

**Peer Review
State Planning Advisory Committee**

November 1991

**prepared by:
The New Jersey Office of State Planning**

**State
Development**

AND

**Redevelopment
Plan**

Preface

The Peer Review State Planning Advisory Committee convened on December 6 and 7, 1990 in New Brunswick. Pursuant to resolution No. 88-014 by the State Planning Commission, the Peer Review State Planning Advisory Committee was organized by the Office of State Planning as one of five State Planning Advisory Committees (SPACs). These SPACs have contributed to the formulation of an effective State Development and Redevelopment Plan through multi-disciplinary, structured discussions on major issues in the State Plan. The Peer Review Committee is comprised of individuals from across the United States with diverse backgrounds and wide expertise.

Each session of the Peer Review Committee began with presentations, followed by Committee discussions. During the first session, the Committee heard from 7 individuals who have participated in the cross-acceptance process. Discussion topics concerned the cross-acceptance process, the plan's format and content, implementation, and monitoring and evaluation. During the second session, staff from the Office of State Planning framed the discussion of these issues and directed questions to the Committee for their consideration.

This report summarizes the key points from the two-day session. Sections I and II contain highlights of the presentations and committee discussions. Findings and recommendations may be found in Section III. Input from those Committee members who could not attend this session, but nevertheless maintained involvement by reviewing reports and providing advice was considered. In addition, information forwarded by Committee members as a result of this meeting and draft summary reports has been incorporated.

The members of the Peer Review State Planning Advisory Committee are:

Dr. John DeGrove

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*Past President, American Institute of
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*(representing Henry Richmond) One
Thousand Friends of Oregon*

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*Assistant Dean, Woodrow Wilson
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*Executive Director
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Douglas Wheeler

*Secretary for Resources
The Resources Agency*

REPORT OF THE PEER REVIEW STATE PLANNING ADVISORY COMMITTEE

I. THE FIRST SESSION

As the Thursday afternoon session began, two questions were raised: "Has there been any contact with adjacent states?" and "What cooperation has the State Planning Commission had from the Pinelands Commission and CAFRA (Coastal Area Facility Review Act as administered by the New Jersey Department of Environmental Protection)?" Director Epling responded that there has been significant contact with the Pinelands Commission and the Hackensack Meadowlands Development Commission, and with the N.J.D.E.P. regarding the coastal areas. He acknowledged that there has been less contact with the adjacent state governments, but noted that he expects this to change following the adoption of a final State Plan. A Committee member was surprised that all of the State's counties participated in the State planning process.

A. PANEL PRESENTATIONS

B. Budd Chavooshian, *Land Use Specialist/Professor, Rutgers University*

Mr. Chavooshian offered the following perspective on the historical relationship between State and local planning. Initially, there was a positive relationship between State and local governments; however, this relationship deteriorated following the Mount Laurel decision and its reliance on the State Development Guide Plan. Following the Mount Laurel II judicial decision and the Council on Affordable Housing's housing allocation formula, this relationship deteriorated even further.

Although some municipalities continue to view the State Plan with great suspicion, Mr. Chavooshian was very optimistic about the State planning process which has allowed local governments an opportunity to play a role in the development of the State Development and Redevelopment Plan. The process has also brought the State's counties and municipalities together to discuss planning. He concluded by reminding the Committee that the evolution of planning takes time.

John Kellogg, *Director, Hunterdon County Planning Board*

Mr. Kellogg explained to the Committee that Hunterdon County is the second least-densely populated county in N.J. (population 110,000); however, it is fast growing, with farmland being eaten up by large lot zoning. The county also lacks available infrastructure, such as sewage treatment facilities. He emphasized that cross-accept-

tance had provided the county with a good opportunity to work closely with its municipalities with respect to planning issues, and to look ahead twenty years.

As a result of the comparison phase of cross-acceptance, Mr. Kellogg felt that the Communities of Place vision was gradually accepted as preferable to sprawl development; however, certain issues, such as the perceived loss of farmland equity, need to be addressed in order for this vision to be implementable.

Accordingly, he explained to the committee that:

- (1) it would be necessary to make Transfer of Development Rights (TDR) programs available for use;
- (2) property tax reform is needed; and
- (3) wastewater management is a problem which must be solved.

On this last point, Mr. Kellogg felt that alternative technology that is cost-effective and environmentally safe is needed; and that N.J.D.E.P.'s co-permittee requirement is a major concern to many municipalities. He suggested that a larger authority (like a county or a regional authority) may need to be responsible for wastewater treatment. Mr. Kellogg also informed the committee that the Preliminary State Plan's requirement that all new development in tiers 6 and 7 take place in existing hamlets and villages was unacceptable to many residents in existing hamlets and villages. With proper studies and criteria, new hamlets and villages could be appropriately located.

Finally, Mr. Kellogg indicated that he hoped the Interim State Plan would be less complex and would not have the appearance of a regulatory document. The first State •Development and Redevelopment Plan should not attempt to address all of the issues being discussed; in his opinion, the adoption of a State Plan for New Jersey would be a significant accomplishment in itself.

Honorable Hermia Lechner, *Mayor, Clinton Township*

Mayor Lechner echoed some of John Kellogg's thoughts by stating that the State Plan must move ahead; and that it should not be looked upon as a regulatory document. She then indicated that it was important to resolve those technical issues which are necessary to the development of Communities of Place. Mayor Lechner mentioned the following issues which must be dealt with: sewage treatment, transfer of development rights, and provision of water. She also indicated that watershed land protection was a necessity and must be highlighted by the State Plan and be addressed by State agencies.

Following these presentations, Director Epling explained to the Peer Review Committee that the use of TDR is not currently available for most of New Jersey.

Steve George, *President, New Jersey Farm Bureau*

Mr. George stated initially that the farm community is not against all State and regional planning. However, it was their finding that the Preliminary Plan is too complicated and that cross-acceptance is a top-down planning process. The key issue for the Farm Bureau is that of private property rights.

According to Mr. George, there have been no studies on farming as a business (e.g., studies involving farm suppliers and the farming business environment), and the State Planning Commission has not sufficiently considered the Farm Bureau's recommendations. Additional important agriculture issues include: ability to borrow money for farm operations, capital investment, retirement programs, and just compensation for losses in equity resulting from downzoning.

With 8-9 thousand permanently preserved acres and 40,000 acres in 8 year State-approved programs, Mr. George recommended that the New Jersey Department of Agriculture have a role in the implementation of Plan strategies, and that the Implementation Report include farmland equity protection measures.

Dr. Harvey Moskowitz, *Principal, Harvey S. Moskowitz, P.P., P.A.*

Dr. Moskowitz began his presentation by stating that the major benefit of the State planning process has been the cross-acceptance process. He emphasized that the future of our urban areas depends on how they are considered in the final State Plan. For this reason, priority for funding of infrastructure and services remains a vitally important issue to be resolved.

Regarding the final State Plan, Dr. Moskowitz raised two questions: "How will permitting be affected by the final State Plan?" and "Should existing communities be able to decide whether or not they will grow?" In his opinion, implementation issues should not be severed from the State Plan's policies and strategies. There is a need to make clear the intentions of State agencies regarding Plan implementation.

Dr. Moskowitz also indicated that the Preliminary State Plan has failed to recognize that most of the residents of New Jersey live in suburbs. The State Plan should attempt to recognize this and make Communities of Place fit into this reality. In other words, there should be ways to retrofit the suburbs to make them better places to live.

Peter Reinhart, *Senior Vice President/Chief Counsel, Hovnantan Enterprises*

Mr. Reinhart commented that the State Plan needs to be more flexible (e.g., the 3 year review mandated by the State Planning Act does not offer enough flexibility). He emphasized the importance of involving all levels of government, especially regional entities, in the decision-making process. The Plan, in general, needs to recognize the importance of the home buying market as part of the economy and should be able to adapt to market demand of consumers.

The overly-detailed nature of the Preliminary Plan was also cited. Mr. Reinhart felt it was unfortunate that the debate over the State Plan during the past few years has focused on these details. In his opinion, the State Planning Commission has a great

opportunity to do something about the lack of affordable housing, including housing for those of moderate means.

Other issues raised were: the importance of tax reform and amendments to the Municipal Land Use Law; the "institutionalization" of poor development through capacity analyses; the limits to expanding mass transportation and the need for New Jerseyans to use automobiles; and the importance of Plan implementation. In conclusion, Mr. Reinhart indicated that the cross- acceptance process has been useful to the extent that it has required people to think about issues that have been previously ignored.

Christy Van Horn, *Executive Director, Hew Jersey Future*

Ms. Van Horn explained that the purpose of N.J. Future is to monitor and advocate State Planning in New Jersey. The work that New Jersey Future has done with the State's urban areas to identify their needs and provide the State Planning Commission with recommendations was cited; and a suggestion was made that the Farm Bureau make some concrete proposals for the Commission's consideration. It was the finding of New Jersey Future that the issues of water supply and quality have not yet been properly addressed by any governmental level through the cross-acceptance process.

In addition, Ms. Van Horn spoke of other infrastructure-related issues, such as highway access management and an infrastructure needs assessment.

Ms. Van Horn stressed the importance of the need for endorsement and political support for the process as well as agency and interagency cooperation. State agencies should deal with the State Plan now, and be ready to implement the final State Development and Redevelopment Plan when adopted.

B. COMMITTEE DISCUSSION

After all of the presentations were given, Mr. Chavooshian commented that even without implementation of a final State Plan, planning in New Jersey has been improved. Counties have been thrust into a planning role; also, local planning has begun to change as a result of this process.

One of the Committee members asked Mr. Chavooshian how, historically, State government departments worked together. Mr. Chavooshian responded that in the 1950s and 1960s the State government was much smaller; coordination was not as difficult. He added that it is hoped that the State Planning Commission will encourage cooperation among the State's departments. Another Committee member stated that the issue of interdepartmental coordination was a major issue in Florida, where the state departments had to be forced to plan together, and in Rhode Island, where state agencies cannot take actions inconsistent with their state plan.

A Peer Committee member stated that a convincing argument was made for the simplification of the State Plan. Relatedly, Ms. Van Horn was asked whether complexity would possibly be added if State agencies started now to look at policies. Ms. Van Horn responded that because State Departments and agencies will be advising the Governor, they need to thoroughly know the State Plan.

Another Committee member stated that one dimension of cross-acceptance that had not received much attention was dialogue between and among counties. This member wondered whether a formal or informal mechanism was needed to encourage such cooperation. Mr. Kellogg responded to this issue, stating that Hunterdon County had touched base with its adjoining counties. Also, he explained that the N.J. County Planners Association meets regularly to discuss State planning issues.

Mr. George then stated that cooperation is necessary in planning. He commented that over-regulation keeps cities and rural areas from prospering. Ms. Van Horn responded that the issue is not over-regulation; but, rather, funding and implementation.

A Committee member expressed an exception to Mr. Reinhart's belief that we must acknowledge dependence on the car. While this dependence has been the case, at stake presently is over-dependence on oil, inadequacy of infrastructure, deteriorating air quality and lost productivity. Accordingly, public policies such as those encouraging cluster development, infrastructure expenditures, as well as those to target the application of subsidies generally, must be developed.

Members of the panel were asked what kind of growth is expected for rural and urban areas. Dr. Moskowitz responded that population estimates are as much a political statement as a statistical one.

A Committee member then stated that there is a need to highlight the need for prudent regulation, not over-regulation, and commented that the impact assessment of the State Development and Redevelopment Plan should concentrate on the cost of sprawl as well as on the State Plan. Such a focus would help direct attention to the efficiency of the State Plan.

Mr. Chavooshian was asked about the potential for transfer of development rights (TDR) throughout New Jersey. He responded that, as time passes, the potential decreases due to the fact that we lose both receiving and sending areas.

The session ended with a question from the press regarding the nature of the previous discussions. Chairman DeGrove responded that the issues were not altogether new to either himself or the Committee. However, the Chairman added that the presentations did give the Committee much to consider during the rest of the session.

II. THE SECOND SESSION

A. STAFF PRESENTATIONS

A presentation was given by Office of State Planning staff on issues identified through the cross-acceptance process, including: funding for implementation; using the Plan as a means for setting funding priorities for infrastructure; the municipal distress index and urban revitalization; the tier criteria and the use of sewers as a surrogate; agriculture and equity; home rule; the impacts of growth in developing communities; coordination with State agencies; and coastal planning and coordination.

Chairman DeGrove commented that most states with state planning have had trouble with the home rule tradition. After the plan is implemented, however, the problem subsides.

The staff also gave a presentation on the development of the Interim State Development and Redevelopment Plan and the roles of the State Planning Commission's Plan Development Committee and Plan Implementation Committee.

Director Epling requested the Peer Review Committee's opinion on the following issues facing the State Planning Commission:

-How far should a growth management plan go (e.g., how much detail is appropriate)? - Should the tier system be refined? -How can the equity issue on farmland be resolved? Is there a "quid pro quo"?

B. COMMITTEE DISCUSSION

Related to these questions, the Peer Committee discussed the following 7 topics: plan format/content, monitoring and evaluation, implementation, carrying capacity, agriculture, affordable housing and urban revitalization. The key findings and recommendations, from this discussion and follow-up contacts, are contained in Section III.

Chairman DeGrove concluded the two-day session with the observation that the planning efforts seemed to be moving in the right direction to provide a framework for State decision-making. Dr. DeGrove's experience was that developing a state plan is more time-consuming than anticipated.

III. FINDINGS AND RECOMMENDATIONS

During the course of discussion during the two day meeting, and follow-up contact, a number of points were raised. While many reflected the consensus of the Peer Review Committee, some did not. This section lists the key findings and recommendations of the members of the Committee, and is provided to assist in the development of a State Plan for New Jersey,

A. PLAN FORMAT/CONTENT

Recognizing that the stakes are higher than at the beginning of cross- acceptance, the Committee agreed that the cost of not having a State Plan is too great. Given this, they discussed the comprehensive nature of the Preliminary Plan and generally agreed that the Interim Plan should concentrate on key State issues to ensure its success. However, some members of the Committee felt that, as the Plan will be cited to solve many problems in the State, it must respond to a wide array of dilemmas. Members of the Committee also expressed concern that the Plan was attempting to deal with too many substantive issues. A concentration on strategic planning as practiced in other states (i.e., where specific issues are targeted and addressed) was raised. The Committee also supported the notion that the Plan should gain popularity by highlighting the positive results of thoughtful, coordinated planning.

The Committee reviewed the major components of the Preliminary Plan, and raised alternatives for consideration. One member noted that the Preliminary Plan combined three different and potentially competing concepts (i.e., the Tier System, the Regional Design System and Statewide Strategies and Policies). It was suggested that the Commission might revise the way that these concepts are connected in the Interim Plan. Another member expressed the need for a stronger, proactive economic development component, given the nature of the current economy. Stressing that the Plan provide the reader with an idea of who and what is being planned for, another member suggested that the Interim Plan provide quantitative ranges to ensure that targets are being met.

A member of the Peer Committee affirmed the sophisticated, yet complicated nature of New Jersey's growth management system. It was the member's opinion that the traditional comprehensive or land use plan is presently giving way to a combination of a strategic planning front-end, and a growth management system as the detailed strategy/program/action component. This is a result of the rapid urban change in local communities, where many issues cannot be addressed by land use measures (e.g., job training, services for new retiree settlers, budgetary deficits, etc.). Strategic planning deals with issues on the political agenda, whether or not these issues are land use-based, and its selectivity accommodates the political agenda, where only a limited number of issues can be handled at a time. Also, a growth management system at the detailed action end enables integration of all of the government's tools and techniques of management - - regulatory, tax, finance, spending, contract, etc. Traditional land use implementation often creates artificial blinders owing to precedent.

Concomitantly, there is a shift in focus from managing growth to managing urban change. This Committee member argued that the strategic focus on public and private investment and market conditions enables treating settings where investment has to be induced as well as those where it has to be restrained. It was this member's sense that the State Plan covers both investment as the root item to be managed and market conditions as the framework for intervention. This is accomplished in a strategic manner through goals, policy objectives and a geographical system (either Tiers or Policy Areas).

The suggestion was made to link this approach with a design-oriented system. The New Jersey Plan's accommodation of urban boundaries and rural communities and the control of investment decisions within these communities in a strategic manner was acknowledged as improving on the Oregon and Florida Plans. The use of policy areas over tiers was advanced as a differential application of a single technique by geographic area — but without adding the implication of ranking or ordering.

- * The Plan must respond to a wide array of problems, yet must concentrate on a few key issues.
- * Four conclusions that emerge from public opinion polls on the subject of growth management are as follows: home rule is not a major concern; however, urban redevelopment, open space and traffic congestion are. The Plan must gain popular acceptance by addressing these issues.
- * The tier system provides a means to allocate funding, and differentiate the application of statewide strategies and pursuit of goals (including the regional design system). Keeping these functions separate would make the Interim Plan clearer.
- * An alternative to this approach would be to have policy areas with a dominant policy for each area. Within each area, individualized policies would be tailored to meet the intent.
- * The Plan needs to show a greater awareness and relation to activities outside of New Jersey.
- * The Plan should be concise, clear and comprehensible at the high school level.
- * The Plan should include retrofit policies for planning for mixed use development in already developed areas.

B. MONITORING AND EVALUATION

The importance of monitoring and evaluating the Plan over time was stressed by members of the Committee. Questions regarding the mechanics of this were raised. It was felt that care must be taken to ensure that the consultant contracted to perform the "Impact Analysis" does not set out to acquire data to evaluate the merits of the stated goals of the State Planning Act. Also, members of the Committee supported the idea that this study should indicate the benefits of the Plan, including the savings from not developing according to a trend pattern. One member of the Committee listed items to be monitored over time, while another member cautioned against using the time period 1982-1987, which represented an extremely prosperous time. Another Committee member held that the State Plan's performance should be evaluated against variables related to the Plan's goals, not a list of variables borrowed from another state.

* The following items should be evaluated over time:

- (1) average rental/sales price of housing;
- (2) percentage of households that can afford a house (own or rent);
- (3) percentage of farms making over \$10,000 per year;
- (4) transportation mode split;
- (5) population change by municipality, county and tier; and,
- (6) change in amount of active farmland.

* Base line data should be developed for selected areas of the State for density of development, development pattern, commercial uses, and transportation congestion.

* A comparison of the changes for the period of 1982-87 against changes anticipated during the period 1992-97 should be examined. (The time period cited here was questioned among Committee members, and was not resolved. It was suggested that the Plan be more explicitly tied to a range of anticipated new jobs and new residents.)

* An inventory of environmentally-sensitive sites should be compiled, and an analysis should be undertaken of changes as a result of the Plan.

C. IMPLEMENTATION

The question of Plan implementation led to a discussion of the intended and unintended implications of the Plan. Funding for planning and infrastructure was stressed as necessary for success. Committee members noted that other states have funded local planning to gain participation. A strategic approach, argued one Committee member, could convey the State's interest in helping local governments with their problems. Other incentives and cost-saving measures were also discussed. One member cited legislation in the State of Iowa pertaining to the regionalization of services

among municipalities, where non-adjacent, but nearby communities have been joined together (mostly for economic development reasons) and are eligible for State funding for a variety of capital investment programs.

- * Increase planning at the county and municipal levels. Funding for local and regional planning should be linked to implementation of the Plan's goals.
- * Some responsibilities should be delegated to the county level. This will require enhanced planning capacity.
- * Regionalization of services among municipalities should be encouraged.
- * Incentives are needed to gain the support of homebuilders. Among those mentioned were: upzoning within the urban boundary, inclusion of a strong affordable housing component, and permit streamlining.

D. CARRYING CAPACITY APPROACHES

The need to establish models to determine the capacity of an area to accommodate development was noted. Concern was raised by some members of the Committee that built, natural, social and economic factors with absolute measures could be employed. The Committee stressed that the purpose of the capacity analysis must be clear. Recognizing the difficulty of such an approach, one Committee member nonetheless recommended that capacities be expressed as the limits of side effects of development rather than the limits of development units.

- * The Plan needs to ensure that carrying capacity approaches are based on generally accepted measurements.
- * The Commission should consider the application of capacity analysis to determine the delineation of tier boundaries in lieu of sewer availability.

E. AGRICULTURE

The Committee discussed various issues related to the agriculture industry and the State Plan: the definition of agriculture, the temporal nature of the market, and the viability of the industry. The Committee sensed the Commission's frustration with the failure to document the viability of agricultural lands in New Jersey. Yet, there was a concern that a precise definition of agriculture could exclude valuable agricultural lands that may in the future become important; this concern rests in the belief that the temporal nature of the market cannot identify which agricultural lands will be important in the future.

A Committee member noted that New Jersey has both large farms, which are working landscapes, as well as very small farms of local importance, which should not be ignored. Another Committee member stressed that hobby farms threaten agriculture as an industry, and that tax reform may be needed to support a viable farming trade. Still another Committee member, citing the British betterment detriment concept, advocated that property owners be taxed for the betterment created by government, just as government has to pay for the detriments it creates. The Committee noted the need for a State agriculture policy, and for the Plan to advance discussions in this regard.

- * The Plan should include provisions concerning forest management.
- * To keep agriculture viable in New Jersey, non-farming uses must be restricted and minimum lot sizes retained; tax reform may also be needed.

F. AFFORDABLE HOUSING

The Committee discussed affordable housing provisions in the Plan and related this to the Oregon State Plan. There, the state planning process promoted increased densities in growth areas with urban boundaries. In some cases, the zoning densities were tripled; and, minimum density standards are being considered. A Committee member, noting that the State Planning Commission cannot mandate zoning, recommended that the State Department of Community Affairs promote higher densities as a means to create affordable housing. Also, the Committee discussed the need to improve transportation services in urban areas as an incentive to produce affordable housing.

One Committee member later acknowledged as plausible the assertion by many economists that the intervention in markets by planners and growth management systems causes prices to rise. However, equally true is the fact that excess demand in the market place causes prices to rise even in the absence of growth control systems, as substantiated in a recent California research project. This Committee member also took exception to the belief that the only solution must lie in less expensive housing, suggesting that a good share of the problem is the consequence of private sector wages exploding from a 25:1 ratio to an 85:1 ratio, while incomes of those at the bottom end have been declining in real terms. It was this member's conclusion that the affordable housing problem is a result of people at the bottom end having too low incomes relative to those at the top — not that housing is too expensive.

- * The Department of Community Affairs should advocate increased densities to ensure the provision of affordable housing.
- * Mass transportation needs to be developed or improved in urban areas to encourage the production of affordable housing.
- * The State Plan could emulate Oregon's Plan, where urban boundaries had in some cases tripled the existing zoning densities and where the establishment of minimum standards is being considered.

G. URBAN REVITALIZATION

The Committee recognized that the Plan is, in part, a capital investment tool and should clarify its intent regarding the cities. Another member felt that the Plan should focus urban revitalization efforts, to the greatest extent possible, in neighborhoods, where local programs could be proposed and administered.

- * The Plan's intent for the cities should be clear, and should indicate that the Plan supports growth in these urban areas.
- * The Plan should counter a public perception that spending resources in urban areas wastes money. Given this perception, the Plan should focus on neighborhoods in these areas.

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