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SYNOPSIS

Requires land use plan element of municipal master plan to include climate change-related hazard vulnerability assessment.

CURRENT VERSION OF TEXT

As reported by the Assembly Environment and Solid Waste Committee on October 8, 2020, with amendments.



(Sponsorship Updated As Of: 12/10/2020)

1 AN ACT concerning municipal master plans, amending
2 P.L.1975, c.291, and supplementing Title 13 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
9 read as follows:

10 19. Preparation; contents; modification.

11 a. The planning board may prepare and, after public hearing,
12 adopt or amend a master plan or component parts thereof, to guide the
13 use of lands within the municipality in a manner which protects public
14 health and safety and promotes the general welfare.

15 b. The master plan shall generally comprise a report or statement
16 and land use and development proposals, with maps, diagrams and
17 text, presenting, at least the following elements (1) and (2) and, where
18 appropriate, the following elements (3) through (17):

19 (1) A statement of objectives, principles, assumptions, policies and
20 standards upon which the constituent proposals for the physical,
21 economic and social development of the municipality are based;

22 (2) A land use plan element

23 (a) taking into account and stating its relationship to the statement
24 provided for in paragraph (1) hereof, and other master plan elements
25 provided for in paragraphs (3) through **[(14)]** (17) hereof and natural
26 conditions, including, but not necessarily limited to, topography, soil
27 conditions, water supply, drainage, flood plain areas, marshes, and
28 woodlands;

29 (b) showing the existing and proposed location, extent and
30 intensity of development of land to be used in the future for varying
31 types of residential, commercial, industrial, agricultural, recreational,
32 open space, educational and other public and private purposes or
33 combination of purposes including any provisions for cluster
34 development; and stating the relationship thereof to the existing and
35 any proposed zone plan and zoning ordinance;

36 (c) showing the existing and proposed location of any airports and
37 the boundaries of any airport safety zones delineated pursuant to the
38 "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et
39 al.);

40 (d) including a statement of the standards of population density
41 and development intensity recommended for the municipality;

42 (e) showing the existing and proposed location of military
43 facilities and incorporating strategies to minimize undue encroachment
44 upon, and conflicts with, military facilities, including but not limited

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted October 8, 2020.

1 to: limiting heights of buildings and structures nearby flight paths or
2 sight lines of aircraft; buffering residential areas from noise associated
3 with a military facility; and allowing for the potential expansion of
4 military facilities;

5 (f) including, for any land use plan element adopted after the
6 effective date of P.L.2017, c.275, a statement of strategy concerning:

7 (i) smart growth which, in part, shall consider potential locations
8 for the installation of electric vehicle charging stations,

9 (ii) storm resiliency with respect to energy supply, flood-prone
10 areas, and environmental infrastructure, and

11 (iii) environmental sustainability; **[and]**

12 (g) showing the existing and proposed location of public electric
13 vehicle charging infrastructure; and

14 (h) including, for any land use plan element adopted after the
15 effective date of P.L. , c. (pending before the Legislature as this
16 bill), a climate change-related hazard vulnerability assessment which
17 shall (i) ¹**[**consider environmental effects and extreme weather-related
18 events associated with climate change, including, but not limited to,
19 temperature, drought, and sea-level rise, and (ii) contain measures to
20 mitigate reasonably anticipated natural hazards, including, but not
21 limited to, coastal storms, shoreline erosion, flooding, storm surge, and
22 wind, following best management practices recommended by the
23 Federal Emergency Management Agency] analyze current and future
24 threats to, and vulnerabilities of, the municipality associated with
25 climate change-related natural hazards, including, but not limited to
26 increased temperatures, drought, flooding, hurricanes, and sea-level
27 rise; (ii) include a build-out analysis of future residential, commercial,
28 industrial, and other development in the municipality, and an
29 assessment of the threats and vulnerabilities identified in
30 subsubparagraph (i) of this subparagraph related to that development;
31 (iii) identify critical facilities, utilities, roadways, and other
32 infrastructure that is necessary for evacuation purposes and for
33 sustaining quality of life during a natural disaster, to be maintained at
34 all times in an operational state; (iv) analyze the potential impact of
35 natural hazards on relevant components and elements of the master
36 plan; (v) provide strategies and design standards that may be
37 implemented to reduce or avoid risks associated with natural hazards;
38 (vi) include a specific policy statement on the consistency,
39 coordination, and integration of the climate-change related hazard
40 vulnerability assessment with any existing or proposed natural hazard
41 mitigation plan, floodplain management plan, comprehensive
42 emergency management plan, emergency response plan, post-disaster
43 recovery plan, or capital improvement plan; and (vii) rely on the most
44 recent natural hazard projections and best available science provided
45 by the New Jersey Department of Environmental Protection¹ ;

46 (3) A housing plan element pursuant to section 10 of
47 P.L.1985, c.222 (C.52:27D-310), including, but not limited to,

1 residential standards and proposals for the construction and
2 improvement of housing;

3 (4) A circulation plan element showing the location and types of
4 facilities for all modes of transportation required for the efficient
5 movement of people and goods into, about, and through the
6 municipality, taking into account the functional highway classification
7 system of the Federal Highway Administration, the types, locations,
8 conditions and availability of existing and proposed transportation
9 facilities, including air, water, road and rail, and identifying existing
10 and proposed locations for public electric vehicle charging
11 infrastructure;

12 (5) A utility service plan element analyzing the need for and
13 showing the future general location of water supply and distribution
14 facilities, drainage and flood control facilities, sewerage and waste
15 treatment, solid waste disposal and provision for other related utilities,
16 and including any storm water management plan required pursuant to
17 the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If a
18 municipality prepares a utility service plan element as a condition for
19 adopting a development transfer ordinance pursuant to subsection c. of
20 section 4 of P.L.2004, c.2 (C.40:55D-140), the plan element shall
21 address the provision of utilities in the receiving zone as provided
22 thereunder;

23 (6) A community facilities plan element showing the existing and
24 proposed location and type of educational or cultural facilities, historic
25 sites, libraries, hospitals, firehouses, police stations and other related
26 facilities, including their relation to the surrounding areas;

27 (7) A recreation plan element showing a comprehensive system of
28 areas and public sites for recreation;

29 (8) A conservation plan element providing for the preservation,
30 conservation, and utilization of natural resources, including, to the
31 extent appropriate, energy, open space, water supply, forests, soil,
32 marshes, wetlands, harbors, rivers and other waters, fisheries,
33 endangered or threatened species wildlife and other resources, and
34 which systemically analyzes the impact of each other component and
35 element of the master plan on the present and future preservation,
36 conservation and utilization of those resources;

37 (9) An economic plan element considering all aspects of economic
38 development and sustained economic vitality, including (a) a
39 comparison of the types of employment expected to be provided by the
40 economic development to be promoted with the characteristics of the
41 labor pool resident in the municipality and nearby areas and (b) an
42 analysis of the stability and diversity of the economic development to
43 be promoted;

44 (10) An historic preservation plan element: (a) indicating the
45 location and significance of historic sites and historic districts; (b)
46 identifying the standards used to assess worthiness for historic site or
47 district identification; and (c) analyzing the impact of each component

1 and element of the master plan on the preservation of historic sites and
2 districts;

3 (11) Appendices or separate reports containing the technical
4 foundation for the master plan and its constituent elements;

5 (12) A recycling plan element which incorporates the State
6 Recycling Plan goals, including provisions for the collection,
7 disposition and recycling of recyclable materials designated in the
8 municipal recycling ordinance, and for the collection, disposition and
9 recycling of recyclable materials within any development proposal for
10 the construction of 50 or more units of single-family residential
11 housing or 25 or more units of multi-family residential housing and
12 any commercial or industrial development proposal for the utilization
13 of 1,000 square feet or more of land;

14 (13) A farmland preservation plan element, which shall include:
15 an inventory of farm properties and a map illustrating significant areas
16 of agricultural land; a statement showing that municipal ordinances
17 support and promote agriculture as a business; and a plan for
18 preserving as much farmland as possible in the short term by
19 leveraging moneys made available by P.L.1999, c.152 (C.13:8C-1 et
20 al.) through a variety of mechanisms including, but not limited to,
21 utilizing option agreements, installment purchases, and encouraging
22 donations of permanent development easements;

23 (14) A development transfer plan element which sets forth the
24 public purposes, the locations of sending and receiving zones and the
25 technical details of a development transfer program based on the
26 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

27 (15) An educational facilities plan element which incorporates the
28 purposes and goals of the "long-range facilities plan" required to be
29 submitted to the Commissioner of Education by a school district
30 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4);

31 (16) A green buildings and environmental sustainability plan
32 element, which shall provide for, encourage, and promote the efficient
33 use of natural resources and the installation and usage of renewable
34 energy systems; consider, encourage and promote the development of
35 public electric vehicle charging infrastructure in locations appropriate
36 for their development, including but not limited to, commercial
37 districts, areas proximate to public transportation and transit facilities
38 and transportation corridors, and public rest stops; consider the impact
39 of buildings on the local, regional and global environment; allow
40 ecosystems to function naturally; conserve and reuse water; treat storm
41 water on-site; and optimize climatic conditions through site orientation
42 and design; and

43 (17) A public access plan element that provides for, encourages,
44 and promotes permanently protected public access to all tidal waters
45 and adjacent shorelines consistent with the public trust doctrine, and
46 which shall include a map and inventory of public access points,
47 public facilities that support access, parking, boat ramps, and marinas;
48 an assessment of the need for additional public access; a statement of

1 goals and administrative mechanisms to ensure that access will be
2 permanently protected; and a strategy that describes the forms of
3 access to satisfy the need for such access with an implementation
4 schedule and tools for implementation.

5 c. The master plan and its plan elements may be divided into
6 subplans and subplan elements projected according to periods of time
7 or staging sequences.

8 d. The master plan shall include a specific policy statement
9 indicating the relationship of the proposed development of the
10 municipality, as developed in the master plan to (1) the master plans of
11 contiguous municipalities, (2) the master plan of the county in which
12 the municipality is located, (3) the State Development and
13 Redevelopment Plan adopted pursuant to the "State Planning Act,"
14 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and
15 (4) the district solid waste management plan required pursuant to the
16 provisions of the "Solid Waste Management Act," P.L.1970, c.39
17 (C.13:1E-1 et seq.) of the county in which the municipality is located.

18 In the case of a municipality situated within the Highlands Region,
19 as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the master plan
20 shall include a specific policy statement indicating the relationship of
21 the proposed development of the municipality, as developed in the
22 master plan, to the Highlands regional master plan adopted pursuant to
23 section 8 of P.L.2004, c.120 (C.13:20-8).

24 (cf: P.L.2019, c.267, s.1)

25

26 2. (New section) Upon request by a planning board, the
27 Department of Environmental Protection shall provide technical
28 assistance ¹, as practicable, ¹ to a municipality preparing a climate
29 change related hazard vulnerability assessment pursuant to
30 subparagraph ¹~~[(g)]~~ ¹(h) of paragraph (2) of subsection b. of
31 section 19 of P.L.1975, c.291 (C.40:55D-28).

32

33 3. This act shall take effect immediately.