

STATE PLANNING ACT TEXT

52:18A-196. Legislative findings and declarations: The Legislature finds and declares that: a. New Jersey, the nation's most densely populated State, requires sound and integrated Statewide planning and the coordination of Statewide planning with local and regional planning in order to conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal; b. 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; c. It is of urgent importance that the State Development Guide Plan be replaced by a State Development and Redevelopment Plan designed for use as a tool for assessing suitable locations for infrastructure, housing, economic growth and conservation; d. It is in the public interest to encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services and facilities, giving appropriate priority to the redevelopment, repair, rehabilitation or replacement of existing facilities and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this State; e. A cooperative planning process that involves the full participation of State, county and local governments as well as other public and private sector interests will enhance prudent and rational development, redevelopment and conservation policies and the formulation of sound and consistent regional plans and planning criteria; f. Since the overwhelming majority of New Jersey land use planning and development review occurs at the local level, it is important to provide local governments in this State 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, and to facilitate the development of local plans which are consistent with State plans and programs; g. An increasing concentration of the poor and minorities in older urban areas jeopardizes the future well-being of this State, and 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; h. An adequate response to judicial mandates respecting

housing for low- and moderate-income persons requires sound planning to prevent sprawl and to promote suitable use of land; and i. These purposes can be best achieved through the establishment of a State planning commission consisting of representatives from the executive and legislative branches of State government, local government, the general public and the planning community.

52:18A-197. State Planning Commission; membership; conflict of interest: There is established in the Department of the Treasury a State Planning Commission, to consist of 17 members to be appointed as follows: a. The State Treasurer and four other cabinet members to be appointed by and serve at the pleasure of the Governor. Each cabinet member serving on the commission may be represented by an official designee, whose name shall be filed with the commission, All other members of the cabinet, or their designees, shall be entitled to receive notice of and attend meetings of the commission and, upon request, receive all official documents of the commission; b. Two other members of the executive branch of State government to be appointed by and serve at the pleasure of the Governor; c. Four persons, not more than two of whom shall be members of the same political party, who shall represent municipal and county government, and at least one of whom shall represent the interest of urban areas, to be appointed by the Governor with the advice and consent of the Senate for terms of four years and until their respective successors are appointed and qualified, except that the first four appointments shall be for terms of one, two, three and four years, respectively. In making these appointments, the Governor shall give consideration to the recommendations of the New Jersey League of Municipalities, the New Jersey Conference of Mayors, the New Jersey Association of Counties, and the New Jersey Federation of Planning Officials; d. Six public members, not more than three of whom shall be of the same political party, and of whom at least one shall be a professional planner, to be appointed by the Governor with the advice and consent of the Senate for terms of four years and until their respective successors are appointed and qualified, except that of the first six appointments, one shall be for a term of one year, one for a term of two years, two for a term of three years and two for a term of four years. Vacancies in the membership of the commission shall be filled for the unexpired terms only in the same manner as the original appointments were made. Members shall receive no compensation for their services but shall be entitled to reimbursement for expenses incurred in the performance of

their official duties. Members of the commission shall be subject to the provisions of the “New Jersey Conflicts of Interest Law,” P.L.1971, c. 182 (C. 52:13D-12 et seq.).

52:18A-198. Commission; organization: The commission shall meet for the purpose of organization as soon as may be practicable after the appointment of its members. The Governor shall select a chairman, who shall serve at the pleasure of the Governor, from among the public members and the members of the commission shall annually select a vice chairman from among the representatives of the public or municipal or county governments. Nine members of the commission shall constitute a quorum and no matter requiring action by the full commission shall be undertaken except upon the affirmative vote of not less than nine members. The commission shall meet at the call of its chairman or upon the written request of at least nine members.

52:18A-199. Powers and duties: The commission shall: a. Prepare and adopt within 36 months after the enactment of this act, and revise and readopt at least every three years thereafter, the State Development and Redevelopment Plan, which shall provide a coordinated, integrated and comprehensive plan for the growth, development, renewal and conservation of the State and its regions and which shall identify areas for growth, agriculture, open space conservation and other appropriate designations; b. Prepare and adopt as part of the plan a long-term Infrastructure Needs Assessment, which shall provide information on present and prospective conditions, needs and costs with regard to State, county and municipal capital facilities, including water, sewerage, transportation, solid waste, drainage, flood protection, shore protection and related capital facilities; c. Develop and promote procedures to facilitate cooperation and coordination among State agencies and local governments with regard to the development of plans, programs and policies which affect land use, environmental, capital and economic development issues; d. Provide technical assistance to local governments in order to encourage the use of the most effective and efficient planning and development review data, tools and procedures; e. Periodically review State and local government planning procedures and relationships and recommend to the Governor and the Legislature administrative or legislative action to promote a more efficient and effective planning process; f. Review any bill introduced in either house of the Legislature which appropriates funds for a capital project and may study the necessity, desirability and relative priority of the appropriation by reference to the State Development and Redevelopment Plan, and may make recommendations to the Legislature and to the Governor

concerning the bill; and g. Take all actions necessary and proper to carry out the provisions of this act.

52:18A-200. State Development and Redevelopment Plan: The State Development and Redevelopment Plan shall be designed to represent a balance of development and conservation objectives best suited to meet the needs of the State. The plan shall: a. Protect the natural resources and qualities of the State, including, but not limited to, agricultural development areas, fresh and saltwater wetlands, flood plains, stream corridors, aquifer recharge areas, steep slopes, areas of unique flora and fauna, and areas with scenic, historic, cultural and recreational values; b. Promote development and redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds. This should not be construed to give preferential treatment to new construction; c. Consider input from State, county and municipal entities concerning their land use, environmental, capital and economic development plans, including to the extent practicable any State plans concerning natural resources or infrastructure elements; d. Identify areas for growth, limited growth, agriculture, open space conservation and other appropriate designations that the commission may deem necessary; e. Incorporate a reference guide of technical planning standards and guidelines used in the preparation of the plan; and f. Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.

52:18A-201. Office of State Planning: a. There is established in the Department of the Treasury the Office of State Planning. The director of the office shall be appointed by and serve at the pleasure of the Governor. The director shall supervise and direct the activities of the office and shall serve as the secretary and principal executive officer of the State Planning Commission; b. The Office of State Planning shall assist the commission in the performance of its duties and shall; (1) Publish an annual report on the status of the State Development and Redevelopment Plan which shall describe the progress towards achieving the goals of the plan, the degree of consistency achieved among municipal, county and State plans, the capital needs of the State, and progress towards providing housing where such need is indicated; (2) Provide planning service to other agencies or instrumentalities of State government, review the plans prepared by

them, and coordinate planning to avoid or mitigate conflicts between plans; (3) Provide advice and assistance to county and local planning units; (4) Review and comment on the plans of interstate agencies where the plans affect this State; (5) Compile quantitative current estimates and Statewide forecasts for population, employment, housing and land needs for development and redevelopment; and (6) Prepare and submit to the State Planning Commission, as an aid in the preparation of the State Development and Redevelopment Plan, alternate growth and development strategies which are likely to produce favorable economic, environmental and social results. c. The director shall ensure that the responsibilities and duties of the commission are fulfilled, and shall represent the commission and promote its activities before government agencies, public and private interest groups and the general public, and shall undertake or direct such other activities as the commission shall direct or as may be necessary to carry out the purposes of this act. d. With the consent of the commission, the director shall assign to the commission from the staff of the office at least two full-time planners, a full-time liaison to local and county governments, and such other staff, clerical, stenographic and expert assistance as he shall deem necessary for the fulfillment of the commission's responsibilities and duties.

52:18A-202. State Development and Redevelopment Plan; duties of commission: a. In preparing, maintaining and revising the State Development and Redevelopment Plan the commission shall solicit and give due consideration to the plans, comments and advice at each county and municipality, State agencies designated by the commission and other local and regional entities. Prior to the adoption of each plan, the commission shall prepare and distribute a preliminary plan to each county planning board, municipal planning board and other requesting parties, including State agencies and metropolitan planning organizations. Not less a than 45 nor more than 90 days thereafter, the commission shall conduct a joint public informational meeting with each county planning board in each county for the purpose of providing information on the plan, responding to inquiries concerning the plan, and receiving informal comments and recommendations from county and municipal planning boards, local public officials and other interested parties. b. The commission shall negotiate plan cross-acceptance with each county planning board, which shall solicit and receive any findings, recommendations and objections concerning the plan from local planning bodies. Each county planning board shall negotiate plan cross-acceptance among the local planning bodies within the county, unless it shall notify the commission in writing within 45 days of the receipt of the preliminary plan that it waives this

responsibility, in which case the commission shall designate an appropriate entity, or itself, to assume this responsibility. Each board or designated entity shall, within six months of receipt of the preliminary plan, file with the commission a formal report of findings, recommendations and objections concerning the plan, including a description of the degree of consistency and any remaining inconsistency between the preliminary plan and county and municipal plans. In any event, should any municipality's plan remain inconsistent with the State Development and Redevelopment Plan after the completion of the cross-acceptance process, the municipality may file its own report with the State Planning Commission, notwithstanding the fact that the county planning board has filed its report with the State Planning Commission. The term cross-acceptance means a process of comparison of planning policies among governmental levels with the purpose of attaining compatibility between local, county and State plans. The process is designed to result in a written statement specifying areas of agreement or disagreement and areas requiring modification by parties to the cross-acceptance. c. Upon consideration of the formal reports of the county planning boards, the commission shall prepare and distribute a final plan to county and municipal planning boards and other interested parties. The commission shall conduct not less than six public hearings in different locations throughout the State for the purpose of receiving comments on the Final Plan. The commission shall give at least 30 days public notice of each hearing in advertisements in at least two newspapers which circulate in the area served by the hearing and at least 30 days notice to the governing body and planning board of each county and municipality in the area served by the hearing. d. Taking full account of the testimony presented at the public hearings, the commission shall make revisions in the plan as it deems necessary and appropriate and adopt the Final Plan by a majority vote of its authorized membership no later than 60 days after the final public hearing.

52:ISA-202.1. Legislative finding and declaration.; cross-acceptance; evolution of state development and redevelopment plan; assessment study of plan and trend impacts: The Legislature finds and declares that. a. There are many concerns associated with the design and implementation of the State Development and Redevelopment Plan (hereafter referred to as "the Plan"), including:(1) maintaining beneficial growth; (2) improving environmental quality; (3) insuring cost-effective delivery of infrastructure and other public services; (4) improving intergovernmental coordination; (5) preserving the quality of community life; and (6) redeveloping the State's major urban areas. b. Each of these concerns is an important issue for

further study and each should serve as a measure of the efficacy of the Plan. c. However, these concerns are not mutually exclusive and, therefore, a balance among them must be achieved to maximize the well-being for the State and its residents. d. The process of cross-acceptance of the State Development and Redevelopment Plan required under the “State Planning Act,” P.L.1985, c. 398 (C.52:~SA-196 et seq.), is a process designed to elicit the greatest degree of public participation in order to encourage the development of a consensus among the many, sometimes competing, interests in the State. e. This consensus will be facilitated by the availability of sufficient information concerning the impact the State Development and Redevelopment Plan may have on particular regions and on the overall economic well-being of the State. f. The Plan evolves through three phases:(1) the Preliminary Plan, which will serve as the basis for cross-acceptance; (2) the Interim Plan, which will reflect the changes occurring during the cross-acceptance process; and (3) the Final Plan, which is to be implemented after approval by the State Planning Commission. g. A two-stage process shall be established to examine the economic, environmental, infrastructure, community life, and intergovernmental coordination impacts of the Plan. This procedure shall consist of an assessment of the impacts of the Interim Plan and an on-going monitoring and evaluation program after the Final Plan is adopted .h. The results of the Assessment Study shall identify desirable changes to be incorporated into the Final Plan. These studies shall describe the impacts of the policies and strategies proposed in the Plan (hereafter referred to as the “Plan” impacts) relative to the impacts that would likely occur without a Plan (hereafter referred to as “Trend” impacts). In examining the impacts of Plan and Trend, any significant regional differences that result shall be identified and analyzed. Where appropriate, the study shall also distinguish short-term and long-term impacts i. It is necessary to conduct an economic assessment of the Plan and Trend impacts and to make the results of that assessment available before adoption of the Final Plan. Work on the development of the evaluation methodology and, where possible, the collection of data for the assessment study shall commence upon enactment of this bill. Some factors that shall be addressed during cross-acceptance include: (1) Changes in property values, including farmland, State and local expenditures and tax revenues, and regulations; (2) Changes in housing supply, housing prices, employment, population and income; (3) Costs of providing the infrastructure systems identified in the State Planning Act; (4) Costs of preserving the natural resources as identified in the State

Planning Act; (5) Changes in business climate; and (6) Changes in the agricultural industry and the costs of preserving farmland and open spaces.

52:18A-202.2. Utilization of staff, other state agencies, independent firms or institutions of higher learning for studies; submission and distribution of report; review by each county and municipality:

a. The Office of State Planning in consultation with the Office of Economic Policy, shall utilize the following: (1) Conduct portions of these studies using its own staff; (2) Contract with other State agencies to conduct portions of these studies; and (3) Contract with an independent firm or an institution of higher learning to conduct portions of these studies. b. Any portion of the studies conducted by the Office of State Planning, or any other State agency, shall be subject to review by an independent firm or an institution of higher learning. c. The Assessment Study and the oversight review shall be submitted in the form of a written report to the State Planning Commission for distribution to the Governor, the Legislature and the governing bodies of each county and municipality in the State during the cross-acceptance process and prior to the adoption of the Final Plan d. A period extending from at least 45 days prior to the first of six public hearings, which are required under the State Planning Act, P.L.1985, c. 398 (C.52:ISA-196 et seq.), to 30 days following the last public hearing shall be provided for counties and municipalities to review and respond to the studies. Requests for revisions to the Interim Plan shall be considered by the State Planning Commission in the formulation of the Final Plan.

52:18A-202.3. Final Plan; contents; on-going monitoring and evaluation program; report:

a. The Final Plan shall include the appropriate monitoring variables and plan targets in the economic, environmental, infrastructure, community life, and intergovernmental coordination areas to be evaluated on an on-going basis following adoption of the Final Plan. b. In implementing the monitoring and evaluation program, if Plan targets are not being realized, the State Planning Commission shall evaluate reasons for the occurrences and determine if changes in Plan targets or policies are warranted. c. The Office of State Planning shall include in its annual report results of the on-going monitoring and evaluation program and forward the report to the Governor and the Legislature.

52:18A-203. Rules and regulations: The commission shall adopt rules and regulations to carry out its purposes, including procedures to facilitate the solicitation and receipt of comments in the preparation of the preliminary and final plan and to ensure a process for comparison of the plan

with county and municipal master plans, and procedures for coordinating the information collection, storage and retrieval activities of the various State agencies.

52:18A-204. Assistance of state agencies: The commission shall be entitled to call to its assistance any personnel of any State agency or county, municipality or political subdivision thereof as it may require in order to perform its duties. The officers and personnel of any State agency or county, municipality or political subdivision thereof and any other person may serve at the request of the commission upon any advisory committee as the commission may create without forfeiture of office or employment and with no loss or diminution in the compensation, status, rights and privileges which they otherwise enjoy.

52.18A-205. State and local agencies; availability of studies, surveys, plans, etc. to commission: Each State agency or county, municipality or political subdivision thereof shall make available to the commission any studies, surveys, plans, data and other materials or information concerning the capital, land use, environmental, transportation, economic development and human services plans and programs of the agency, county, municipality or political subdivision.

52:18A-206. Construction of Act: a. The provisions of P.L. 1985, c. 398 (C. 52:18A-196 et seq.) shall not be construed to affect the plans and regulations of the Pinelands Commission pursuant to the "Pinelands Protection Act," P.L. 1979, c. 111 (C. 13:18A-1 et seq.) or the Hackensack Meadowlands Development Commission pursuant to the "Hackensack Meadowlands, Reclamation and Development Act" P.L. 1968, c. 404 (C. 13:17-1 et seq.). The State Planning Commission shall rely on the adopted plans and regulations of these entities in developing the State Development and Redevelopment Plan. b. The State Planning Commission may adopt, after the enactment date of P.L. 1993, c. 190 (C. 13:19-5.1 et al.), the coastal planning policies of the rules and regulations adopted pursuant to P.L. 1973, c. 185 (C. 13:19-1 et seq.), the coastal planning policies of the rules and regulations adopted pursuant to subsection b. of section 17 of P.L. 1973, c. 185 (C. 13:19-17) and any coastal planning policies of rules and regulations adopted pursuant to P.L. 1973, c. 185 (C. 13:19-1 et seq.) thereafter as the State Development and Redevelopment Plan for the coastal area as defined in section 4 of P.L. 1973, c. 185 (C. 13:19-4). L.1985, c. 398, eff. Jan. 2, 1986. Amended by L. 1993, c. 190, eff. July 19, 1993.

52:18A-207. Short title Sections 1 through 12 of this act shall be known and may be cited as the “State Planning Act.”