MERCER COUNTY	OSG Item No.	7
Source:	County Report	Approved by OSG Director	
NE Item No.	7	Preliminary Staff Recommendation:	Disagreement

General Topic:

Other

County/NE Proposed Change to State Plan Section:

Reconsider the requirement that Planning Areas be at least one square mile in size.

The Plan Map is drawn with a fine pen, not a thick marker. The lines illustrating Planning Area boundaries have a presumed level of accuracy. Given the increased regulatory reliance on the Map, the State should revisit the policies that require that a Planning Area be a minimum of one-square-mile in size.

Mercer County Response to OSG, 8/30/2006:

The accuracy level is a little known fact. This information should be shown to the public and printed on the maps.

Preliminary State Plan Section as Currently Proposed:

I. State Plan Policy Map

This is not addressed in the Preliminary Plan.

Section in Existing State Plan:

Delineation criteria for the various Planning Areas on pages 190, 195, 201, 207, 215, and 216 specify that each PA must be at least one square mile in size.

Additional Information Regarding Proposal:**Staff Response:****STATEWIDE ISSUE**

Lines Boundaries mapped at a scale of 1:24,000, the scale of the official maps of the State Plan, are accurate to within 45 feet. The Preliminary Plan mapping has been developed to help with the application the State Plan Statewide Policies in order to achieve the goals of the State Planning Act. The map is a Policy Map not designed with regulatory intent.



New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	MERCER COUNTY	OSG Item No.	3
Source:	County Report	Approved by OSG Director	
NE Item No.	3	Preliminary Staff Recommendation:	Pending

General Topic:

Environmental

County/NE Proposed Change to State Plan Section:

Designate the Sourland Mountains as Special Resource Area.

Designate the Sourland Mountains as Special Resource Area:

The Sourland Mountain Natural Resource Inventory demonstrates the unique characteristics and resources of this natural area to the State and region that supports consideration of regional planning efforts. Mercer County supports the proposed Sourlands Special Resource designation.

Preliminary State Plan Section as Currently Proposed:

2. Conserve the State's Natural Resources and Systems

This is not addressed in the Preliminary Plan.

Section in Existing State Plan:

The Plan does not discuss the Sourlands specifically.

P. 171-2 provides discussion of Special Resource Areas:

Additional Information Regarding Proposal:**Staff Response:****STATEWIDE ISSUE**

The Sourland Mountain region and its unique resources are currently being studied. A grant from the Office of Smart Growth has been provided for this study. Pending the outcome of that study and until a determination is made by the State Planning Commission; the Sourlands cannot be mapped as a Special Resource Area.