

AN ACT authorizing counties to establish county growth fit planning commissions and supplementing R.S.40:27-1 and amending P.L.1985, c.398 and P.L.2004, c.120, appropriates \$1.2 million.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. (New section) The Legislature finds and declares that:

a. The “State Planning Act” of 1985 articulated goals that have been nationally praised including the encouragement of economic growth, the reduction of sprawl, and the promotion of development in an economical and environmentally responsible manner.

b. It has been over 20 years since the implementation of the “State Planning Act,” yet New Jersey continues to suffer from a lack of affordable housing, declining open space, an increase in suburban sprawl, and a failure to align infrastructure capacity with development.

c. New Jersey’s current municipal based planning, along with what at times are contradictory requirements from a variety of state agencies, has resulted in a fragmented and costly planning and development process.

d. The purpose of this act is to provide in four counties a pilot program designed to improve the planning and development process through the implementation of County-centric Growth Fit planning, while advancing the goals of the State Plan to ensure that the appropriate balance is struck between the planning rights of municipalities and the needs of New Jersey residents..

e. County Centric Growth Fit Planning provides a framework in which municipalities can coordinate development on a regional basis in cooperation with relevant state agencies. This framework will be particularly effective in helping assist municipalities and counties in times when a stimulus package is anticipated to address economic struggles at the local, state, and federal levels of government. The stimulus package is intended to create jobs through the creation of major infrastructure projects with funding from state and federal agencies, which will lead to vast development. County Centric Growth Fit Planning will aid in coordinating this process and ensure rational outcomes.

f. The County Centric Growth Fit Planning pilot should be recognized as a regional planning process that will help: prepare communities for successful and sustainable aging; aid participating municipalities in amending zoning practices to align development with regional objectives; align authorized state agencies intervention with regional needs; and facilitate proactive state agency engagement in regional planning efforts so that their input can shape development planning and minimize the possibility

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

of state regulatory issues arising at the end of the project approval process.

g. The pilot program will assist in achieving green building zones, with incentives for density in smart housing zones to achieve greater affordability and reliability in the planning process.

2. (New section) The board of chosen freeholders in the participating counties may create a county growth fit planning commission. The commission shall adopt a county growth fit plan that incorporates:

a. land use patterns through planning based on projected population growth in the county;

b. infrastructure carrying capacity analysis based on projected population growth;

c. open space and affordable housing analysis;

d. timely and efficient approval of applications for general development, redevelopment and new infrastructure in the county;

e. existing the cross acceptance process among municipalities in the county under the State Plan pursuant to P.L.1985, c.398 (C.52:18A-201).

f. elements of the State Plan compatible with the county plan, including elements of the cross acceptance and smart growth process.

3. (New section) a. The members of the county growth fit planning commission shall include: one member of the board of chosen freeholders, or a chosen designee of the freeholder director; the County Planning Director or his/her designee, a representative of the Department of Environmental Protection, a representative of the Department of Transportation, a representative of the Board of Public Utilities, a representative of the Department of Community Affairs, a representative of Department of Agriculture and at least one representative appointed by the mayor or elected chief executive of each municipality opting by means of a municipal resolution to participate in the growth fit process. A municipality may, at its own discretion, opt out of the Growth Fit Plan. To do so, it's governing body must give thirty days notice to the commission and must adopt a resolution asserting the decision to opt out and acknowledging the forfeiture of any incentives available pursuant to P.L. , c. (C.). Upon convening, the commission may identify any federal, state, county, or regional agency with a demonstrated interest in planning and development and invite that agency to appoint a representative to the commission.

b. The commission shall establish rules and regulations governing the commission's operating procedures, decision making and meeting schedule. The commission may establish sub commissions at its discretion.

4. (New section) a. Any county growth fit plan adopted by a growth fit commission in one of the pilot counties shall remain ineffective until approved through a resolution of the governing bodies of the county and all participating municipalities. A municipality's resolution of approval must provide for changes in its zoning to conform to the county's plan. Additionally, a growth fit plan adopted by the commission must be certified by participating State agencies.

b. If a disagreement or conflict over a rule or regulation arises between a participating state agency or authority and a county growth fit commission after a county growth fit plan has been approved pursuant to P.L. ,c. (pending before the Legislature as this bill), there shall be a presumption in favor of the county growth fit commission and the head of the disagreeing agency or authority must issue a public finding explaining the agency's change in position.

5. (New section) a. The governing body of the county may dissolve a growth fit planning commission only through a resolution of the county governing body.

b. A participating municipality may, through a municipal ordinance, cease to participate in the county growth fit commission at any time, provided the commission and the owner of any development plan(s) to be situated in the municipality pending before the commission be notified 30 days prior to the municipality's withdrawal. Upon withdrawal, a municipality forfeits any incentives available through P.L. c. (C.) (pending before the Legislature as this bill).

c. A municipality electing to pursue a development project inconsistent with the growth fit plan must proceed through the regular approval process, forfeiting any incentives available pursuant to P.L. , c. (C.) (pending before the Legislature as this bill) as well as any presumption of approval based on state agency participation in the Growth Fit process.

6. (New section) a. Each county establishing a growth fit commission shall establish a "Growth Fit Commission Trust Fund" to be utilized for the purpose of funding the operating costs of the commission. The Growth Fit Commission Trust Fund will be funded by developer's fees.

7. (New section) a. An applicant seeking approval of a development plan in a municipality participating in a county growth fit commission shall submit a general development plan to the growth fit commission in accordance with the rules established by the commission. Each application plan shall be submitted with a non-refundable fee equal to one half of one percent of the equalized assessed value of the land and improvements where the

development is situated at the time a certificate of occupancy is issued.

b. An application for a development project must be subjected to the municipal planning board for pre-screening prior to submission to the commission. The municipal planning board must approve any general development plan prior to construction, however a plan determined to be consistent with the county growth fit plan should enjoy a presumption in favor¹ of the plan's approval.

8. (New section) a. The governing body which has established a county growth fit planning commission to facilitate approval of an application pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill), may establish the position of a county growth fit administrative officer, or assign the position to an existing employee. The county growth fit administrative officer's duty shall be to collaborate with applicants and with the liaison to local and county governments in the office of State Planning, appointed pursuant to section 6 of P.L.1985, c.398 (C.52:18A-201), to obtain all the necessary regulatory approvals and also collaborate with municipalities to ensure that municipalities enact necessary zoning ordinances to assure a rational and predictable planning and development process, consistent with 2 a – f above. The county growth fit administrator will also be responsible for pursuing outside funding for the implementation of growth fit plans.

b. The Office of Smart Growth within the Department of Community Affairs shall provide technical assistance to counties and municipalities in seeking grants to support the activities of the growth fit commission.

9. (New section) There is appropriated from the General Fund to the Department of Community Affairs \$1.2 million to the counties participating in the pilot program, in the amount of \$300,000.00 per county, established through this act for the purposes of establishing the county growth fit commission and the cost associated with drafting the county growth fit plan.

10. Section 5 of P.L.1985, c.398 (C.52:18A-201) is amended to read as follows:

5. 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, regional, county and municipal entities concerning their land use, environmental, capital and economic development plans, including to the extent practicable any State and regional 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, including land use planning based on population growth, environment carrying capacity, open space analysis, affordable housing needs, growth area and density targets, municipal master plans, 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.

(cf: P.L.2004, c.120, s.65)

11. Section 6 of P.L.1985, c.398 (C.52:18A-201) is amended to read as follows:

6. 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, regional, 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 regional, 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.

(7) Provide assistance to county growth fit planning commissions established pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill) to develop land use policy based upon population growth.

(8) Approve any county growth fit plan established pursuant to section 2 of P.L. , c. (pending before the Legislature as this bill).

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 P.L.1985, c.398 (C.52:18A-196 et al.).

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 regional entities, and such other staff, clerical, stenographic and expert assistance as the director shall deem necessary for the fulfillment of the commission's responsibilities and duties.

e. At the request of a county governing body, the director shall assign from the staff of the office, a liaison to serve as a member of each county growth fit planning commission established pursuant to section 1 of P.L. , c. (C.) (pending before the Legislature as this bill). A liaison appointed by the director to serve as a member of a county growth fit planning commission shall assist the county growth fit planning commission to attain its stated goals within the scope of section 1 of P.L. , c. (C.) (pending before the Legislature as this bill).

(cf: P.L.2004, c.120, s.66)

12. This act shall take effect immediately.

STATEMENT

This bill establishes a pilot program in certain counties providing for county centric growth fit planning commissions. Each participating county may establish a growth fit commission that creates a county wide development plan. Membership of the

commission will consist of a representative of the board of chosen freeholders, a representative of the county planning authority, a representative of every municipality that chose to participate in the program, a representative of the Board of Public Utilities, and representatives of the State departments of Environmental Protection, Transportation, Community Affairs, and Agriculture. Representatives of other federal, State, or regional organizations may be invited by the commission to participate if they are deemed to have an interest in planning and development in communities within the county. The Office of State Planning shall provide all necessary assistance to the county growth fit commissions.

Municipal participation in the program is voluntary. Municipalities establish their participation by a resolution of their governing bodies in which they agree to bring their zoning into alignment with the county wide Growth Fit Plan. Any municipality may choose to withdraw from the program at any time for any reason, however, the municipality must give the commission and any developer having a development plan located within the municipality before the commission a minimum of 30 days notice before withdrawal. Before a development application goes before a growth fit committee a general development plan must be brought before the participating municipality's planning board for a preliminary review.

The Department of Community Affairs shall provide \$1.2 million to the pilot counties for the purposes of establishing the commission and drafting the county plan. Thereafter, the commissions shall be funded by a trust fund established by each county. The trust fund shall be replenished through the imposition of a fee in the amount of one half of one percent of the equalized assessed value of the land and the improvements where the development is situated at the time a certificate of occupancy is issued.

It is the intention of the sponsor that a county-centric approach to planning will rationalize and make more predictable New Jersey's cumbersome development process by eliminating the often competing and asynchronous intervention of multiple State agencies. The county growth fit commission will bring together all of the interested parties in the development process to one place, thus allowing municipal, county, regional, and State representative to work together to end the fragmented planning process that compromises the quality of life for New Jersey's residents.

Authorizes certain counties to establish county growth fit planning commissions to assist in land use planning and expediting developers' applications, appropriates \$1.2 million.