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STATE OF NEW JERSEY
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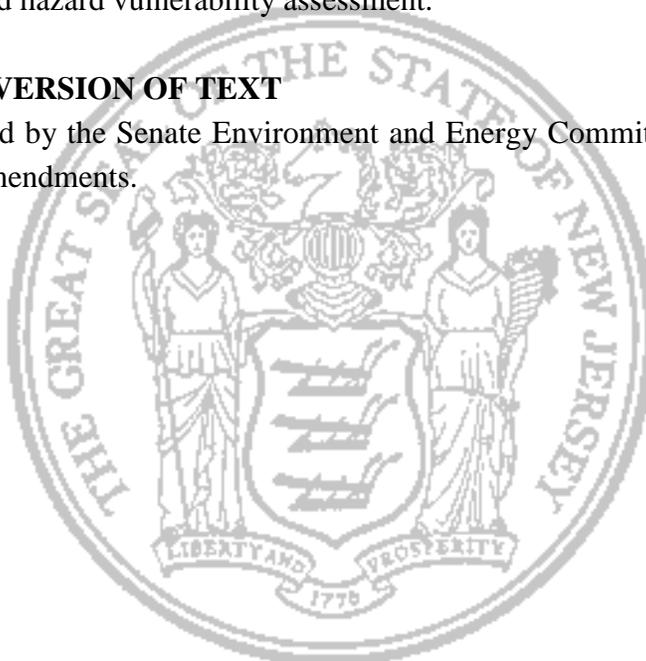
District 27 (Essex and Morris)

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 Senate Environment and Energy Committee on July 30, 2020, with amendments.



(Sponsorship Updated As Of: 12/17/2020)

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

3

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

6

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

9 19. Preparation; contents; modification.

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

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

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

21 (2) A land use plan element

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

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

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

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

41 (e) showing the existing and proposed location of military
42 facilities and incorporating strategies to minimize undue encroachment
43 upon, and conflicts with, military facilities, including but not limited
44 to: limiting heights of buildings and structures nearby flight paths or
45 sight lines of aircraft; buffering residential areas from noise associated

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:

¹Senate SEN committee amendments adopted July 30, 2020.

- 1 with a military facility; and allowing for the potential expansion of
2 military facilities;
- 3 (f) including, for any land use plan element adopted after the
4 effective date of P.L.2017, c.275, a statement of strategy concerning:
- 5 (i) smart growth which, in part, shall consider potential locations
6 for the installation of electric vehicle charging stations,
7 (ii) storm resiliency with respect to energy supply, flood-prone
8 areas, and environmental infrastructure, and
9 (iii) environmental sustainability; **and**
- 10 (g) showing the existing and proposed location of public electric
11 vehicle charging infrastructure; and
- 12 (h) including, for any land use plan element adopted after the
13 effective date of P.L. , c. (pending before the Legislature as this
14 bill), a climate change-related hazard vulnerability assessment which
15 shall (i) ¹**consider environmental effects and extreme weather-related**
16 events associated with climate change, including, but not limited to,
17 temperature, drought, and sea-level rise, and (ii) contain measures to
18 mitigate reasonably anticipated natural hazards, including, but not
19 limited to, coastal storms, shoreline erosion, flooding, storm surge, and
20 wind, following best management practices recommended by the
21 Federal Emergency Management Agency **analyze current and future**
22 **threats to, and vulnerabilities of, the municipality associated with**
23 **climate change-related natural hazards, including, but not limited to**
24 **increased temperatures, drought, flooding, hurricanes, and sea-level**
25 **rise; (ii) include a build-out analysis of future residential, commercial,**
26 **industrial, and other development in the municipality, and an**
27 **assessment of the threats and vulnerabilities identified in**
28 **subsubparagraph (i) of this subparagraph related to that development;**
29 **(iii) identify critical facilities, utilities, roadways, and other**
30 **infrastructure that is necessary for evacuation purposes and for**
31 **sustaining quality of life during a natural disaster, to be maintained at**
32 **all times in an operational state; (iv) analyze the potential impact of**
33 **natural hazards on relevant components and elements of the master**
34 **plan; (v) provide strategies and design standards that may be**
35 **implemented to reduce or avoid risks associated with natural hazards;**
36 **(vi) include a specific policy statement on the consistency,**
37 **coordination, and integration of the climate-change related hazard**
38 **vulnerability assessment with any existing or proposed natural hazard**
39 **mitigation plan, floodplain management plan, comprehensive**
40 **emergency management plan, emergency response plan, post-disaster**
41 **recovery plan, or capital improvement plan; and (vii) rely on the most**
42 **recent natural hazard projections and best available science provided**
43 **by the New Jersey Department of Environmental Protection¹ ;**
- 44 (3) A housing plan element pursuant to section 10 of
45 P.L.1985, c.222 (C.52:27D-310), including, but not limited to,
46 residential standards and proposals for the construction and
47 improvement of housing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 access to satisfy the need for such access with an implementation
2 schedule and tools for implementation.

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

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

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

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

23

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

30

31 3. This act shall take effect immediately.