



State of New Jersey  
DEPARTMENT OF STATE  
NEW JERSEY STATE PLANNING COMMISSION  
P.O. BOX 820  
TRENTON, NEW JERSEY 08625-0820

PHILIP D. MURPHY  
*Governor*

THOMAS K. WRIGHT  
*Director*

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DONNA A. RENDEIRO  
*Executive Director/Secretary*

Resolution No. 2023-20  
Page 1 of 2

Date: November 1, 2023  
Patron: Thomas K. Wright

**R E S O L U T I O N**  
**AUTHORIZING PUBLICATION OF RULES FOR ADOPTION WITH**  
**COMMENTS AND RESPONSES**

**WHEREAS**, pursuant to the State Planning Act, N.J.S.A. 52:18A-196 to -207, the State Planning Commission (the Commission) has prepared and adopted a State Development and Redevelopment Plan (the State Plan), which includes a State Plan Policy Map, and;

**WHEREAS**, the Commission is empowered, pursuant to N.J.S.A. 52:18A-203(a), to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes; and

**WHEREAS**, the rules and regulations of the Commission are currently codified at N.J.A.C. 5:85-1.1 to -8.10; and

**WHEREAS**, the Commission has not made substantial additions or revisions to its rules and regulations since 2009; and

**WHEREAS**, since the Commission last engaged in substantive rulemaking, the Governor signed Executive Order 23 (Murphy) (Apr. 20, 2018) and enacted policies requiring that State agencies place greater emphasis on Environmental Justice and Equity than is embodied in the current rules; and

**WHEREAS**, Executive Order 89 (Murphy) (Oct. 29, 2019) requires that the Commission incorporate mandatory resiliency planning in the Commission's rules for Plan Endorsement; and

**WHEREAS**, significant changes in land use patterns and priorities have taken place throughout New Jersey since the Commission last engaged in substantive rulemaking; and

**WHEREAS**, advancements in technology provide for more efficient processes related to State Plan updates and associated policies and procedures; and

**WHEREAS**, the Commission approved Resolution #2021-10 authorizing a rule update timeline and process to codify the necessity and prudence of updating its rules for all of the foregoing reasons; and

**WHEREAS**, the Commission approved Resolution #2021-13 authorizing language changes to the rules; and

**WHEREAS**, since the Commission approved Resolutions #2021-10 and #2021-13, there have been additional revisions to clarify the rules and further streamline the process of plan endorsement and State Plan updates; and

**WHEREAS**, the Commission approved Resolution #2023-11 authorizing readoption of the rules with updated language and other changes, an updated timeline, and to engage in the formal rulemaking process; and

**WHEREAS**, the Commission, as part of the proposed readoption also proposed recodification of the rules from N.J.A.C. 5:85 to N.J.A.C. 15:30 to better align with Governor Christie's Reorganization #002 that relocated the Office of Planning Advocacy from the Department of Community Affairs to the Department of State; and

**WHEREAS**, the readoption and recodification proposal was published in the August 7, 2023 New Jersey Register with a 60-day public comment period, which ended on October 6, 2023; and

**WHEREAS**, Exhibit A, attached hereto, is the Office of Planning Advocacy's Summary of Comments and Responses, including four non-substantive edits to the readoption and recodification proposal, fully addressing the four written comments it received during the public comment period; and

**WHEREAS**, Exhibit B, attached hereto, is the complete text of the updated and recodified rules to be submitted for publication in the New Jersey Register pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 to -31).

**NOW THEREFORE, BE IT RESOLVED** that the Commission approves the Summary of Comments and Responses at Exhibit A and the updated rules, with noted changes, and recodification of N.J.A.C. 5:85 to N.J.A.C.15:30 at Exhibit B; and

**BE IT FURTHER RESOLVED** that, in all other aspects, the Commission authorizes the Executive Director of the Office of Planning Advocacy to take all actions necessary to complete the rulemaking process pursuant to Administrative Procedure Act, N.J.S.A. 52:14B-1 to -31, and all other pertinent statutes and regulations.

I hereby certify that this resolution was  
duly adopted by the State Planning Commission  
at its meeting on November 1, 2023

  
Donna A Rendeiro, Secretary  
State Planning Commission  
Date: November 1, 2023

## Summary of Comments and Responses to Proposed Readoption with Amendments and Recodification

The State Planning Commission received four responses from the New Jersey chapter of the NAIOP, the New Jersey Builders Association, The Engineers Labor-Employer Cooperative, and Surenian, Edwards, Buzak & Nolan LLC.

Comments follow that address items that the responder(s) were in agreement with the Rule proposal:

- State Planning Commission rules are sorely in need of updating, having last been updated more than 20 years ago.
- The proposed amendments, the introduction of new terms, and deletions aimed at enhancing clarity, reducing redundancy, and improving administrative efficiency for crucial functions such as cross-acceptance, the State Plan Policy Map, and Plan Endorsement.
- Adding broadband to the “infrastructure needs assessment”.
- The incorporation of modernized reference to public notice, encompassing adjoining municipalities to promote inter-municipal transparency and facilitate meaningful public engagement regarding Plan Endorsement and State Plan policy-related matters.
- One respondent supports the proposed amendments to further regional planning in Plan Endorsement (15:30-7.3(a) 5 and 6).

Comments follow that address items that the responders were not in agreement with the Rule proposal. Those comments, along with, responses prepared by the Office of Planning Advocacy Staff on behalf of the State Planning Commission are below. Note that similar comments from more than one respondent are consolidated with one response if they warrant a similar response.

- **COMMENT:** New section NJAC 15:30-7.21 fails to address instances where state agencies have made commitments under Plan Endorsement but have failed to deliver on those commitments. We recommend the SPC adds [sic] corrective measures targeted to state agencies to improve implementation. Such language should specify how state agencies will be held accountable for meeting or failing to meet their agreed-upon responsibilities and commitments regarding Plan Endorsement petitions.
- **COMMENT:** The responder recommends increasing accountability in state agencies meeting or failing to meet their commitments related to Plan Endorsement. To increase transparency, it is recommended to create a new section to report instances where state agencies have failed to deliver on commitments to Plan Endorsement.
- **RESPONSE:** The State Planning Act strongly encourages State agencies and departments to align their programs and practices with the State Plan but does not give the State Planning Commission authority to enact corrective measures. We practically engage with our State agency partners on a regular basis to emphasize the importance of cooperation. While the SPC cannot make decisions for our State agency partners, we are authorized to and do bring State agencies to the table when warranted, per NJSA 52:18A-199-4c. While this information can be added to bi-annual reports submitted by municipalities, counties, or other planning entities having endorsed plans or previously designated centers as required by recodified N.J.A.C. 15:30-7.22, it is impractical to add this requirement into the Rules as many requests from municipalities require years of planning by our State agency partners.

- **COMMENT:** The amendments at NJAC 15:30-1.4 introduce the terms “climate mitigation and resilience” and “social equity” into the Impact Assessment. Our primary concern is that these terms lack a formal definition. These terms should be formally defined or deleted.  
**RESPONSE:** The Commission has amended the proposal to include, upon adoption, a reference to these terms as defined by the Global Warming Response Act 80 x 50 which states that Climate Change is “any significant change in the measures of climate lasting for an extended period. In other words, climate change includes major changes in temperature, precipitation, or wind patterns, among other effects, that occur over several decades or longer. Current references to climate change are focused on those changes that are attributed to human activities and might be mitigated through reduced production of CO<sub>2</sub> emissions.” The Commission has amended the proposal to include, upon adoption, this existing definition of “climate resilience” in the rule. Additionally, DEP describes climate change based on the processes associated with it. For example, “human activities, particularly the emissions of heat-trapping greenhouse gases from fossil fuel combustion, deforestation, and other land use changes, are now the primary driver of climate change observed since the industrial era.” See also The State of New Jersey Climate Change Resilience Strategy, at 4 (Oct. 12, 2021) (<https://dep.nj.gov/wp-content/uploads/climatechange/nj-climate-resilience-strategy-2021.pdf>) (last visited Oct. 31, 2023). Further, DEP defines Environmental Justice as “The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” at <https://dep.nj.gov/ej/glossary/>. Because these additions to the original proposal incorporate definitions of terms already defined by another State agency, the Commission believes that these changes are not substantial and do not change, enlarge, or curtail the scope of the proposed rule.
- **COMMENT:** There are proposed amendments, repeals, and new rules aimed at aligning the regulations with Executive Orders 23 (2018) and 89 (2019) recent amendments to the New Jersey Municipal Land Use Law (MLUL) (P.L.2021, c. 6), and the most recent Environmental Justice Law (P.L. 2020, c. 92). These changes relate to the incorporation of climate resilience and environmental justice considerations. While the State Legislature has granted certain powers and duties to the SPC (52: 18A-199), we question whether these powers extend to amending, via regulation, the goals established by the State Planning Act. It appears that the State Planning Act was not amended to include references to the Environmental Justice Law nor the climate-related amendments to the MLUL. Further, Executive Orders do not carry the weight of law. We believe that incorporating these changes should be accomplished through the State Plan development process rather than a regulatory proposal.
- **RESPONSE:** Pursuant to N.J.S.A. 52:18A-199(a), the commission shall “[p]repare and adopt . . . 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*.” (emphasis added). Likewise, N.J.S.A. 52:18A-200(d) requires that the State Development and Redevelopment Plan “Identify areas for growth, limited growth, agriculture, open space conservation and *other appropriate designations that the commission may deem necessary*.” (emphasis added). Given the significance of climate change and social justice, the Commission deems it is appropriate to consider the impact these two items have on land use decisions. Further, an update to the State Development and Redevelopment Plan is

currently underway and these topics will be elevated and added as new goals due to their significance. In order to affect the anticipated changes to the State Development and Redevelopment Plan, it is necessary to include these factors in the Rules.

- **COMMENT:** The responder opposes any proposed amendments or new rules that would incorporate Governor Murphy's Executive Orders 23 and 89, the Environmental Justice Law, or recent amendments to the Municipal Land Use Law. Executive Orders are not law and nowhere within the Environmental Justice Law or MLUL is there reference to the State Plan. In addition, including terms such as "climate mitigation and resilience" and "social equity" to the impact assessment will create confusion when interpreting the rules as they lack formal definition. It is by far a stretch to amending, [sic] via regulation, the goals of the State Planning Act. Any proposed amendments on [sic] Climate Change Resilience Strategy should be done through the State Plan, not built in to [sic] SPC's regulations.
- **RESPONSE:** Pursuant to N.J.S.A. 52:18A-199(a), the commission shall "[p]repare and adopt . . . 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*." (emphasis added). Likewise, N.J.S.A. 52:18A-200(d) requires that the State Development and Redevelopment Plan "Identify areas for growth, limited growth, agriculture, open space conservation and *other appropriate designations that the commission may deem necessary*." (emphasis added). Given the significance of climate change and social justice, the Commission deems it is appropriate to consider the impact these two items have on land use decisions. Further, an update to the State Development and Redevelopment Plan is currently underway and these topics will be elevated and added as new goals due to their significance.

The Commission has amended the proposal to include, upon adoption, a reference to these terms as being defined by the DEP. Further, DEP, in the Climate Change Resilience Strategy defines Climate Resilience as "the ability of social and ecological systems to absorb and adapt to shocks and stresses resulting from a changing climate while becoming better positioned to respond in the future. Resilience is not an end-state, but a dynamic state-of-being that will grow more difficult to attain as the climate continues to change." State of New Jersey Climate Change Resilience Strategy, at 4 (Oct. 12, 2021) (<https://dep.nj.gov/wp-content/uploads/climatechange/nj-climate-resilience-strategy-2021.pdf>) (last visited Oct. 31, 2023). The Commission has amended the proposal to include, upon adoption, this existing definition of "climate resilience" in the rule. Additionally, DEP describes climate change based on the processes associated with it. For example, "human activities, particularly the emissions of heat-trapping greenhouse gases from fossil fuel combustion, deforestation, and other land use changes, are now the primary driver of climate change observed since the industrial era." Further, DEP defines Environmental Justice terms at <https://dep.nj.gov/ej/glossary/>. Because these additions to the original proposal incorporate definitions of terms already defined by another State agency, the Commission believes that these changes are not substantial and do not change, enlarge, or curtail the scope of the proposed rule.

- **COMMENT:** The responder appreciates the intent of the Commission's proposed amendment to include references to "climate change and resilience" and "social equity," but does not believe the proposed changes to the Impact assessment [sic] are necessary to comply with Executive Order Numbers 23 (2018) and 89 (2019). Further, the responder notes that EO 23 directs DEP to develop guidance for all Executive branch departments and agencies for the consideration of

Environmental Justice in implementing their statutory and regulatory responsibilities. DEP's 202 Environmental Justice Guidance, entitled Furthering the Promise, directed all agencies to first complete initial assessments and participate in training through the Environmental Justice Interagency Council before producing Action Plans. The Responder believes that the Office of Planning Advocacy and State Planning Commission should complete these steps as outlined in DEP's guidance before proposing amendments to the rules [sic].

- **RESPONSE:** The Office of Planning Advocacy represents the State Planning Commission and the Department of State on the Environmental Justice Interagency Workgroup and responds timely to the Workgroup's requests to complete initial assessments and are active participants in the Environmental Justice Council. While formal training has not been developed by the DEP, these issues are too important to not be included in the update of the State Plan. Please note that during the Plan Endorsement process, the Commission does require a municipality to address Environmental Justice with the understanding that any effort will need to be updated within 1 to 3 years after the provision of guidance.
- **COMMENT:** The amendments at NJAC 15:30-5.2 allow 5 of the 6 public meetings regarding the Draft State Plan to be held virtually during the preparation of the Final State Plan. All public meetings should be in person with options to include virtual participation by those that [sic] select to do so.
- **COMMENT:** While allowing the public to participate virtually appropriately expands public participation, the State Planning Commission should still be physically present for all hearings and the public should still have the opportunity to physically attend and provide testimony at these hearings.
- **RESPONSE:** It is the intent of the State Planning Commission to be as inclusive as possible. The proposed Rule that requires at least one public meeting to be in person for the draft Final Plan does not preclude the option to hold more. The determination regarding how many will be in person will be determined by the circumstances at the time, but the Commission's schedule allows for flexibility should a need for more in-person meetings arise.
- **COMMENT:** The reference to the N.J.A.C. 2:76-25.7 for Legal Advertisements in the rule proposal appears to be incorrect.
- **RESPONSE:** The incorrect and inadvertent reference to 2:76-25.7 for legal advertisements appears only in the summary of the proposed amendments to recodified N.J.A.C. 15:30-1.4. The definition of "display ad" is proposed for deletion and to be replaced with "legal advertisement." The term "legal advertisement" appears in existing language proposed for readoption, and there is no change in the term's usage or definition.
- **COMMENT:** The Respondent proposes adding "access to housing and affordable housing..." to the Impact Assessment.
- **RESPONSE:** While it is the intent to include housing as part of the Infrastructure Needs Assessment, the Commission agrees that it should be and has been added to the definition of Impact Assessment in the Notice of Adoption.
- **COMMENT:** The Respondent opposes the proposed removal of 15:30-7.9 (2) that requires "An inventory of key characteristics of the relevant area, including current population and trends,

housing and economy trends, available public facilities, transportation, water and sewer infrastructure, and natural, cultural and recreational resources”.

- **RESPONSE:** The Commission agrees that this information is important. This information is still required in the Municipal Self-Assessment (MSA) report in recodified N.J.A.C.15:30-7.9(a). The description was made broader, expands upon the current requirements, and is outlined at recodified N.J.A.C. 15:3-7.9(a)(2) - (a)(18). The availability of affordable housing is addressed throughout the Plan Endorsement process.
  
- **COMMENT:** Provide more time for the public to comment on your proposed regulations
- **RESPONSE:** While the Commission provided the standard 60 formal public comment period, the topic of the Rules updates has been addressed for a number of years at the State Planning Commission meetings. In fact, the first discussion and resolution approving the update process was in May 2021, with Resolution #2021-10. While this process was not on every agenda, it was further discussed in August 2021 with Resolution #2021-13 updating the timeline. Periodic status reports were provided to the Commission and were discussed at many public presentations since then. An updated schedule was presented to the Commission at its meeting on June 7, 2023, and was approved via Resolution #2023-11.
  
- **COMMENT:** Planning for the future of the State intelligently necessarily [sic] begins with taking stock of existing development and anticipated development as a result of 345 settlements that Fair Share Housing Center, Inc. (“FSHC”) reports that it has with municipalities across the State.
- **COMMENT:** Do not presume that every municipality is exclusionary and that you must take action to prevent municipalities from excluding low and moderate (“LMI”) income households.
- **COMMENT:** Beware of allowing exceptions to damage the principle that the CES designation was intended to bring.
- **RESPONSE:** Future planning efforts will be based on both on-the-ground circumstances and future plans of municipalities, based on negotiations through the cross-acceptance process and will include any affordable housing settlements. There is no assumption regarding exclusionary or inclusionary municipalities. The State Planning Commission is not a regulatory body and as such cannot require compliance. Commission Rules relate more to process, and as a result, these policies should not be subject to Rules, but rather the State Plan as a policy document, an update of which the Commission has recently embarked upon. Keep in mind that a Commission-designated CES is informational and has no force of law; only those departments with regulatory authority can act to limit development in these cases.
  
- **COMMENT:** A municipality should be able to rely on the State Plan without deep pocketed [sic] developers changing the designation in the name of flexibility.
- **RESPONSE:** The Regulation regarding “Petition to amend” is unchanged from the current rules as it relates to map amendments. The Rules only allow a third party to petition for an amendment, provided the concerned area is not subject to an endorsed Plan. In no case can a third party change the designation of an area. The State Planning Commission has the final determination regarding map amendments based on recommendations from the Office of Planning Advocacy and would only approve an amendment based on sound planning practices and the policies in the State Plan. A proposed map amendment will only be recommended on these principles. Active

participation of the Plan Endorsement Advisory Committee is still required. The liaison role with the State agencies is sometimes impractical on a day-to-day basis, given the volunteer nature of this Committee. The liaison's responsibility is to provide detailed data to support information local land use practices and recommendations. Oftentimes, this information needed during the Plan Endorsement process is readily available from municipal staff. The volunteers on the Committee may not have immediate access to this information.

- **COMMENT:** How do you plan on handling COAH, the agency with primary jurisdiction over the administration of the New Jersey Fair Housing Act?
- **RESPONSE:** The Commission will be guided by the court's decision in the matter, In the Matter of Appointment of the Council on Affordable Housing by Governor Philip Murphy, A-50-22, currently pending in the New Jersey Appellate Division.
- **COMMENT:** Any social equity considerations involving affordable housing must be faithful to the Legislature's view of what is fair as it set forth in the Fair Housing Act.
- **RESPONSE:** The Commission does not disagree with that statement and the policies adopted with the new State Plan will reflect that position as well as throughout the Plan Endorsement process.
- **COMMENT:** If a municipality's vision conflicts with that of the vision of developer(s), how do you intend to protect carefully crafted municipal planning?
- **RESPONSE:** The Office of Planning Advocacy provides technical assistance on utilizing good land use practices. The Commission can only opine regarding a municipality's consistency with the State Plan and does not have the authority to mandate those good land use practices. The reference to the community visioning process is related to Plan Endorsement, which is a voluntary process. While the Office provides technical assistance to all municipalities, more robust assistance is available to those municipalities who choose to participate in Plan Endorsement.
- **COMMENT:** In view of the public's dependence upon its government to protect the environment, what tools do you plan on giving municipalities to protect the environment?
- **RESPONSE:** The State Planning Commission's members include five State agency officials, two executive branch appointees, and four members of county and municipal government in addition to six public members. The Commission's mandate is to balance all goals to achieve the priorities of the State. We work closely with all of our State agency partners who have regulatory authority to enforce their rules. Technical assistance is provided to municipalities regarding how to navigate through the myriad of State regulations if requested.
- **COMMENT:** If you want to incentivize municipal compliance with the State Plan, you need to specify the benefits municipalities would gain by complying with the State Plan.
- **RESPONSE:** While the Commission agrees with this statement, this is not a subject of the Rules. Each State agency determines what level of incentivization it can provide and the Commission does not have authority over those decisions. The Rules allow for a periodic update of the incentives offered by our State agency partners and this was included in the Rule update since there has not been an updated incentive list for some time. The actual development of a list is a

separate process from the Rules and the State Plan as programs and incentives change more often than the Rules or the State Plan.

- **COMMENT:** The Commission should advance the policies the Legislature created, not seek to substitute its view of what is fair for the Legislature when it enacted the Fair Housing Act.
  - **RESPONSE:** While the Commission is in general agreement with this statement, it must be weighed with other legislative mandates that the Commission must comply with in furthering its mission of balanced and comprehensive land use planning.
- 
- **COMMENT:** Any Plan Implementation Committee should have competent representation of municipalities in the area of the state where there is an issue with respect to a specific municipality and the committee should show deference to the municipality's vision for itself.
  - **RESPONSE:** The Plan Implementation Committee is a subcommittee of the State Planning Commission and as a result is limited to the membership of the full Commission. Further, the role of the Plan Implementation Committee is solely to determine a municipality's consistency with the State Development and Redevelopment Plan.
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- **COMMENT:** Regional Planning Entities should be defined consistent with the Legislature's identification of such entities.
  - **RESPONSE:** With respect, the Commission deems it necessary to expand the definition to include other regional entities to further the goal of regional planning for issues that benefit from regional planning. Resilience planning is one example as water does not respect municipal, county, state, or other boundaries. Traffic on major arteries has a regional impact so organizations such as the Metropolitan Planning Organizations, which are federally mandated organizations for transportation funding, should also be included in conversations on regional planning issues.
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- **COMMENT:** Identifying areas of disagreement is essential to attempting to resolve them.
  - **RESPONSE:** The Statement of Agreements and Disagreements will include both agreements and disagreements. "The highest degree of agreement" is the result of the details that identify both the agreements and disagreements.
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- **COMMENT:** With all due respect, planning for the future of our State intelligently without considering the Master Plans of communities is absurd.
  - **RESPONSE:** While the *submission* of master plans is no longer required, due consideration is still a major part of the update to the State Plan. In fact, the Statement of Agreements and Disagreements is based on a municipal master plan. While we are not requiring the *submission*, that information is generally available on a municipal website and will be discussed in detail with their county negotiating entity (most likely, the county), in determining what is included in the submission of their cross-acceptance report. As part of the cross-acceptance process, the Statements of Agreements and Disagreements from the municipality will comment on the Plan and any issues that the municipality feels are in conflict. The cross-acceptance report is the basis for negotiations of what is included in the final draft of the State Plan.

**STATE**

**NEW JERSEY STATE PLANNING COMMISSION**

**OFFICE OF PLANNING ADVOCACY**

**New Jersey State Planning Rules**

**Proposed ReAdoption with Amendments and Recodification: N.J.A.C. 5:85 as  
15:30**

**Recodifications with Amendments: N.J.A.C. 5:85-7.18, 7.19, 7.20, 7.21, 7.22,  
7.23, and 7.24 as 15:30-7.15, 7.17, 7.18, 7.19, 7.20, 7.22, and 7.23, Respectively**

**Proposed New Rules: N.J.A.C. 15:30-7.16 and 7.21**

**Proposed Repeals: N.J.A.C. 5:85-7.15, 7.16, and 7.17**

Authorized By: State Planning Commission, Donna Rendeiro, Director of the Office for  
Planning Advocacy.

Authority: N.J.S.A. 52:18A-203(a).

CHAPTER [85] **30**  
STATE PLANNING RULES

SUBCHAPTER 1. GENERAL PROVISIONS

[5:85]**15:30**-1.1 Title and citation

This chapter shall be known and may be cited as N.J.A.C. [5:85] **15:30**, State Planning Rules.

[5:85]**15:30**-1.2 Purpose and authority

(a) This chapter is adopted by the State Planning Commission pursuant to N.J.S.A. 52:18A-203 in order to establish an orderly and efficient process for the preparation, adoption, and implementation of the State Development and Redevelopment Plan. In support thereof, it is determined that [in order] to fulfill the purposes and to satisfy the requirements of the State Planning Act, it is necessary and appropriate that:

1.-3. (No change.)

(b) (No change.)

[5:85]**15:30**-1.3 (No change in text.)

[5:85]**15:30**-1.4 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

**"Action Plan"** means an outline of the [steps] **additional actions that must be taken by the petitioner, as determined by the Executive Director in consultation with the Plan Implementation Committee, to complete the self-assessment, visioning, or other items** necessary for a petitioner to achieve consistency with the State Development and Redevelopment Plan and endorsement by the State Planning Commission. An Action Plan will provide timelines for the petitioner and relevant State agencies to complete required tasks; **and** the relevant State agencies to review and evaluate petitioner submissions[; and the relevant State agencies to provide or make available benefits that shall accrue to petitioner upon endorsement of the petition, as well as any conditions imposed on petitioner for obtaining said benefits].

**"Certificate of eligibility"** is a document issued by the Executive Director indicating that a petitioner has taken necessary preliminary steps to prepare for plan endorsement, entered into a Memorandum of Understanding and Action Plan with the State Planning Commission and has agreed to develop, adopt and implement plans that are consistent with the State Plan.]

**"Climate Change"** **"Any significant change in the measures of climate lasting for an extended period. In other words, climate change includes major changes in temperature, precipitation, or wind patterns, among other effects, that occur over several decades or longer. Current references to climate change are focused on those changes that are attributed to human activities and might be mitigated through reduced production of CO<sub>2</sub> emissions". See also the Global Warming**

**Response Act 80x50** <https://dep.nj.gov/wp-content/uploads/climatechange/nj-gwra-80x50-report-2020.pdf>

**"Climate Resilience"** "means the ability of social and ecological systems to absorb to shocks and stresses resulting from a changing climate, while becoming better positioned to respond in the future". See also The State of New Jersey Climate Change Resiliency Strategy 2021 <https://dep.nj.gov/wp-content/uploads/climatechange/nj-climate-resilience-strategy-2021.pdf>

"Consistency" or "consistent" means that the State Planning Commission determines that a municipal, county, regional, neighborhood or special resource area plan, or an amendment thereto, submitted for plan endorsement pursuant to N.J.A.C. [5:85]15:30-7 and endorsed by the State Planning Commission pursuant to N.J.A.C. [5:85-7.19]15:30-7.17, or a map amendment submitted for approval pursuant to N.J.A.C. [5:85]15:30-8 and endorsed by the State Planning Commission pursuant to N.J.A.C. [5:85]15:30-8.6 is the same as or has the same effect as the State Development and Redevelopment Plan.

"Critical environmental site" (CES) means an area generally greater than two acres and less than a square mile depicted on the State Plan Policy Map, which includes one or more critical environmentally sensitive features located either outside of a planning area classified as environmentally sensitive by the State Development and Redevelopment Plan or within designated [centers located within such planning areas]  
**Centers, Nodes, and Cores.**

**"Cross-Acceptance [Report] Response Template" or "Response Template"** means [a written statement submitted by] **an online format provided by the State Planning Commission to the negotiating entity for the purpose of submitting comment by the negotiating entity** to the State Planning Commission describing the

findings, recommendations, objections, and other information as set forth in the Cross-Acceptance Manual. The [Cross-acceptance Report] **Cross-Acceptance Response Template** can also be submitted by a municipality pursuant to N.J.A.C. [5:85]**15:30-3.6** or by a regional entity or State agency pursuant to N.J.A.C. [5:85]**15:30-3.7**.

**"Days"** means [calendar] **business or week** days, **which shall be Monday through Friday, except for Federal or State holidays**, unless otherwise specified.

[“Display ad” means a notification of a public meeting or hearing in one or more newspapers, other than a legal advertisement, to be conducted by the Office of Smart Growth or the State Planning Commission pursuant to these rules. For public meeting or hearing, it shall contain the date of the meeting or hearing, the time of the meeting or hearing, the location of the meeting or hearing and the subject matter of such public meeting or hearing. The advertisements must be of at least four inches in width in a newspaper of general circulation in the jurisdictions to which the meeting, hearing or petition pertains.]

**“Distributed” means any document that is released, either electronically, online, or by regular first-class mail or certified mail.**

**“Environmental Justice” “The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies”. See also the New Jersey Department of Environmental Protection <https://dep.nj.gov/ej/glossary/>**

"Executive Director" means the Executive Director of the Office of [Smart Growth] **Planning Advocacy**.

“Historic and cultural site” (HCS) means a site [of generally less than a square mile depicted on the State Plan Policy Map, which] **that** includes features or characteristics that have inherent cultural, historic, or aesthetic significance of local, regional, or Statewide importance. Such features include, but are not limited to, historic sites and districts, greenways and trails, dedicated open space, pre-historic and archaeological sites, scenic vistas and corridors, **or** natural landscapes of exceptional aesthetic or cultural value.

“Impact assessment” means the assessment of the economic, environmental, **climate mitigation and resilience**, infrastructure, [community] **quality of life**, **including for example, access to housing and affordable housing, social equity**, and intergovernmental coordination of the draft Final State Development and Redevelopment Plan required by the State Planning Act and N.J.A.C. [5:85]**15:30-4.7**.

“Infrastructure Needs Assessment” means the assessment of present and prospective conditions, needs, and costs with regard to State, county, and municipal capital facilities, including water, sewerage, transportation, **broadband**, solid waste, drainage, flood protection, shore protection, and related capital facilities that is required to be part of the State Development and Redevelopment Plan by the State Planning Act and N.J.A.C. [5:85]**15:30-5**.

...

“Memorandum of Understanding” means a contract between the State Planning Commission and a petitioner to enter into [an Action Plan in order] **a Plan Implementation Agreement** for the petitioner to take the steps needed to achieve

consistency with the State Plan, in collaboration with the Office of [Smart Growth] **Planning Advocacy** and the relevant State agencies.

[“Natural system” means regularly interacting and interdependent components of air, water, land and biological resources.

“Neighborhood Plan” means a plan submitted by an Urban Center municipality for plan endorsement that pertains specifically to a specific section of the municipality that has been identified as part of an overall strategy by the municipality for eventual endorsement of the municipal master plan and supporting plan elements for the entire municipality.]

“Office of [Smart Growth] **Planning Advocacy**” or “the Office,” or its **successor** means the Office in the Department of [Community Affairs] **State** that staffs the State Planning Commission and provides planning and technical assistance, as requested. The Office of [Smart Growth] **Planning Advocacy** serves the same functions as, and is the successor to, the Office of State Planning (N.J.S.A. 52:18A-201). The Office of [Smart Growth] **Planning Advocacy’s** website is [www.njsmarthgrowth.com](http://www.njsmarthgrowth.com) <https://nj.gov/state/planning/index.shtml>.

“Petition to amend” means a petition to amend either an endorsed plan, a [Planning and] **Plan** Implementation Agreement, or [a prior center designation] **the State Development and Redevelopment Plan Map**.

“Plan Endorsement Advisory Committee” or “Advisory Committee” means a [citizen-based] committee appointed by the mayor or governing body to [to serve as liaison with the State, county, regional agencies and local officials throughout the process, to] increase public awareness of, and participation in, the plan endorsement

process[,] and to guide and assist **in the development and review of the self-assessment report, and recommendations therein**. Upon the consent of the governing body, the Advisory Committee may also serve as liaison with the State, county, regional, and local officials throughout the plan endorsement process, [including participating] **and participate** in meetings [at the Office of Smart Growth] between the petitioner, **the Office of Planning Advocacy**, and [the] **other** relevant State agencies.

“Plan Endorsement Guidelines” means a document issued by the State Planning Commission for the purpose of [guiding petitioners through the plan endorsement process] **helping petitioners understand and follow this chapter, as they pursue plan endorsement, pursuant to this chapter.**

“Plan endorsement process,” [or] “plan endorsement,” or “endorsement” means the process undertaken by a municipality, county, regional, or other relevant planning entity, or any grouping thereof, to petition the State Planning Commission for a determination of consistency of the submitted plan with the State Development and Redevelopment Plan and wherein upon successful completion of any requirements as may be outlined in an Action Plan, **and/or conditioned in a Plan Implementation Agreement** and Memorandum of Understanding, the State Planning Commission shall make a determination that the submitted plan is consistent with the State Development and Redevelopment Plan, taking into account pertinent State [agency] statutes, rules, [regulations,] policies, and programs, and approve a petition for plan endorsement, wherein said plan shall then be considered endorsed.

**“Plan Endorsement Renewal” or “Expedited Renewal” means the process undertaken by a municipality, county, or regional entity to petition the State Planning Commission to renew its endorsement at the conclusion of the prior 10-year plan endorsement period, when a petitioner’s prior endorsed plan is brought into consistency with the current State Plan and any additional procedures from the current State Plan Endorsement Guidelines and related support materials.**

**“Plan Implementation Agreement” (PIA) means an agreement between the State Planning Commission and the petitioner that sets forth the planning implementation measures and a schedule thereof, for the petitioner to undertake during the 10-year endorsement period, so that the petitioner will achieve the goals and vision described in the endorsed plan, and will attain State agency benefits, such as technical and financial assistance that will be provided by State agencies to help advance the implementation of the plan. The PIA ensures implementation of the plan is consistent with State Plan goals, policies, and strategies. The maintenance of an endorsed plan’s status during the 10-year endorsement period will be contingent upon fulfilling the obligations in the PIA, as evaluated pursuant to N.J.A.C. 15:30-7.20, and the monitoring of endorsed plans and designated centers.**

**“Plan implementation mechanisms” means zoning and land use ordinances, maps and schedules, open space and farmland preservation programs, natural resource inventories, capital improvement programs, and any other relevant means used to implement plans.**

[“Planning and Implementation Agreement” means an agreement between the State Planning Commission and the petitioner that outlines how the petitioner proposes to achieve the goals and visions described in the endorsed plan and a schedule therefore and specifies benefits, such as technical and financial assistance that will be provided by State agencies to help advance the implementation of the plan.]

**“Plan Implementation Committee” (PIC) means a subcommittee of the State Planning Commission authorized to review Plan Endorsement petitions, State Policy Map Amendment petitions, and other work products in advance of consideration by the State Planning Commission.**

“Regional agency” and “regional entity” means an agency [which] **working with one or more counties or municipalities, counties working with each other or one or more municipalities, or multiple municipalities working together for the purposes of plan endorsement or to perform[s] planning for land development, infrastructure, or capital investment planning for a region.**

“Self-assessment,” [or] “self-assessment report,” or “**municipal self-assessment (MSA)**” means the report prepared by a petitioner to provide an overview and analysis of existing conditions of the petitioner, as well a review of existing plans, and an assessment of the consistency of a petitioner’s plans and implementation mechanisms with the goals, policies, and strategies of the State Development and Redevelopment Plan.

**“Smart Growth Areas” means Metropolitan (PA1) and Suburban Planning Areas (PA2), Designated Centers, Cores, and Nodes, Highlands Centers, Meadowlands Smart Growth Areas, Pinelands Growth Areas, Villages and Towns,**

**and other designated growth areas, as determined by the State Planning Commission and depicted on the New Jersey State Plan Policy Map.**

"State agency benefit" means any benefit, such as technical assistance, financial assistance, priority consideration for grant awards, special grant funding, or other programs, provided by a relevant State agency, that is afforded to any petitioner granted a State Planning Commission determination of consistency of its petition for plan endorsement [or issued a Certificate of Eligibility by the Executive Director].

"State Opportunities and Constraints Assessment" means a preliminary written assessment of existing land use patterns, infrastructure availability, and natural resources provided by the Office of [Smart Growth] **Planning Advocacy** to a petitioner that has submitted a municipal self-assessment report, based on input from relevant State agencies, and used to inform community visioning.

"State Plan Policy Map" means the geographic application of the State Development and Redevelopment Plan goals, strategies, and policies and is comprised of series of maps corresponding to the 1:24,000 scale United States Geological Survey (U.S.G.S.) 7.5 minutes topographic quadrangle maps. The State Plan Policy Map serves as the official map of the State Development and Redevelopment Plan. Each quadrangle map includes, at a minimum, planning areas, including changes made in the plan endorsement process, endorsed plans, designated centers, cores, and nodes, as well as other areas including critical environmental sites, [historic and cultural sites,] parks and natural areas, military installations, the certification signature, and appropriate initialing of revisions, if any, by the Secretary of the Commission, and the text for each planning area and its planning policies.

“Statement of Agreements and Disagreements” means [the] **a** document approved by the State Planning Commission pursuant to N.J.A.C. [5:85]**15:30**-4.6, which details the highest degree of agreement that is generated during the negotiation of plans between each negotiating entity and the State Planning Commission’s negotiating committee.

**“Written comment” means public comment provided either electronically or by first class mail.**

[5:85]**15:30**-1.5 Technical assistance from the Office of [Smart Growth] **Planning Advocacy**

(a) The Office of [Smart Growth] **Planning Advocacy** shall provide technical assistance to negotiating entities and petitioners, as may be needed to fulfill their responsibilities [under these rules] **pursuant to this chapter**.

(b) Technical assistance may be in the form of a Cross-Acceptance Manual and Plan Endorsement Guidelines issued by the State Planning Commission, advice and consultation on plan comparisons, assistance with population and employment projections and distribution, and other assistance within the resources of the Office of [Smart Growth] **Planning Advocacy**.

[5:85]**15:30**-1.6 Public participation

(a) Public participation shall include written or oral comments concerning cross-acceptance, plan endorsement, and map amendments presented before or during the public comment period at the meetings of the State Planning Commission or any committee thereof, and at any public hearings conducted pursuant to these rules. All applicable meetings shall be carried out in accordance with the **Senator Byron M. Baer Open Public Meetings Act**, N.J.S.A. 10:4-6 et seq., unless otherwise specified.

(b) Any member of the public can request notice of meetings or hearings, subsequent documents concerning a particular matter pending before the State Planning Commission, and any action taken by the State Planning Commission or the Office of [Smart Growth] **Planning Advocacy** pursuant to [these rules] **this chapter** by registering with the Office of [Smart Growth] **Planning Advocacy** in the following manner:

1.-2. (No change.)

(c) Cross-acceptance is intended to be an open and thorough dialog that involves not only governments but the public at-large as well. The State Planning Commission considers an inclusionary approach to cross-acceptance critical to the success of the process. To that end, the State Planning Commission and each negotiating entity shall provide meaningful opportunities for public participation during [cross-acceptance].

At] **cross-acceptance**. At a minimum, the public may participate in cross-acceptance through the following means:

1. Public comment pursuant to N.J.A.C. [5:85]**15:30**-2.2(a) as to what changes, if any, are appropriate in the State Development and Redevelopment Plan

prior to the preparation and release of a Preliminary State Development and Redevelopment Plan;

2. Public comment at negotiation sessions conducted pursuant to N.J.A.C.

[5:85]15:30-4;

3. Submission of written comments to the State Planning Commission at any time up to 30 days after the last public hearing conducted pursuant to N.J.A.C.

[5:85]15:30-5.2;

- 4.-6. (No change.)

- (d) At a minimum, the public may participate in plan endorsement through the following means:

1. Public comment to the Commission and its committees when a petitioner is seeking approval of a petition for plan endorsement, a petition to amend or a revocation of plan endorsement, or of a designated center pursuant to N.J.A.C.

[5:85]15:30-7;

- 2.-3. (No change.)

- (e) The State Plan Policy Map is the geographic application of the State Development and Redevelopment Plan goals, strategies, and policies. Petitions to amend the State Plan Policy Map seek to demonstrate that the proposed change better reflects the goals, strategies, and policies of the State Development and Redevelopment Plan. At a minimum, the public may participate in map amendments through the following means:

1. Public comment to the State Planning Commission and its committees when the State Planning Commission is proposing a map amendment pursuant to

N.J.A.C. [5:85]**15:30**-8.3(a) or when a petitioner is seeking a map amendment pursuant to N.J.A.C. [5:85]**15:30**-8.3(c);

2. (No change.)

3. Submission of written comments to the Executive Director of the Office of [Smart Growth] **Planning Advocacy** at any time up to 30 days after any public hearing conducted pursuant to N.J.A.C. [5:85]**15:30**-8.5(e).

[5:85]**15:30**-1.7 Public notice requirements, form, content, and timing

(a) At least 60 days prior to the release of approval of a Preliminary State Development and Redevelopment Plan pursuant to N.J.A.C. [5:85]**15:30**-2, the Office of [Smart Growth] **Planning Advocacy** shall seek comments:

1. By posting information concerning the intention to approve a Preliminary State Development and Redevelopment Plan on the Office of [Smart Growth] **Planning Advocacy's** website;

2. By providing written notice to all persons or organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** to receive public notice concerning the preparation and adoption of the State Development and Redevelopment Plan pursuant to N.J.A.C. [5:85]**15:30**-1.6(b); and

3. By providing written notice to all mayors, county executives, and administrators and all municipal and county clerks, boards of [chosen freeholders] **county commissioners** and planning boards, and appropriate regional, State, and Federal agencies.

(b) Public notice requirements for the State Planning Commission or the Executive Director pursuant to N.J.A.C. [5:85]15:30-3, 4, 7, and 8 are as follows:

1. All meetings shall satisfy notice requirements of the **Senator Byron M. Baer** Open Public Meeting Act, N.J.S.A. 10:4-6 et seq.
2. All hearings shall satisfy timing and content requirements as provided for [in] at (j) below.
3. Public notice of meetings or hearings shall be provided as follows:
  - i. By posting on the Office of [Smart Growth] **Planning Advocacy** website;
  - ii. By publishing a [display ad or] legal advertisement in at least one newspaper of general circulation in the area in which the meeting or hearing will be held;
  - iii. By written notice to all persons or organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** to receive public notice of meetings or hearings concerning a particular matter pursuant to N.J.A.C. [5:85]15:30-1.6(b);
  - iv. (No change.)
  - v. If the public notice concerns a meeting regarding cross-acceptance pursuant to N.J.A.C. [5:85]15:30-3 or 4:
    - (1)-(2) (No change.)
    - (3) By written notice to the board of [chosen freeholders] **county commissioners**, county executive or administrator, if any, county clerk, and county planning board if the county is not the negotiating entity;
  - vi. If the public notice concerns a meeting or a hearing regarding a petition filed pursuant to N.J.A.C. [5:85]15:30-7 or 8:

(1)-(2) (No change.)

(3) By written notice to the board of [chosen freeholders] **county commissioners**, county executive or administrator, if any, county clerk, and county planning board of any county in which property that is subject of the petition is located if the county is not the petitioner; and

vii. If the public notice concerns a minor map proposed by the State Planning Commission by, providing written notice to all owners of property that is subject of the petition and all owners of property located within 200 feet of the property **or area** that is subject of the petition.

(c) In addition to the public notice provisions provided [in] **at** (b) above, notice of hearings on the draft Final State Development and Redevelopment Plan and the draft Infrastructure Needs Assessment held pursuant to N.J.A.C. [5:85]**15:30**-5.2(a) shall be [placed] **published** at least 30 days in advance of the hearing **on the municipality's and county's website, and** in [display ads] **a legal advertisement in at least two newspapers designated by the municipality for publication of public notices,** which circulate in the area served by the hearing and provided with at least 30 [days] **days'** notice to the governing body and planning board of each county and municipality in the area served by the hearing.

(d) Public notice requirements for a municipality or county pursuant to N.J.A.C. [5:85]**15:30**-3 and 4 are as follows:

1. All meetings shall satisfy notice requirements of the **Senator Byron M.**

**Baer** Open Public Meeting Act, N.J.S.A. 10:4-6 et seq.

2. All hearings shall satisfy timing and content requirements as provided for [in] **at (j)** below.

3. In addition, all public notice of meetings or hearings shall be further provided, as follows:

i.-ii. (No change.)

iii. By written notice to the board of [chosen freeholders] **county commissioners**, county executive or administrator, if any, county clerk, and county planning board of any county that adjoins the municipality or county required to provide the public notice;

iv.-vi. (No change.)

(e) All public notices required to be given by a negotiating entity pursuant to N.J.A.C. [5.85]**15:30**-3 or 4 shall be provided as follows when the negotiating entity is not a county:

1.-2. (No change.)

3. By notifying the board of [chosen freeholders] **county commissioners**, county executive or administrator, if any, county clerk, and county planning board of any county that adjoins the county or counties for which the negotiating entity is conducting cross-acceptance;

4. (No change.)

5. By notifying the Executive Director of the Office of [Smart Growth] **Planning Advocacy**;

6. (No change.)

7. By providing written notice to the board of [chosen freeholders] **county commissioners**, county executive or administrator, if any, county clerk, county planning board, and each authority, board, commission, committee, and department involved in economic development, land use, infrastructure, or resource protection in the county for which the negotiating entity is conducting cross-acceptance.

(f) Public notice requirements for a petitioner for a plan endorsement pursuant to N.J.A.C. [5:85]**15:30-7** are as follows:

1. All meetings shall satisfy notice requirements of the **Senator Byron M. Baer Open Public Meeting Act**, N.J.S.A. 10:4-6 et seq.;
2. All hearings shall satisfy timing and content requirements as provided for [in] **at (j)** below;
3. All visioning workshops conducted pursuant to N.J.A.C. [5:85]**15:30-7.11** shall be noticed at least 10 days in advance using the methods described [in] **at** N.J.A.C. [5:85]**15:30-7.11(a)**;
4. (No change.)
5. Additional public notice to local governmental entities and neighboring municipalities or counties shall be performed, as follows:
  - i. (No change.)
  - ii. For county, regional, and special resource area petitioners, by written notice to the board of [chosen freeholders] **county commissioners**, county executive or administrator, if any, and county planning board, and to the county clerk of any county that adjoins the county, region, or special resource area for dissemination to the mayor, governing body, and each authority, board, commission, and department

involved in economic development, land use, infrastructure, or resource protection in that county; and

6. Petitioners shall provide written notice to the Executive Director of public meetings or hearings held pursuant to N.J.A.C. [5:85]**15:30-7**.

(g) Any entity petitioning for a map amendment pursuant to N.J.A.C. [5:85]**15:30-8**, shall provide public notice as follows:

1. (No change.)

2. By providing written notice to the mayor, clerk, and planning board of each municipality in which the property that is the subject of the petition is located and of each municipality which adjoins the [property] **municipality in which the property** that is the subject of the petition **is located**;

3. By providing written notice to the board of [chosen freeholders] **county commissioners**, county executive or administrator, if any, county clerk, and county planning board of any county in which the property that is the subject of the petition is located and of each county which adjoins the property that is the subject of the petition;

4. [If the petition is for a minor map amendment by] **By** providing written notice to all owners of property that is subject of the petition and all owners of property within 200 feet of the property **or area** that is subject of the petition;

5. (No change.)

6. By notifying the Executive Director of the Office of [Smart Growth] **Planning Advocacy**.

(h) Within five days of the Office of [Smart Growth] **Planning Advocacy** being informed that notice has been provided pursuant to (d), [through] **(e), (f), and (g)** above; receiving

a completed petition pursuant to N.J.A.C. [5:85]15:30-7 or 8; the issuance of the Executive Director's monitoring report pursuant to N.J.A.C. [5:85-7.23] 15:30-7.22, or the issuance of the Executive Director's report on a petition submitted pursuant to N.J.A.C. [5:85]15:30-8, the Office of [Smart Growth] **Planning Advocacy** shall:

1. Post information concerning said notice, petition, or report on the Office of [Smart Growth] **Planning Advocacy** website;
2. Provide written notice concerning said notice, petition, or report to all persons or organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** to receive public notice concerning a particular matter pursuant to N.J.A.C. [5:85]15:30-1.6(b); and
3. (No change.)
  - (i) Within 45 days of the State Planning Commission adopting the Final State Development and Redevelopment Plan pursuant to N.J.A.C. [5:85]15:30-5 or acting on a petition pursuant to N.J.A.C. [5:85]15:30-7 or 8, the Office of [Smart Growth] **Planning Advocacy** shall provide notice of that action:
    1. By posting information concerning said notice on the Office of [Smart Growth] **Planning Advocacy** website;
    2. By providing written notice to all persons or organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** to receive public notice concerning a particular matter pursuant to N.J.A.C. [5:85]15:30-1.6(b);
    3. - 5. (No change.)
    6. If the public notice concerns action on a petition pursuant to N.J.A.C. [5:85]15:30-7 or 8:

i. (No change.)

ii. By providing written notice to the board of [chosen freeholders] **county commissioners**, county executive or administrator, if any, county clerk, and county planning board of any county in which property that is subject of the petition is located if the county is not the petitioner.

(j) (No change.)

[5:85]**15:30-1.8** (No change in text.)

## SUBCHAPTER 2. PREPARATION OF A PRELIMINARY STATE DEVELOPMENT AND REDEVELOPMENT PLAN

[5:85]**15:30-2.1** Revising the State Development and Redevelopment Plan

(a) (No change.)

(b) The preparation, approval, and cross-acceptance of a Preliminary Plan pursuant to [these rules] **this chapter** notwithstanding, the current State Development and Redevelopment Plan, shall continue to constitute the official State Development and Redevelopment Plan until such time as it is revised and readopted by the State Planning Commission in accordance with the State Planning Act and N.J.A.C.

[5:85]**15:30-5.**

[5:85]**15:30-2.2** Approval of the Preliminary State Development and Redevelopment Plan

(a) The State Planning Commission shall solicit comments and recommendations from all State agencies, appropriate Federal and regional agencies, county and

municipal governments, and from the public regarding possible revisions of the current State Development and Redevelopment Plan by providing notice pursuant to N.J.A.C. [5:85]15:30-1.7(a).

(b) The State Planning Commission shall, after due consideration of any public comments and recommendations, including those from municipal, county, regional, State, and Federal governmental agencies, regarding the current State Development and Redevelopment Plan, approve a Preliminary State Development and Redevelopment Plan, with the Cross-Acceptance Manual, to commence cross-acceptance and authorize its transmittal to each county and municipal planning board, governing body and chief executive, clerk, and to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** in accordance with N.J.A.C. [5:85]15:30-1.6(b).

#### [5:85]15:30-2.3 Cross-Acceptance Manual

(a) The State Planning Commission's Cross-Acceptance Manual, adopted by resolution, shall include, at a minimum, a draft work program, a draft schedule, a sample negotiation agenda, and a sample **online** Cross-Acceptance [Report] **Response Template** for participating negotiating **municipal, county, and regional** entities to complete the cross-acceptance process. The Cross-Acceptance Manual shall provide adequate measures to ensure a timely and thorough comparison of the Preliminary State Development and Redevelopment Plan with plans of municipalities, counties, **and** regional and State agencies.

(b) Within 45 days of receipt of the Preliminary State Development and Redevelopment Plan and the Cross-Acceptance Manual, the negotiating entity shall either accept the included draft work plan and schedule or propose revisions to the draft work program and schedule to the Office of [Smart Growth] **Planning Advocacy**.

(c) In the event of the proposed changes to the draft work program and schedule are determined **by the State Planning Commission** to be inadequate in any way, the Office of [Smart Growth] **Planning Advocacy** shall specify necessary changes to ensure an effective and efficient cross-acceptance process with adequate opportunity for public participation.

#### SUBCHAPTER 3. PROCEDURES FOR COMPARING STATE, REGIONAL, COUNTY, AND MUNICIPAL PLANS

##### [5:85]**15:30-3.1** Commencement of comparing plans

(a) – (b) (No change.)

(c) The State Planning Commission shall conduct a joint public informational meeting **in-person or virtually, upon request**, with each county planning board in each county for the purpose of providing information on the Preliminary State Development and Redevelopment Plan not less than 45, nor more than 90, days after the release of the Preliminary State Development and Redevelopment Plan. The State Planning Commission shall provide notice of those meetings pursuant to N.J.A.C. [5:85]**15:30-1.7(b)**.

##### [5:85]**15:30-3.2** Negotiating entities for cross-acceptance

(a) – (b) (No change.)

(c) Notices of Participation or Waiver shall be transmitted by each county to the Office of [Smart Growth] **Planning Advocacy** no later than 45 days after the official release of the Preliminary State Development and Redevelopment Plan. Notice of that decision shall be provided in accordance with N.J.A.C. [5:85]**15:30-1.7(d)**.

1. – 2. (No change.)

(d) (No change.)

[5:85]**15:30-3.3** Optional joint county cross-acceptance agreements

Counties, especially those located within the purview of an existing regional planning agency or metropolitan planning organization, are encouraged to enter into intergovernmental agreements for consolidated or coordinated participation in cross-acceptance and if such an agreement is entered into, notice of that agreement shall be provided pursuant to N.J.A.C. [5:85]**15:30-1.7(d)**.

Recodify existing N.J.A.C. 5:85-3.4 and 3.5 as **15:30-3.4 and 3.5** (No change in text.)

[5:85]**15:30-3.6** Municipal participation in the cross-acceptance process

(a) Each municipality in the State shall participate in cross-acceptance by:

[1. Providing to the negotiating entity the most up-to-date copies of the municipal master plans and other information and materials, such as master plan reexamination reports, land use ordinances, and capital improvement programs, requested by the negotiating entity, as necessary for an effective comparison of the State Development and Redevelopment Plan with the planning policies of the

municipality and identifying infrastructure needs that should be included in the Infrastructure Needs Assessment; and]

[2.] 1. (No change in text.)

(b) (No change.)

(c) If a municipality is not satisfied with the Cross-Acceptance [Report] **Response Template**, in whole or in part, prepared by the negotiating entity pursuant to N.J.A.C. [5:85]15:30-3.9(a) or if the negotiating entity does not file a Cross-Acceptance [Report] **Response Template**, the municipality may file a separate report with the State Planning Commission, after holding a public meeting or hearing with notice provided pursuant to N.J.A.C. [5:85]15:30-1.7(d). The municipal Cross-Acceptance [Report] **Response Template** shall be submitted to the State Planning Commission within 45 days of either the negotiating entity filing its Cross-Acceptance [Report] **Response Template** or of the date the Cross-Acceptance [Report] **Response Template** was due to be filed if no such [Report] **Response Template** is filed by the negotiating entity and shall be in the form specified by the Office of [Smart Growth] **Planning Advocacy** in the Cross-Acceptance Manual. The [Report] **Response Template** shall outline the degree to which the municipality's planning is consistent with the Preliminary State Development and Redevelopment Plan, the degree to which its planning conflicts with the Preliminary State Development and Redevelopment Plan and any proposed modification to the Preliminary State Development and Redevelopment Plan or its plan, and any **critical** infrastructure needs that should be addressed in the Infrastructure Needs Assessment. The individual municipal Cross-Acceptance [Report] **Response**

**Template** shall also be filed with the negotiating entity and planning board of adjoining municipalities at the same time as it is filed with the State Planning Commission.

(d) If a municipality does not file a municipal Cross-Acceptance [Report] **Response Template** within 45 days of the filing of the Cross-Acceptance [Report] **Response Template** by the negotiating entity for the county that includes that municipality, then the municipality shall be deemed to have concurred and agreed with the Cross-Acceptance [Report] **Response Template** filed by the negotiating entity. If the negotiating entity for a county fails to file a Cross-Acceptance [Report] **Response Template** and any municipality within that county fails to file a municipal Cross-Acceptance [Report] **Response Template** within 45 days of the date by which the negotiating entity was due to file its Cross-Acceptance [Report] **Response Template**, then each such municipality shall be deemed to have concurred and agreed with the provisions of the Preliminary State Development and Redevelopment Plan.

[5:85]**15:30-3.7** Regional and State agency participation in the cross-acceptance process

(a) (No change.)

(b) The Office of [Smart Growth] **Planning Advocacy** shall provide each regional and State agency contacted pursuant to (a) above, notice of all public meetings and hearings conducted pursuant to [these rules] **this chapter** within their respective areas of jurisdiction.

[5:85]**15:30-3.8** (No change in text.)

[5:85] **15:30**-3.9 Comparison of the Preliminary State Development and Redevelopment Plan with local and county plans and [preparation] **submission** of a Cross-Acceptance [Report] **Response Template**

- (a) The negotiating entity shall, after holding cross-acceptance meetings with the official representatives designated by the municipalities, compare municipal and county plans with the Preliminary State Development and Redevelopment Plan, and [prepare a] **complete the online** Cross-Acceptance [Report] **Response Template provided by the State Planning Commission**, in accordance with the Cross-Acceptance Manual. The Cross-Acceptance [Report] **Response Template** shall **enable the negotiating entity to** outline the degree to which the planning in the county and each municipality is consistent with the Preliminary State Development and Redevelopment Plan and the degree to which those plans conflict with the provisions of the Preliminary State Development and Redevelopment Plan, and any proposed modifications to the Preliminary State Development and Redevelopment Plan, or the municipal plans or county plan and any **critical** infrastructure needs that should be addressed in the Infrastructure Needs Assessment; and submit the Cross-Acceptance [Report] **Response Template** to the State Planning Commission and to municipal planning boards in that county, to the board of [chosen freeholders] **county commissioners** and county executive, if any, in that county, to the county planning board if the county is not the negotiating entity, and to the planning boards of adjoining counties.
- (b) Should a negotiating entity fail to file a Cross-Acceptance [Report] **Response Template**, or any part thereof, in substantial compliance with this chapter, the

negotiating entity shall be deemed to be in agreement with the provisions of the Preliminary State Development and Redevelopment Plan as they pertain to those parts of the [report] **response template** not filed or deemed not to be in substantial compliance.

(c) The Cross-Acceptance [Report] **Response Template** of each negotiating entity shall not be filed with the State Planning Commission until the governing body of each such county, or the designated negotiating entity, shall have authorized the transmittal of the Cross-Acceptance [Report] **Response Template** at a public meeting or hearing for which notice was given pursuant to N.J.A.C. [5:85]**15:30-1.7(d)** or (e).

[5:85]**15:30-3.10** Distribution of Cross-Acceptance [Reports] **Response Templates** by the Office of [Smart Growth] **Planning Advocacy**

The Office of [Smart Growth] **Planning Advocacy** shall provide copies of all Cross-Acceptance [Reports] **Response Templates** received by the State Planning Commission to each negotiating entity and to all appropriate State agencies. Those Reports shall be available to the general public at the Office of [Smart Growth] **Planning Advocacy** and on the Office of [Smart Growth] **Planning Advocacy's** website.

#### SUBCHAPTER 4. PROCEDURES FOR NEGOTIATING PLANS

[5:85]**15:30-4.1** Commencement of negotiating plans

(a) (No change.)

(b) The State Planning Commission shall provide each negotiating entity and municipality that has submitted a Cross-Acceptance [Report] **Response Template** pursuant to N.J.A.C. [5:85]**15:30**-3, an opportunity for a sufficient number of negotiating sessions as determined by the State Planning Commission's negotiating committee and shall provide notice of those negotiating sessions pursuant to N.J.A.C. [5:85]**15:30**-1.7(b).

[5:85]**15:30**-4.2 State Planning Commission representation for negotiating plans

(a) (No change.)

(b) The State Planning Commission may, at its discretion, direct the committee to reconsider a determination made at any given negotiation session as described in the periodic reports referenced [in] **at** N.J.A.C. [5:85]**15:30**-4.5(b).

(c) (No change.)

[5:85]**15:30**-4.3 (No change in text.)

[5:85]**15:30**-4.4 Municipal representation for negotiating plans

(a) Municipalities that are involved in individual negotiation sessions pursuant to N.J.A.C. [5:85]**15:30**-4.1 shall be represented at those sessions by a committee duly authorized by the municipal governing body.

(b) (No change.)

[5:85]**15:30**-4.5 The negotiation process

(a) Negotiation sessions shall be conducted as follows:

1. [The] **At the discretion of the Executive Director**, the staff of the Office of [Smart Growth] **Planning Advocacy** will meet, either in-person or virtually, upon request, with the authorized representatives of each negotiating entity, to reach agreement on issues raised in the Cross-Acceptance [Reports] **Response Templates** and from the public comments and to identify those issues requiring negotiation between the negotiating committee of the State Planning Commission and the authorized representatives of the negotiating entities.
2. Each municipality that submits an individual municipal Cross-Acceptance [Report] **Response Template**, pursuant to N.J.A.C. [5:85]15:30-3.6(c), may choose to discuss and negotiate the issues presented in its [Report] **Response Template** with the Commission's negotiating committee, with the appropriate negotiating entity represented if the negotiating entity has filed a Cross-Acceptance [Report] **Response Template**. Prior to such discussion and negotiations, the committee designated by the municipality pursuant to N.J.A.C. [5:85]15:30-4.4 shall meet with the staff of the Office of [Smart Growth] **Planning Advocacy** to reach agreement on those issues raised in the municipal Cross-Acceptance [Report] **Response Template** and from the public comments requiring negotiation between the negotiating committee and the authorized representatives of the municipality.
3. The State Planning Commission's negotiating committee and the authorized representatives of each negotiating entity will meet to negotiate those issues identified [in] **at** (a)1 above. The State Planning Commission's negotiating committee and the authorized representatives of each municipality involved in individual negotiation

sessions pursuant to N.J.A.C. [5:85]**15:30**-4.1 will meet to negotiate those issues identified [in] **at** (a)2 above.

(b) Agreements reached during negotiation sessions and any remaining disagreements shall be published by the Office of [Smart Growth] **Planning Advocacy** in periodic reports which shall be available to the general public at the Office of [Smart Growth] **Planning Advocacy** and on the Office of [Smart Growth] **Planning Advocacy** website, county offices, and State depository libraries. Further distribution shall be made to the State Planning Commission and the parties involved and to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** pursuant to N.J.A.C. [5:85]**15:30**-1.6(b).

[5:85]**15:30**-4.6 Completion of cross-acceptance

(a) When the State Planning Commission's negotiating committee believes that the negotiations have produced the highest degree of agreement **feasible** among the negotiating entities, the committee shall submit a report containing a summary of its findings, including a draft Statement of Agreements and Disagreements [resulting from each] **summarizing the** negotiation sessions, to the State Planning Commission, the negotiating entities, and each municipality and county, and to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** pursuant to N.J.A.C. [5:85]**15:30**-1.6(b). The draft Statement of Agreements and Disagreements shall also be available at the Office of [Smart Growth] **Planning Advocacy** and on the Office of [Smart Growth's] **Planning Advocacy's** website.

(b) (No change.)

(c) The State Planning Commission's negotiating committee shall forward to the State Planning Commission, for its consideration and approval, a draft Final State Development and Redevelopment Plan, reflecting recommended changes to the Preliminary State Development and Redevelopment Plan resulting from cross-acceptance. The State Planning Commission's negotiating committee shall also forward to the State Planning Commission for its consideration and approval a draft Infrastructure Needs Assessment. The draft Infrastructure Needs Assessment shall be distributed to the negotiating entities, and each municipality and county and to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** pursuant to N.J.A.C. [5:85]**15:30-1.6(b)**. The draft Statement of Agreements and Disagreements shall also be available at the Office of [Smart Growth] **Planning Advocacy** and on the Office of [Smart Growth's] **Planning Advocacy's** website.

[5:85]**15:30-4.7** Impact Assessment of the draft Final State Development and Redevelopment Plan

- (a) (No change.)
- (b) The Impact Assessment shall be distributed to the Governor, Legislature, and governing bodies of each county and municipality, and made available to the general public. A period extending from 45 days prior to the first of the public hearings conducted pursuant to N.J.A.C. [5:85]**15:30-5.2**, to 30 days following the last of those hearings shall be provided for counties, municipalities, and other interested parties to review and respond to the Impact Assessment.

(c) (No change.)

## SUBCHAPTER 5. PROCEDURES FOR ADOPTING THE FINAL PLAN

### [5:85]15:30-5.1 Commencement of Final Plan approval

Upon consideration of the formal reports of the negotiating entities and the State Planning Commission's negotiating committee, the draft Final State Development and Redevelopment Plan prepared by the negotiating committee and the Impact Assessment, the State Planning Commission shall prepare and approve for distribution a draft Final State Development and Redevelopment Plan, which will also include the draft Infrastructure Needs Assessment. The draft Final State Development and Redevelopment Plan shall be distributed at least 14 days in advance of the first public hearing to each negotiating entity, county and municipal planning board, mayor, board of [chosen freeholders] **county commissioners**, county executive or county administrator, county and municipal clerk, and to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** pursuant to N.J.A.C. [5:85]15:30-1.6(b). The draft Final State Development and Redevelopment Plan shall also be available at the Office of [Smart Growth] **Planning Advocacy** and on the Office of [Smart Growth's] **Planning Advocacy's** website.

### [5:85]15:30-5.2 Required public hearings

(a) There shall be a minimum of six public hearings on the draft Final State Development and Redevelopment Plan in different locations throughout the State [with]

**or held virtually. At least one meeting will be held in-person in a central location.**

**Public** notice **shall be** provided pursuant to N.J.A.C. [5:85]15:30-1.7(b) and (c).

(b) (No change.)

[5:85]15:30-5.3 Municipal and county review and comment before adoption of Final State Development and Redevelopment Plan

Municipalities and counties may submit written comments to the State Planning Commission regarding the draft Final State Development and Redevelopment Plan and the draft Infrastructure Needs Assessment at any time up to 30 days after the last public hearing conducted pursuant to N.J.A.C. [5:85]15:30-5.2. **The State Planning Commission shall provide an electronic format for providing written comments for this purpose. Municipalities and counties shall utilize the technology and instructions as provided by the State Planning Commission.**

[5:85]15:30-5.4 Adoption of the Final State Development and Redevelopment Plan

The State Planning Commission shall adopt a Final State Development and Redevelopment Plan, which includes the Infrastructure Needs Assessment, no sooner than 30 days and no later than 60 days, after the last public hearing conducted pursuant to N.J.A.C. [5:85]15:30-5.2. Within 45 days of the State Planning Commission adopting the Final State Development and Redevelopment Plan, the Executive Director of the Office of [Smart Growth] **Planning Advocacy** shall provide notice of said adoption pursuant to N.J.A.C. [5:85]15:30-1.7(i).

## SUBCHAPTER 7. PLAN ENDORSEMENT

### [5:85]15:30-7.1 Introduction

(a) The State Planning Act includes the legislative finding that 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 preparing and adhering to sound and integrated plans. The Legislature further observed that a State Development and Redevelopment Plan needed to be designed for use as a tool for assessing suitable locations for infrastructure, housing, economic growth, and conservation. The Legislature emphasized the importance of providing 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 and regional plans and programs. To achieve the desired sound planning, the State Planning Act mandates that the Office of State Planning (predecessor to the Office of [Smart Growth] **Planning Advocacy**) provide advice and assistance to regional, county, and local planning units.

(b)-(d) (No change.)

(e) This Plan Endorsement subchapter delineates the process developed by the Office of [Smart Growth] **Planning Advocacy** (successor to Office of State Planning) to increase the degree of consistency among municipal, county, regional, and State agency plans and the State Plan and to facilitate implementation of these plans.

[5:85]15:30-7.2 Purpose and scope

(a) The purpose of this subchapter is to delineate procedural and substantive requirements of plan endorsement, including minimum submission requirements **that a** petitioner must meet in order to achieve plan endorsement and qualify for associated benefits; responsibilities of relevant State agencies in participating in plan endorsement; and responsibilities of the Office of [Smart Growth] **Planning Advocacy** in administering the plan endorsement process. The Office of [Smart Growth] **Planning Advocacy** shall prepare Guidelines for petitioners seeking to pursue plan endorsement. The Guidelines shall be posted on the Office of [Smart Growth] **Planning Advocacy** website at: [<http://www.njsmartgrowth.com>] <https://nj.gov/state/planning/index.shtml> and shall be periodically updated.

(b) (No change.)

(c) The State Planning Commission may approve a petition for plan endorsement submitted by a petitioner based upon recommendations of the Office of [Smart Growth] **Planning Advocacy**, in consultation with relevant regional, State, and Federal agencies and after consideration of public comment.

(d) State agencies shall provide State agency benefits upon an approval of plan endorsement as described in the document entitled "Plan Endorsement Benefits" and posted on the Office of [Smart Growth] **Planning Advocacy** website at: [<http://www.njsmartgrowth.com>] <https://nj.gov/state/planning/index.shtml>.

Additional State agency benefits, as appropriate and feasible, shall be added to said document as they become available.

[(e) State agencies shall make available certain State agency benefits, and planning assistance, agreed upon by the petitioner and relevant State agencies during the plan endorsement process, once the Office of Smart Growth has issued a Certificate of Eligibility.]

[5:85]**15:30-7.3 Applicability**

(a) Plans to which this subchapter applies, and that may be considered for plan endorsement, are:

1.-4. (No change.)

**5. A regional entity or county working with one or more municipalities as partners, whereby the municipalities pursue plan endorsement independently, but rely on one or more regional or county planning elements towards fulfilling their respective plan endorsement submission requirements where consistent with the State Plan and plan endorsement guidelines;**

**[5.] 6.** Special resource area plans as defined in the State Development and Redevelopment Plan submitted by the relevant regional planning entity; **and**

**[6.** Neighborhood plans in municipalities designated as Urban Centers by the State Planning Commission, submitted by the municipal governing body, provided that endorsement of any neighborhood plan is part of an identified overall strategy for eventual endorsement of the master plan and supporting plan elements for the entire municipality; **and]**

**7.** (No change.)

[(b) Plans submitted in connection with a petition for initial plan endorsement that have been deemed complete by the Office of Smart Growth prior to April 20, 2009, shall, upon petitioner's request, be considered for initial plan endorsement under the prior State Planning Rules governing plan endorsement.]

[5:85]**15:30-7.4** Posting and New Jersey Register publication requirements for the Office of [Smart Growth] **Planning Advocacy**

(a) Within five days of the Office of [Smart Growth] **Planning Advocacy** either receiving or issuing documents relating to plan endorsement pursuant to this subchapter, notice shall be posted and made by the Office of [Smart Growth] **Planning Advocacy** by:

1. Posting information concerning said documents on the Office of [Smart Growth] **Planning Advocacy** website;
2. Written notice concerning said documents to all persons or organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** to receive public notice concerning a particular matter pursuant to N.J.A.C. [5:85]**15:30-1.6(b)**; and
3. (No change.)

(b) Within 45 day of a State Planning Commission decision on a petition for plan endorsement pursuant to N.J.A.C. [5:85-7.19] **15:30-7.17**, a decision on revocation of a plan endorsement or of a previously designated center pursuant to N.J.A.C. [5:85-7.23] **15:30-7.22** or a petition to amend pursuant to N.J.A.C. [5:85-7.24] **15:30-7.23**, the Office of [Smart Growth] **Planning Advocacy** shall publish notice of the decision in the New Jersey Register.

[5:85]**15:30-7.5 State agency responsibilities**

(a) (No change.)

(b) Each State agency member of the State Planning Commission, and any other relevant State agency or authority, at the request of the State Planning Commission or the Executive Director, shall prepare **and periodically update** a list of State agency benefits available for endorsed plans that shall be designed to encourage participation in plan endorsement, promote implementation of an endorsed plan, and promote the policies and goals of the State Development and Redevelopment Plan. These benefits shall be made available only in an area that is the subject of a petition for plan endorsement, provided that the plan has been endorsed by the State Planning Commission. Each list of benefits, funding grants, or other programs shall specify:

1. The benefits that will take effect once a petition for plan endorsement has been approved by the State Planning Commission pursuant to N.J.A.C. [5:85-7.19]

**15:30-7.17;**

2.- 3. (No change.)

(c) (No change.)

(d) Each State agency member of the Commission, and any other relevant State agency or authority, at the request of the Commission or the Executive Director, shall share the following responsibilities:

1.-2. (No change.)

3. Prepare a list of plan implementation mechanisms that may be required for a petitioner to implement an endorsed plan to effectuate land use patterns that are consistent with the State Plan and provide adequate and appropriate examples of each

such mechanism. In the event that an appropriate example of a required plan implementation mechanism does not exist, the relevant State agency will work with the Office of [Smart Growth] **Planning Advocacy** and the petitioner to develop same, which can later be used as an example;

4.-5. (No change.)

(e) The Office of [Smart Growth] **Planning Advocacy** has prepared a list of available State agency benefits entitled "Plan Endorsement Benefits," which [was approved by the State Planning Commission on October 17, 2007 and is presently posted on the Office of Smart Growth website at: <http://www.nj.smartgrowth.com>] shall be periodically updated and posted on the Office of Planning Advocacy's website at: <https://nj.gov/state/planning>. The Office of [Smart Growth] **Planning Advocacy** shall, on an ongoing basis, compile and maintain an updated list of all State agency benefits and requirements and make the list available to prospective petitioners and post the updated list on the Office of [Smart Growth] **Planning Advocacy's** website.

[5:85]**15:30**-7.6 Waivers

(a) Any of the requirements of plan endorsement, pursuant to N.J.A.C. [5:85]**15:30**-7.8, 7.9, and 7.11 may be partially or fully waived at the discretion of the Executive Director in consultation with the relevant State agencies.

(b) A waiver may be granted pursuant to (a) above, provided the Executive Director determines that a petitioner has previously satisfactorily completed the requirement[,] or has substantially complied with the intent of the requirement. The determination will be based on a consideration of whether standards for plan endorsement as delineated in

this subchapter and, if appropriate, whether additional relevant requirements based on guidance provided by the Office of [Smart Growth] **Planning Advocacy** in plan endorsement guidelines and related guidance documents and as agreed upon between the Office of [Smart Growth] **Planning Advocacy** and **the** petitioner, have been met.

(c)-(e) (No change.)

(f) Any of the requirements of plan endorsement, **including procedural requirements**, other than N.J.A.C. [5:85]15:30-7.8, 7.9, and 7.11 may be waived at the discretion of the State Planning Commission, based on a written request by petitioner and a written recommendation by the Executive Director in consultation with any relevant State agencies. The recommendation shall be based on a determination of whether intended comprehensive planning goals have been achieved using alternative implementation mechanisms or whether a requirement of plan endorsement is determined to be inappropriate or unnecessary to achieve intended comprehensive planning goals, based on a petitioner's unique circumstances.

[5:85]15:30-7.7 Pre-petition submission requirements, scheduling, and meeting

(a) A prospective municipal petitioner [may] **shall** request a meeting with the Office of [Smart Growth] **Planning Advocacy** when considering whether to petition for plan endorsement and is required to make the request, in writing, in order to initiate plan endorsement. Submission requirements for the request include [one] **an** electronic [and one hard] color copy of the following:

1. A cover letter from the mayor to the Office of [Smart Growth] **Planning Advocacy** requesting a pre-petition meeting and stating the goals and intent of the prospective petitioner in seeking plan endorsement;

2. All planning documents **and ordinances**, as delineated [in] at N.J.A.C. [5:85]15:30-7.13(d), **or outlined in the plan endorsement guidelines and related support materials**, to the extent that they already exist; and

3. (No change.)

(b) The Office of [Smart Growth] **Planning Advocacy** shall schedule a pre-petition meeting within 30 days after a prospective petitioner satisfies the submission requirements.

(c) The Office of [Smart Growth] **Planning Advocacy**, members of relevant State agencies, and representatives for the petitioner, including at least one elected official, shall attend a pre-petition meeting to discuss the plan endorsement process, goals, and intent of a prospective petitioner in seeking plan endorsement, and the preliminary findings of State agency review of submitted planning documents.

(d) (No change.)

[5:85]15:30-7.8 Advisory committee appointment and membership

(a) [Petitioner] **The petitioner** shall appoint an advisory committee to **help guide and actively participate in the plan endorsement process, increase public awareness of, and maximum participation by the community in, planning its future, and to guide and assist in the development and review of the Self-Assessment Report, and recommendations therein. Upon the consent of the governing body, the advisory**

**committee may also** serve as a liaison with the State, county, regional agencies, and local officials throughout the **plan endorsement** process, and [increase public awareness of and participation in the plan endorsement process] **participate in meetings between the petitioner, the Office of Planning Advocacy, and other relevant State agencies.** Appointments shall be made in [accord] **accordance** with any relevant local government ethics law and be designed to avoid any appearance of impropriety. **The petitioner shall ensure that committee membership is representative of the whole community, including participation from historically underserved populations, without bias toward any one or more interest groups.**

1. For a municipal petitioner [or a neighborhood petitioner], the advisory committee shall be appointed by the mayor with the advice and consent of the governing body, at a public meeting for which adequate notice has been provided. The appointment shall take effect by approval of a resolution of the governing body. The advisory committee shall **seek to include representation from underserved populations or representative organizations and** consist of between five and 10 people, including at least one representative of the governing body, of which the mayor is considered a member, for this purpose, at least one Class IV member of the planning board, at least one member of another local board, commission, or committee[;], and at least two representatives of the public who reside within the jurisdiction of the petitioner and are not elected or appointed to any public position within said jurisdiction.

2. For a county petitioner, the advisory committee shall be appointed by the board of [chosen freeholders] **county commissioners** at a public meeting for which adequate notice has been provided and the appointment shall take effect by approval of

a resolution of the board of [chosen freeholders] **county commissioners**. The advisory committee shall consist of between five and 10 people including at least one representative of the board of [chosen freeholders] **county commissioners**, at least one member of the county planning board, at least one member of another countywide board, commission, or committee, and at least two representatives of the public who reside within the jurisdiction of the petitioner and are not elected or appointed to any public position within said jurisdiction.

3. For a [special resource area] **regional** petitioner, the advisory committee shall be appointed by the relevant planning entity or by the governing body of each affected municipality, depending on the nature of the area, at a public meeting for which adequate notice has been provided. The appointment shall take effect upon approval of a resolution of the relevant planning entity. The advisory committee shall consist of between five and 10 members, including at least one member of a relevant planning entity, at least one member of a relevant board of [chosen freeholders] **county commissioners**, one member of a relevant county planning board, at least two representatives of the public who reside within the area and are not elected or appointed to any public position within said area and at least one additional elected official, such that each political jurisdiction in the area is represented by an elected official at either the local, county, or regional level. Membership [in] **on** the advisory committee shall be subject to the approval of the Executive Director. The public members may not hold an appointed or elected position within the municipality or be employed by said relevant planning entity.

[5:85] **15:30-7.9** Self-Assessment Report, form, content, adoption, and submission requirements

(a) [Petitioner] **The petitioner** shall prepare a Self-Assessment Report. Municipal petitioners may use the document entitled “Municipal **Self-Assessment Guidelines** [Template Report],” (**MSA**) as posted on the Office of [Smart Growth] **Planning Advocacy’s** website as a template for the report. The municipal self-assessment report shall include, [as] **at** a minimum:

1. An introductory section that describes the petitioner’s goals and objectives, planning issues, assistance sought from State agencies, including a list of benefits sought as a result of plan endorsement, any requests for mapping amendments to the State Plan, such as planning areas and centers in GIS format, and any requests for waivers pursuant to N.J.A.C. 15:30-7.6(a), including a justification for same;

[1.] 2. An analysis of existing conditions, opportunities, challenges, and key characteristics of the area, and a review of [existing plans and an assessment of the consistency of a petitioner’s plans and implementation mechanisms with the goals and policies of the State Plan;] planning activities and existing plans. If known, include any other pertinent data to ensure accurate mapping of centers and other features;

[2. An inventory of key characteristics of the relevant area, including: current population and trends, housing and economy trends, available public facilities and services, transportation, water and sewer infrastructure, and natural, cultural and recreational resources;

3. Any requests for mapping amendments to the State Plan, such as planning areas and centers, in digital GIS format;

4. Findings and conclusions regarding consistency with the State Plan, including an assessment of actions needed to achieve consistency, benefits petitioner seeks as a result of plan endorsement;

5. Any requests for waivers pursuant to N.J.A.C. 5:85-7.6(a), including a justification for same;

6. A list of benefits petitioner seeks as a result of plan endorsement;

7. For petitioners representing a county, specific reference shall be made to identify and evaluate countywide efforts to provide for efficient use of natural and capital resources and to address planning for conditions for which a map change was requested in the latest round of cross acceptance;

8. For petitioners representing a special resource area, specific reference shall be made to identify and evaluate planning efforts made specifically to provide for protection of the special resource area; and

9. Data on square footage of commercial properties, number of households, acreage of vacant lands per municipal tax assessment, GIS parcels, and any other pertinent data mapping, to the extent that these files exist, to ensure accurate mapping of centers and other features.]

**3. A zoning map in digital form or high-resolution scanned copy if GIS is unavailable, including a zoning schedule;**

**4. A community vision and public participation section addressing how any existing community vision supports the State Plan vision and visioning requirements that will or have been completed;**

**5. An inventory of recent and upcoming major development activities that addresses all major development and redevelopment activities that have occurred recently, or are in the planning or approval process or are under construction;**

**6. An inventory of State, Federal, and other programs, grants, and capital projects that lists and briefly describes all relevant projects or funding, involving State resources within the past three years;**

**7. An inventory and copies of annual Board of Adjustment and Environmental Commission reports for each of the past three years;**

**8. An inventory of Known Contaminated Sites as identified by the New Jersey Department of Environmental Protection, pursuant to N.J.S.A. 58:10-23.16-17, if not already provided in the Natural Resource Inventory;**

**9. An inventory of any enforcement actions taken by the New Jersey Department of Environmental Protection and any other known or pending State agency actions for each of the past three years;**

**10. A statement of planning coordination with State, regional, and county agencies; adjacent municipalities and others in its planning efforts; including any inter-municipal initiatives for regional planning, shared services, emergency planning, resiliency to climate change, and to what extent land use and zoning impact all neighboring municipalities;**

**11. A sustainability statement that addresses the objectives of the New Jersey Energy Master Plan, including how planning and regulations support the goals of clean energy, climate mitigation and resiliency, social and environmental sustainability, energy efficiency, land and water conservation, agricultural systems, waste management, toxins reduction, environmental justice, and availability of community-wide multi-modal transportation opportunities;**

**12. An assessment of vulnerable areas, critical assets, and infrastructure using guidance set forth in the Plan Endorsement Guidelines or provided by the Department of Environmental Protection;**

**13. A statement that addresses consistency between population and trend data, community vision, local planning, zoning, and land use rules;**

**14. A statement of findings and conclusions regarding consistency with each Goal and Strategy of the State Plan, including an assessment of actions needed to achieve consistency;**

**15. A conclusion summarizing the argument for plan endorsement and proposed centers;**

**16. For petitioners representing a county or regional petition, specific reference shall be made to identify and evaluate countywide and regional efforts to provide for efficient use of natural and capital resources and to address planning for conditions for which a map change was requested in the latest round of cross-acceptance;**

**17. For petitioners representing a Special Resource Area, specific reference shall be made to identify and evaluate planning efforts made specifically to provide for protection of the special resource area; and**

**18. If any portion of a municipality is subject to the jurisdiction of the New Jersey Highlands Council Preservation Area, the New Jersey Pinelands Commission, or the New Jersey Sports and Exposition Authority (Meadowlands), their MSA should only contain data for that area within the jurisdiction of the State Planning Commission.**

(b) [Petitioner] **The petitioner** shall hold a public meeting in which the [advisory committee] **petitioner** presents the findings and conclusions of the Self-Assessment Report to the relevant governing body or planning entity.

(c) [Petitioner] **The petitioner** shall consider a resolution to pursue plan endorsement and authorize submission of the Self-Assessment Report to the Office of [Smart Growth] **Planning Advocacy** at a public meeting of the relevant governing body or planning entity.

(d) Submission of the Self-Assessment Report to the Office of [Smart Growth] **Planning Advocacy** as part of a petition for plan endorsement shall include the following:

1. Proof of public notice pursuant to N.J.A.C. [5:85]15:30-1.7(f) for all required public meetings in the form of an affidavit of publication;

2. A certified **copy of the** resolution from the governing body, or the relevant planning entity for a regional plan or special resource area plan, approving the Self-Assessment Report; and

3. (No change.)

[5:85]15:30-7.10 State agency Opportunities and Constraints Assessment and Report

(a) After receipt of a complete Self-Assessment Report and supporting documentation, the relevant State agencies shall compare the findings and conclusions of the petitioner's Self-Assessment Report with the most up-to-date regional and Statewide data, evaluate the report with regard to development, infrastructure, and natural resources, **climate resilience, environmental justice, and social equity**, and make an assessment as to whether trend growth apparent in petitioner's report is sustainable based on the resources and infrastructure available in the municipality, region, and State. The report shall be made in accordance with this section and any additional agreed upon standards as described in the plan endorsement guidelines and shall be provided to the Office of [Smart Growth] **Planning Advocacy**.

(b) Within 45 days of receipt of the complete Self-Assessment Report, the Office of [Smart Growth] **Planning Advocacy** shall include the [assessments] **comments** provided by the relevant State agencies in an Opportunities and Constraints Report to the petitioner, summarizing the findings and conclusions of the opportunities and constraints assessment.

(c) The Opportunities and Constraints Report shall be used to inform the visioning process, described [in] at N.J.A.C. [5:85]15:30-7.11, of existing conditions, and State agency assessment of planning related issues arising from these conditions.

(d) The Office of [Smart Growth] **Planning Advocacy** may require a site visit in order to better understand the dynamics of a community, county, or region, and to enable the

Office of [Smart Growth] **Planning Advocacy** and the State agencies to visualize the attributes and challenges of the area based on first-hand knowledge.

[5:85]**15:30**-7.11 Community visioning process, vision statement development and adoption, and submission requirements

(a) [Petitioner] **The petitioner** shall perform a community visioning process designed to maximize involvement of the community and structured, so as to encourage consensus.

**[Petitioner] The petitioner shall take efforts to engage socially vulnerable populations who have historically been underrepresented in these processes.**

**The petitioner** shall meet minimum requirements for conducting visioning sessions as set forth below and any additional agreed upon standards from **the** plan endorsement guidelines and related support materials, which may be called for, depending on individual circumstances. Community visioning shall engage the public [in many ways] through a variety of [tools] **interactive technologies and media, including online means, social media, and posting of all workshops and hearings on the municipal website.** Each step in which the public is invited to participate shall be widely promoted using each of the following promotional efforts, if available: notice on the official municipal, county, or regional entity's website; [notice on locally broadcast cable TV stations(s)] **official social media page;** articles in local newspapers and written materials posted in municipal buildings, schools, and local businesses; and by notice to the Office of [Smart Growth] **Planning Advocacy.** Findings of the visioning process shall be used to develop a vision statement for inclusion in the master plan. Minimum requirements for conducting a visioning process include:

1. At least [three] **two** facilitated workshops consisting of interactive discussions with residents and other community stakeholders to identify the community's purpose, core values, and vision for a **minimum** 20-year horizon. **At least one of the in-person workshops shall also be held virtually online to enhance and modernize more equitable public participation.** The workshops shall be noticed in a legal advertisement, [which] **that** satisfies the requirements at N.J.A.C. [5:85]**15:30**-1.7(j). At these workshops, a variety of materials relating to the community, such as maps, photos, and resource inventories, shall be made available for review and discussion. The **petitioner or its** advisory committee shall provide further notice of the workshops according to N.J.A.C. [5:85]**15:30**-1.7(f)3, and shall provide the following additional notice, to the extent available, at least 10 days in advance of the workshops: issuing a press release to local newspapers promoting the workshops, posting notice of the workshops on the official municipal website, and posting notice of the workshops in a conspicuous public place; and

2. At least two public hearings during the course of the visioning process in which a preliminary vision statement is vetted and discussed. **At least one of the in-person public hearings shall also be accessible virtually to enhance and modernize more equitable public participation.** The **petitioner or** advisory committee shall, at least 10 days in advance of said public hearings, issue a press release to local newspapers [regarding the vetting] of the preliminary vision statement and post notice of the hearing on the official municipal website, if available, and in a conspicuous public place. The vision statement may be adopted as a part of the master plan. In this case, the hearings

for such adoption shall be consistent with N.J.S.A. 40:55D-1 et seq., regarding adoption, revision, or amendment of a master plan.

(b) – (c) (No change)

(d) Submission of the vision statement to the Office of [Smart Growth] **Planning Advocacy** as part of a petition for plan endorsement, which shall include the following:

1. Proof of public notice pursuant to N.J.A.C. [5:85]**15:30**-1.7(f) for all required public meetings and hearings in the form of an affidavit of publication **and copies of electronic postings**;
2. A certified resolution from the governing body, approving submission of the vision statement to the Office of [Smart Growth] **Planning Advocacy**;
- 3.-6. (No change.)

[5:85]**15:30**-7.12 Commencement of consistency review

Upon receipt of all items submitted pursuant to N.J.A.C. [5:85]**15:30**-7.7, 7.8, 7.9, and 7.11(d) and any other plan implementation mechanisms identified by State agencies to be evaluated as requirements for consistency, pursuant to N.J.A.C. [5:85]**15:30**-7.5(d)3, the Executive Director shall commence the consistency review, post notice of receipt of required submissions and the commencement of review pursuant to N.J.A.C. [5:85]**15:30**-7.4 and send copies of the plan and supporting documents to the State agencies represented on the State Planning Commission and any other relevant State or Federal agency.

[5:85]**15:30**-7.13 Consistency review

(a) Within 45 days of receipt of items submitted pursuant to N.J.A.C. [5:85]**15:30-7.12**, relevant Federal, State, and regional agencies shall provide comments regarding consistency of the petition to the Executive Director.

(b) Within 90 days of receipt of items submitted pursuant to N.J.A.C. [5:85]**15:30-7.12**, the Office of [Smart Growth] **Planning Advocacy**, in consultation with the relevant Federal, State, and regional agencies, shall conduct a review of the plan for consistency with the goals, policies, and strategies of the State Plan, **which shall conclude with issuance of a consistency review report to the petitioner**.

(c) In conducting the consistency review, consideration will be given to the ability of the submitted plan to achieve the targets and indicators contained in the State Plan **and Plan Endorsement Guidelines** that are applicable to the petitioner; the extent to which the activities listed to be undertaken in each planning area can or will achieve consistency with the State Plan goals and implement Statewide sound planning policies, taking into account relevant State agency policies, rules, and regulations, and whether the plan is based on current information and data. Consistency will be evaluated based on all the provisions of the State Plan with particular emphasis on the following provisions:

1.-5. (No change.)

6. The delineation criteria and intent for critical environmental sites, [and historic and cultural sites] **areas vulnerable to flooding and climate change-related hazards, and with special consideration of equity and environmental justice issues**;

7.-8. (No change.)

(d) A consistent municipal plan shall contain the following:

1. The submissions required pursuant to N.J.A.C. [5:85]**15:30**-7.12;
2. The following mandatory planning documents, **as further outlined in the plan endorsement guidelines and related support materials:**

i.-iv. (No change.)

v. **Redevelopment or rehabilitation plans adopted or proposed pursuant to the local redevelopment and housing law;**

[v.] vi. Documents detailing recent or upcoming **major** developments **as defined by the MLUL;**

[vi. A circulation element;

vii. A municipal stormwater management plan and ordinance;

viii. A waste management plan;

ix. A housing element

x. A petition for substantive certification filed with COAH or compliance with court-ordered housing;

xi. A draft fair share plan and implementing documents/ordinances;

xii. A community facilities plan, inventory and map;

xiii. A board of education five-year facilities plan;

xiv. An open space and recreation plan;

xv. A natural resource inventory;

xvi. A conservation plan and implementing ordinances;

xvii. Recycling Statement of Consistency;

xviii. A municipal recycling ordinance;

xix. A New Jersey State Police letter approving the local emergency operating plan; and

xx. A capital improvement program; and]

**vii. A housing element;**

**viii. A petition for substantive certification filed with the court, compliance with a court-ordered housing plan, or satisfactorily evidence of adequate affordable housing accommodations;**

**ix. A fair share plan and implementing documents/ordinances;**

**x. A conservation plan and natural resource protection ordinances, including:**

**(1) Water conservation;**

**(2) Wellhead protection;**

**(3) Stream corridor protection;**

**(4) Floodplain protection;**

**(5) Stormwater protection;**

**(6) Forest and street tree protection;**

**(7) Community tree save, landscaping limits;**

**(8) Steep slope protection; and**

**(9) Recycling;**

**xi. A natural resource inventory;**

**xii. An environmental justice and social equity action plan;**

**xiii. A climate action plan that addresses mitigation and resiliency;**

**xiv. A greenhouse gas emissions reduction action plan and implementing ordinances;**

**xv. A Master Plan Circulation Element and Complete Streets Policy and implementation plan;**

**xvi. A wastewater management plan;**

**xvii. A municipal stormwater management plan/MS4 Permit in compliance;**

**xviii. A capital improvement program;**

**xix. A community facilities plan, inventory, and map;**

**xx. An open space and recreation plan;**

**xxi. A recycling statement of consistency;**

**xxii. Incorporation of hazard mitigation measures into relevant planning documents;**

**xxiii. A letter from the municipal police chief or State Police Superintendent approving the local emergency operating plan; and**

**xxiv. A board of education five-year facilities plan, if one exists; and**

**3. The following conditional items, as outlined in the plan endorsement guidelines, which may be required depending on local circumstances;**

**i.-ii. (No change.)**

**iii. A water supply plan;**

Recodify existing iii.-vi. as iv.-vii. (No change in text.)

[vii. Incorporation of hazard mitigation measures into relevant planning documents;]

viii. - ix. (No change.)

(e) During the consistency review period, the Office of [Smart Growth] **Planning Advocacy**, at the discretion of the Executive Director, may hold a public hearing in an appropriate jurisdiction to receive testimony on the petition. The Office of [Smart Growth] **Planning Advocacy** shall hold a public hearing in an appropriate jurisdiction to receive public comment on the petition if the Executive Director receives a written request for such a hearing within 10 days of posting notice pursuant to N.J.A.C. [5:85]**15:30-7.12** from:

1.-3. (No change.)

[5:85]**15:30-7.14** Finding of consistency and [recommendation report] **action plan**

(a) After receipt of items submitted pursuant to N.J.A.C. [5:85]**15:30-7.12**, the Executive Director shall make a determination as to whether or not a plan that is the subject of a petition for plan endorsement is consistent with the State Plan as described [in] **at** N.J.A.C. [5:85]**15:30-7.13** and the petitioner has fulfilled all requirements for plan endorsement as described in this chapter and relevant parts of the Plan Endorsement Guidelines **and other support materials**. [In the event the Executive Director determines the plan is consistent with the State Plan, then the Executive Director shall prepare a recommendation report to the Commission for its consideration, within 60 days of the conclusion of the 90-day consistency review period, containing detailed findings and conclusions to support the determination. The Executive Director may then

issue a Certificate of Eligibility to petitioner pursuant N.J.A.C. 5:85-7.16. The Commission shall then consider the petition pursuant to N.J.A.C. 5:85-7.19.]

(b) If the Executive Director determines that additional actions must be taken to complete the self-assessment, visioning, or other actions necessary to achieve **initial consistency with these steps**, the Executive Director shall, in consultation with the [relevant State agencies] **Plan Implementation Committee** and petitioner, develop a draft Memorandum of Understanding and draft **an** Action Plan [pursuant to this subchapter. The Action Plan may include designation of an interim center, including a map depicting same. The Executive Director shall submit the drafts to the Commission for its consideration at a public hearing and petitioner shall continue to pursue plan endorsement as described in further detail below.

1. If the State Planning Commission determines that the self-assessment and visioning process steps have been performed, or that a waiver of these requirements has been properly granted, and the terms and conditions of the draft Action Plan and draft Memorandum of Understanding are appropriate to achieve consistency, then the Commission shall execute the Memorandum of Understanding and direct the Executive Director to issue a Certificate of Eligibility pursuant to N.J.A.C. 5:85-7.16.

2. If the State Planning Commission determines that the self-assessment and visioning are not acceptable or that the terms and conditions of the draft Action Plan and draft Memorandum of Understanding are not appropriate to achieve consistency, then it shall revise the draft Action Plan so that it is appropriate to achieve

consistency, execute the Memorandum of Understanding and direct the Executive Director to issue a Certificate of Eligibility pursuant to N.J.A.C. 5:85-7.16.

3. If the Executive Director fails to provide a draft Action Plan and draft Memorandum of Understanding to the State Planning Commission and petitioner within the 90-day consistency review period, then petitioner may directly petition the State Planning Commission for plan endorsement, pursuant to N.J.A.C. 5:85-7.18.] **within 45 days of the conclusion of the 90-day consistency review period.**

(c) If the Executive Director, in consultation with the Plan Implementation Committee, determines that the self-assessment and visioning process steps have been performed, or that a waiver of these requirements has been properly granted, and the terms and conditions of the Action Plan have been met to achieve initial consistency with these steps, then the petitioner shall work with the Office of Planning Advocacy in coordination with the Plan Implementation Committee to develop a draft Plan Implementation Agreement that outlines longer-term planning implementation mechanisms for the petitioner to undertake during the 10-year endorsement period to achieve and maintain consistency with the goals and vision described in the endorsement plan, the State Plan, and any additional procedures from the Plan Endorsement Guidelines and other support materials.

(d) If the Executive Director determines that the self-assessment and visioning process steps are not acceptable or that the terms and conditions of the Action Plan items have not been met as necessary to achieve initial consistency, then it

**shall advise the petitioner, in writing, of the items required in the Action Plan to achieve initial consistency.**

**(e) If petitioner fails to achieve initial consistency or meet the conditions and requirements of the Action Plan within 90 days or within a longer period, as requested of, and agreed to by, the Executive Director, in consultation with the Plan Implementation Committee, the petition will be considered to have been withdrawn without prejudice and the petitioner so notified. Notice of any such withdrawal shall be provided by the Office of Planning Advocacy to the petitioner, and the State Planning Commission pursuant to N.J.A.C. 15:30-1.7(h) and 7.4(b).**

[5:85-7.18] **15:30-7.15** Recommendation report, review of petition, and direct petition

**(a) Within 60 days of satisfaction of action items in an Action Plan by the petitioner, and development of a draft Plan Implementation Agreement and associated State Planning Areas Map,** the Executive Director shall prepare a recommendation report to the [Commission] **Plan Implementation Committee.** The report shall either determine that the plan is consistent or not consistent with the State Plan.

**(b) Within 45 days after receipt of the Executive Director's recommendation report[, a duly authorized subcommittee of the Commission shall review the Executive Director's recommendation report and shall recommend that the petition be considered for approval, approval with revisions or denial by the Commission at its next regularly scheduled meeting.] on consistency pursuant to N.J.A.C. 15:30-7.14(a) or (c), or a direct petition pursuant to (d) below or N.J.A.C. 15:30-7.23(d), the Plan Implementation Committee will consider the recommendation report at a**

**regularly-scheduled meeting, occurring no sooner than 10 days following the provision of public notice of same.**

(c) If the [subcommittee] **Plan Implementation Committee** requests additional information from **the** petitioner to make its determination, it may add an additional 45 days after receipt of the requested information, [to prepare its] **before making a recommendation on the petition. The Plan Implementation Committee will recommend to the State Planning Commission that the petition be: considered for approval, considered for approval with revisions, or denied.**

(d) A petitioner may directly petition the **State Planning** Commission for plan endorsement under the following circumstances:

1. If the [subcommittee] **Plan Implementation Committee** fails to make a recommendation on the petition within 45 days of receipt of the Executive Director's Report or within 45 days of receipt of the requested additional information, or if the petitioner disagrees with the recommendation of the [subcommittee] **Plan Implementation Committee**; or

2. If the Office of [Smart Growth] **Planning Advocacy** fails to prepare a draft [Action Plan and Memorandum of Understanding] **Plan Implementation Agreement and State Planning Area Map** pursuant to N.J.A.C. [5:85]15:30-7.14(a).

**(e) Within 60 days of achieving initial consistency with the State Plan, completion of the items set forth in the Action Plan, and successful negotiation of the draft Plan Implementation Agreement and State Planning Areas Map with the petitioner, the Executive Director shall submit a recommendation report along with the draft Plan Implementation Agreement and proposed State Planning Area Map to the**

State Planning Commission for its consideration, within 60 days of the conclusion of the 90-day consistency review period. The recommendation report shall contain findings and conclusions to support the determination that the petition, completed Action Plan, and draft Plan Implementation Agreement and State Planning Areas Map are adequate to achieve and maintain consistency with the State Plan.

(f) Within 45 days of receiving the draft Plan Implementation Agreement and State Planning Areas Map, the State Planning Commission shall determine whether the draft Plan Implementation Agreement and State Planning Areas Map are appropriate to achieve and maintain consistency with the State Plan and any additional procedures from the State Plan Endorsement Guidelines and related support materials.

(g) If the State Planning Commission determines that the terms and conditions of the draft Plan Implementation Agreement and State Planning Areas Map are not appropriate to achieve consistency, then it shall revise the draft Plan Implementation Agreement, as necessary, so that it is appropriate to achieve consistency.

(h) If the Executive Director fails to provide a draft Plan Implementation Agreement and State Planning Areas Map to the State Planning Commission and the petitioner within the 90-day consistency review period, then the petitioner may directly petition the State Planning Commission for plan endorsement, pursuant to (d) above.

**15:30-7.16 Plan Implementation Agreement submission and completion**

**(a) If the Planning Commission determines that the draft Plan Implementation Agreement and associated State Planning Areas Map are appropriate to achieve consistency with the State Plan and any additional procedures from the State Plan Endorsement Guidelines, then the Executive Director shall submit the Plan Implementation Agreement to the petitioner for official consideration and execution.**

**1. The petitioner shall consider adoption of the Plan Implementation Agreement at a public hearing of the relevant governing body or relevant planning entity.**

**2. Municipal petitioners shall present the proposed Plan Implementation Agreement to both the planning board and governing body, which can be at the same or separate public hearings. The planning board and governing body may choose to hold a joint public hearing to consider adoption of the resolution accepting the Plan Implementation Agreement and State Planning Areas Map.**

**3. The petitioner shall submit the fully executed resolution accepting and authorizing the Plan Implementation Agreement and State Planning Areas Map to the Executive Director. Submission of the executed resolution shall include the following:**

**i. Proof of public notice pursuant to N.J.A.C. 15:30-1.7 for all required public meetings and hearings in the form of an affidavit of publication;**

ii. A certified resolution from the governing body, or the relevant planning entity for a regional plan or Special Resource Area plan, approving execution of the Plan Implementation Agreement and State Planning Areas Map;

iii. A copy of the meeting minutes of each public meeting and hearing at which the Plan Implementation Agreement and State Planning Areas Map were reviewed. The minutes shall include a summary of public comments and copies of written comments filed before or during the public hearing(s); and

iv. A copy of the certified resolution authorizing execution of the Plan Implementation Agreement and State Planning Areas Map.

4. If the petitioner fails to execute the resolution to enter into the Plan Implementation Agreement and become endorsed by the State Planning Commission within 60 days of receiving the Plan Implementation Agreement and State Planning Areas Map, or within a reasonable period of time as agreed to by the Executive Director, in consultation with relevant State agencies, the petition will be considered to have been withdrawn without prejudice and the petitioner so notified. Notice of any such withdrawal shall be provided by the Office of Planning Advocacy to the petitioner, and the Commission pursuant to N.J.A.C. 15:30-1.7(h) and 7.4(b).

5. An approved Plan Implementation Agreement may only be amended for good cause shown at the discretion of the Executive Director. Any amendments to a Plan Implementation Agreement shall be provided to the Commission and the public pursuant to N.J.A.C. 15:30-1.7(h) and 7.4(b), unless undertaken pursuant to N.J.A.C. 15:30-7.20(d).

**(b) If the State Planning Commission determines that the draft Plan Implementation Agreement is not sufficient or that the terms and conditions are not appropriate to achieve consistency, the State Planning Commission shall remand the document, with its written recommendations, to the petitioner, the Office of Planning Advocacy, and State agencies for any necessary revision(s).**

[5:85-7.19] **15:30-7.17** Plan [endorsement] **Endorsement** by State Planning Commission

**(a) Within 45 days after receipt of the recommendation report and a fully executed resolution accepting and authorizing the Plan Implementation Agreement and State Planning Areas Map to the Executive Director** pursuant to N.J.A.C. [5:85-7.14 or a direct petition pursuant to N.J.A.C. 5:85-7.18] **15:30-7.15 and 7.16**, the Commission shall conduct a hearing to consider the petition and **the** Executive Director's report and affirm, revise, or reverse the Executive Director's recommendation on the petition or the petitioner's direct petition for endorsement **based on its determination of consistency**. If the Commission determines that the plan **that is the subject of the petition along with any Plan Implementation Agreement and State Planning Areas Map**, is consistent with the State Plan, it shall approve the petition for plan endorsement [and authorize execution of the Planning and Implementation Agreement]. If the Commission determines the plan **that is the subject of the petition along with any Plan Implementation Agreement and State Planning Areas Map**, is [not consistent] **inconsistent** with the State Plan, the Commission shall either request **that** the petitioner [to] make necessary changes to address requirements that must be

met in order to achieve consistency with the State Plan[,] or deny the petition. The Commission's approval or denial of a petition is a final agency action.

[1. Within 30 days of the Commission's action on a petition for plan endorsement, the Executive Director shall notify the petitioner in writing of the Commission's determination, findings and recommendations regarding the petition.]

**(b) Endorsed plans and Centers may be revoked by the Commission in the event that the petitioner fails to satisfy Plan Implementation Agreement deadlines, based on a recommendation by the Executive Director, in consultation with the Plan Implementation Committee.**

[5:85-7.20] **15:30-7.18** Extension of time requirements

(a)-(b) (No change.)

(c) Public notice of any extensions shall be provided pursuant to N.J.A.C. [5:85]**15:30-7.4.**

[5:85-7.21] **15:30-7.19** Period of endorsement

(a) (No change.)

**(b) Within 45 days of expiration of Endorsement, the Executive Director shall advise the State Planning Commission of the expiration and provide written notice to the appropriate State agencies, municipal and county governing bodies, or regional agency, advising them of the same.**

**(c) In the Highlands Region, as defined at N.J.S.A. 13:20-7, the Highlands Council's certification of a municipality or county in the Highlands Region whose**

**master plan and associated regulations have been approved by the Highlands Council pursuant to N.J.S.A. 13:20-18.a, as in conformance with the Highlands Regional Master Plan, is deemed equivalent to endorsement from the State Planning Commission for purposes of qualifying for State aid, planning assistance, technical assistance, and other benefits and incentives that may be awarded or provided by the State to municipalities and counties that have received plan endorsement by the State Planning Commission, provided the municipality's master plan and land use ordinances remains certified.**

**[(b)] (d)** In the Pinelands, as defined [by] **at** N.J.A.C. 7:50-2.11, the Pinelands Commission's certification of a municipality's master plan and land use ordinances pursuant to N.J.A.C. 7:50-3.31 [et seq.], is deemed equivalent to endorsement by the Commission for the purposes of qualifying municipalities for benefits of plan endorsement, provided the municipality's master plan and land use ordinances remains certified. Pinelands Regional Growth Areas, Pinelands Towns, and Pinelands Villages within the municipalities having Pinelands [Commission certified] **Commission-certified** plans and implementing land use ordinances are deemed equivalent to designated regional centers, town centers, and village centers, respectively, as defined in the [State Planning rules] **this chapter** and **the** State Plan, for the purposes of determining eligibility for State agency benefits of plan endorsement.

**[(c)]** Urban complex strategic revitalization plans and corridor plans, including any centers, cores, or nodes designated therein, approved prior to January 7, 2002, shall remain endorsed for a period of 10 years from January 7, 2002.

- (d) Designated centers, cores, and nodes approved prior to January 7, 2002, shall remain endorsed for a period of six years from January 7, 2002.
- (e) Designated centers approved after January 7, 2002, and prior to July 1, 2004, other than centers designated in an endorsed plan, shall be endorsed for a period of six years from the date of designation by the Commission.
- (f) Any endorsement of a plan, designation of a center, or other approval governed by (a) through (e) above approved by the Commission prior to September 6, 2008, is hereby extended an additional three years beyond its otherwise applicable expiration date. This extension, however, in no way prevents a municipality from re-establishing or amending any endorsement of a plan, designation of a center, or other approval prior to expiration of such.
- (g) Centers in municipalities that are subject to extensions, pursuant to Executive Order Nos. 103 (2020) and 292 (2022) and State Planning Commission Resolution #2020-07 that have expressed a written desire not to pursue Plan Endorsement will expire on July 1, 2022. All other Centers that are subject to extensions, pursuant to Executive Order Nos. 103 (2020) and 292 (2022) and State Planning Commission Resolution #2020-07 will expire on March 31, 2023.]

[5:85-7.22] **15:30-7.20** Monitoring of endorsed plans and designated centers

- (a) (No change.)
- (b) Within one year from the date of endorsement, municipalities, counties, or other relevant planning entities having endorsed plans or previously designated centers shall provide an annual report (**also known as a monitoring report**) to the Executive

Director on the status of their [Planning and] **Plan** Implementation Agreement efforts, with biennial reports due thereafter[, unless otherwise agreed]. [The annual and biennial reports shall include any Board of Adjustment Annual Report on Variances pursuant to N.J.S.A. 40:55D-70.1, planning board reports, and significant updates to other planning materials submitted as part of the petition for plan endorsement, including zoning ordinances or other implementation measures, adopted since plan endorsement, or prior center designation and submission of the last annual report.] **In order to be accepted by the Office of Planning Advocacy, the annual or biennial report must be submitted within the year and month in which it is required, unless previously negotiated with the Executive Director prior to the submission deadline, as determined in consultation with the Plan Implementation Committee.** The annual and biennial reports shall state how the endorsed entity is meeting the Plan Implementation Agreement timelines and requirements, both due and upcoming. **In order to be accepted by the Office of Planning Advocacy, the annual or biennial report must be submitted within the year and month in which it is required, unless previously negotiated with the Executive Director prior to the submission deadline as determined in consultation with the Plan Implementation Committee.** The annual and biennial reports shall state how the endorsed entity is meeting the Plan Implementation Agreement timelines and requirements, both due and upcoming. It shall include any Board of Adjustment Annual Report on Variances pursuant to N.J.S.A. 40:55D-70.1, planning board reports, and significant updates to other planning materials submitted as part of the petition for plan endorsement, including zoning ordinances or other implementation

measures, adopted since plan endorsement, or prior center designation and submission of the last annual report. The report shall state how these items are consistent with the State Plan, the endorsed plan, and the terms of the [Planning and] **Plan Implementation Agreement**.

(c) Within 45-days of receipt of each monitoring report pursuant to (b) above, the Executive Director shall submit a letter to the endorsed entity indicating the extent to which the terms of the Plan Implementation Agreement are being met. The letter shall include any concerns or corrective actions to be addressed towards the Plan Implementation Agreement's successful completion.

(d) A monitoring report may include written requests to revise certain requirements of the Plan Implementation Agreement that are unrelated to the State Plan Policy Map. Such requests shall be considered on a case-by-case basis at the discretion of the Executive Director in consultation with the Plan Implementation Committee, based on a determination of whether the item that is proposed to be changed remains applicable or feasible given current circumstances, and whether the proposed modification or replacement item would achieve the same level of consistency with the State Plan. If the Executive Director determines that the subject of the request is not consistent with the State Plan, or is significant enough to warrant consideration by the State Planning Commission, the Executive Director will deny the request, in writing, in which case, a petitioner may submit a petition for an amendment to the Plan Implementation Agreement pursuant to N.J.A.C. 15:30-7.23.

(e) At least 45 days prior to the beginning of the calendar year in which a

municipality, county, or other relevant planning entity's final, year-nine biennial report is due for submission to the Office of Planning Advocacy, the Executive Director shall submit an electronic letter to the endorsed entity, outlining any remaining incomplete tasks identified for completion under the Plan Implementation Agreement, as adopted or amended by the State Planning Commission, or through subsequent petitioner-requested changes, as approved by the Executive Director pursuant to (d) above. The letter shall advise the petitioner as to the extent to which the endorsed plan is presently eligible for the expedited Plan Endorsement Renewal process pursuant to N.J.A.C. 15:30-7.21(c), based on the status of previous monitoring submissions, overall performance, and good faith efforts, to date, in completing required tasks and completion timelines as specified under the Plan Implementation Agreement. The letter shall include a copy of the Plan Endorsement Renewal Guidelines, and any other pertinent information to assist the endorsed entity in proactively working towards obtaining Plan Endorsement Renewal before expiration of when Endorsement ends.

(f) Any remaining incomplete Plan Implementation Agreement tasks shall be addressed in the final year-nine biennial report. The report shall provide supporting documentation and a responsive narrative discussion outlining the extent to which all tasks have been completed in accordance with the Plan Implementation Agreement, and address any issues raised in the letter from the Executive Director pursuant to (e) above. It shall also indicate whether the endorsed entity intends to pursue the expedited Plan Endorsement Renewal

process, and, if so, how the Plan Implementation efforts to date, demonstrate consistency with the terms of the Plan Implementation Agreement and petition as endorsed by the State Planning Commission. The extent to which the Plan Implementation Agreement tasks have been completed to the satisfaction of the Executive Director, in consultation with the Plan Implementation Committee, shall determine whether the endorsed entity shall be granted the opportunity to pursue Plan Endorsement Renewal in accordance with N.J.A.C. 15:30-7.21 or go through the standard Plan Endorsement process pursuant to N.J.A.C. 15:30-7.1 through 7.19. The required tasks set forth in the Plan Implementation Agreement shall be completed within the timelines provided, unless otherwise negotiated in advance of expiration in accordance with (d) above, or as amended pursuant to N.J.A.C. 15:30-7.23. Any discrepancies shall be justified with supporting evidence in the monitoring report within which the required action and timeline for completion is required.

[(c)] (g) At least 30 days prior to adoption of a new or significantly revised plan by municipalities, counties, regional agencies, or planning authorities with endorsed plans or previously designated centers, copies of said new or significantly revised plans shall be provided to the Executive Director. Within 30 days after adoption of said new or significantly revised plans identified [above] **in this subsection**, copies shall be provided to the Executive Director. The impacts of the new or significantly revised plan on the endorsed plan shall also be addressed in the next regularly scheduled annual report.

**[(d)] (h)** If a complaint is received by the Office of [Smart Growth] **Planning Advocacy** or the Commission of failure to comply with the terms of an endorsed plan or the Planning **and** Implementation Agreement or a Planning Implementation Agenda prepared in connection with a prior center designation, within 45 days of receipt of said complaint, the Executive Director shall investigate and report to the Commission. Public notice of any such complaint and any report by the Executive Director shall be provided in [accord] **accordance** with N.J.A.C. [5:85]**15:30-7.4.**

#### **15:30-7.21 Renewal of endorsed plans and designated centers**

**(a) The Plan Endorsement Renewal process shall build on a petitioner's previous plan endorsement received from the State Planning Commission and brought into consistency with the current State Plan and this chapter.**

**(b) Upon the consent of the Plan Implementation Committee, the Executive Director shall have authority to certify whether a petitioner is eligible to pursue the expedited Plan Endorsement Renewal process, as determined upon the extent to which the terms of the previous Plan Implementation Agreement have been satisfied, consistent with the petition as endorsed by the State Planning Commission. Departure from consistency or failure to meet the timelines and requirements of the previous Plan Implementation Agreement without sufficient cause would make the petitioner ineligible to pursue Plan Endorsement Renewal.**

**(c) Twelve months prior to the expiration of endorsement, the Executive Director shall send notice advising the petitioner whether the terms of their previous Plan Implementation Agreement have been satisfied consistent with the petition as**

endorsed by the State Planning Commission. For petitioners that have demonstrated substantial progress towards the completion of tasks set forth in the Plan Implementation Agreement and sustained engagement with the Office of Planning Advocacy, as evidenced by the submission of compliant monitoring reports received when due, the letter will certify their eligibility to pursue the expedited Plan Endorsement Renewal process. The Executive Director may condition certification on the completion of any outstanding or incomplete actions required pursuant to the Plan Implementation Agreement, as necessary, to achieve consistency prior to expiration of the current endorsement.

(d) If the Plan Implementation Committee determines that the terms and conditions of the Plan Implementation Agreement have not been satisfied to the extent necessary to achieve consistency with the petition, as approved by the State Planning Commission, then it shall advise the Executive Director to send notice to the petitioner 12 months prior to the expiration of endorsement, stating the reasons why their petition has been deemed ineligible for the expedited Plan Endorsement Renewal process, including an outline of outstanding consistency items to complete in order to be considered eligible to pursue the standard Plan Endorsement process in accordance with N.J.A.C. 15:30-7.1 through 7.19.

(e) If eligible, within eight months prior to the expiration of Endorsement, the mayor, or representative of the endorsed entity shall submit a letter to the Executive Director, along with a certified copy of a resolution adopted by the governing body at a public meeting, petitioning the State Planning Commission to renew their Endorsement. The letter shall state why the municipality is seeking

renewal, outline assistance and benefits they seek from the State, and include requests for map amendments (if any). The letter shall request a Plan Endorsement Renewal meeting and will be accompanied by:

1. An official Plan Endorsement Renewal Report that includes a recap and overview of the previous 10 years' planning activities and accomplishments, and how the municipality or regional entity remains consistent with and advances each of the State Plan goals, including:
  - i. A statement of actions taken to promote beneficial economic growth, development and redevelopment, and overall revitalization of suburban and urban areas;
  - ii. A statement of actions and planning activities taken to provide adequate public infrastructure, community facilities, services, and capital improvements at a reasonable cost;
  - iii. A statement of actions taken to address major transportation needs and the implementation of adequate complete streets;
  - iv. A statement of actions taken to promote and implement municipal or regional sustainability actions and planning activities;
  - v. A statement of actions and planning activities taken to implement the community vision, sound, and integrated planning, and center-based and mixed-use development;
  - vi. A statement of actions and planning activities taken toward demonstrating affordable housing compliance and actions taken towards addressing overall housing needs, opportunities, and choices at a reasonable cost;

vii. A statement of actions and planning activities taken toward addressing and promoting climate change resilience, mitigation, and greenhouse gas emissions reduction;

viii. A statement of actions and planning activities taken toward addressing and promoting environmental justice and social equity;

ix. A statement of actions and planning activities taken to protect, preserve, and enhance environmentally sensitive areas, natural systems, and sites of historic and cultural significance;

x. A statement of actions and planning activities taken to protect farmland and open space, and to provide adequate active and passive recreational facilities;

xi. A statement of coordination with county or regional plans, where applicable;

xii. Proposed Map Amendments (in GIS format), including new or modifications to Planning Areas, Centers, Cores, or Nodes, along with justification for the requested change; and

xiii. An overview of current and future needs, technical assistance, or State agency benefits to help implement the endorsed plan; and

**2. The following documentation or links separately provided through email:**

i. The current Master Plan;

ii. The last Master Plan Reexamination Report;

iii. The current Recreation Open Space Inventory;

iv. A copy of the most recent Plan Implementation Agreement, along with status of each item; and

v. The current Zoning Map, Ordinance, and Schedules in PDF and GIS format.

(f) Within 30 days after receiving the letter requesting to renew the Plan Endorsement Petition, the Executive Director shall schedule an Endorsement Renewal meeting with the petitioner and relevant State agency partners to discuss the petitioner's submission at the Plan Endorsement Renewal Meeting.

Discussion topics will include:

1. Municipal submission and expectation;
  2. State agency initial response and provide details on new PE Guideline requirements; and
  3. Additional requirements that were not previously discussed or required.
- (g) Within two weeks after the meeting, the Office of Planning Advocacy shall draft a memorandum stating any additional required material for Plan Endorsement to be agreed to by the petitioner, State agencies, county, and relevant others (for example, New Jersey Highlands Water Protection and Planning Council, New Jersey Pinelands Commission) of additional required material.

(h) The Office of Planning Advocacy, with assistance from State agency partners, will work with the petitioner to identify and agree to an Action Plan and Plan Implementation Agreement, along with the necessary timelines in order to maintain consistency with the State Plan and this chapter. The Action Plan and

**Plan Implementation Agreement must address inconsistencies, as well as update incomplete items from the previous endorsement period. Any requested mapping change will be addressed as part of the Action Plan and will comply with existing mapping protocols.**

**(i) The Executive Director will present the staff recommendation to either support or deny the request for Plan Endorsement Renewal to the Plan Implementation Committee. After the Plan Implementation Committee's final review and comment, the Office of Planning Advocacy staff will report to the State Planning Commission and will request State Planning Commission approval of the recommended action. The recommendation will include the results of the Plan Endorsement Renewal process, the Implementation Agreement, the Memorandum of Understanding, past performance, current status, and the action items the petitioner has agreed to implement.**

**(j) If approved by the State Planning Commission, the Plan Endorsement Renewal will be applicable for 10 years and subject to biennial reviews.**

[5:85-7.23] **15:30-7.22 Revocation of plan endorsement or prior center designation**

**(a) If the Executive Director finds that a jurisdiction has made substantial changes to its endorsed plan or previously designated center, or has substantially violated the terms of its [Planning and] Plan Implementation Agreement, so that its endorsed plan or previously designated center are inconsistent with the State Plan, the Executive Director shall:**

1. Direct the Office of [Smart Growth] **Planning Advocacy** to conduct a public hearing in the affected jurisdiction to receive public comment on the status and progress of the jurisdiction's implementation of the endorsed plan or previously designated center. Minutes of this public hearing shall include a summary of public comments and copies of written comments filed before, or presented at, the public hearing;

2. (No change.)

3. Inform the petitioner, county representatives, and the Commission, in writing, of the reasons [therefore] **therefor**; and

4. Provide written notice of said recommendation to the relevant planning entity pursuant to N.J.A.C. [5:85]**15:30-1.7(h)** and post notice pursuant to N.J.A.C. [5:85] **15:30-7.4**.

(b) (No change.)

(c) Within 45 days after Commission action, as set forth [in] **at** (b) above, the Executive Director shall provide notice of the decision to the petitioner, pursuant to N.J.A.C. [5:85]**15:30-1.7(i)** and post notice pursuant to N.J.A.C. [5:85]**15:30-7.4**.

(d) (No change.)

[5:85-7.24] **15:30-7.23** Petitions to amend endorsed plans, previously designated centers, [Planning] and **Plan** Implementation Agreements

(a) Petitions to amend endorsed plans, previously designated centers, or [Planning and] **Plan** Implementation Agreements may be submitted by the original petitioner, in its annual **or biennial** report, unless either the endorsement period will end in less than

two years or it can be demonstrated that, for special reasons, the proposed amendment cannot wait until the next biennial report is due.

(b) A petition to amend shall include, at a minimum:

[1. A Self-Assessment Report, fully completed and signed by the petitioner or a duly authorized official, representing the petitioner;]

**1. A detailed justification statement outlining the reasons why the proposed amendment is necessary and consistent with both the Plan Endorsement petition, as approved by the State Planning Commission, and each of the State Plan goals, as applicable;**

2. A statement updating the petitioner's latest [annual] **monitoring** report, if the petition amendment is not being proposed as part of [a] **an annual or** biennial report;

3. (No change.)

4. Proof that notice of submission of the petition to amend to the Executive Director has been provided pursuant to N.J.A.C. [5:85]**15:30**-1.7(f) in the form of an affidavit of publication;

5. A certified resolution from the governing body for a municipal petitioner or the relevant planning entity for a county plan, regional plan, or special resource area plan, that is impacted by the petition to amend, approving the petition to amend, wherein said certified resolution authorizes the official of the municipality or the relevant planning entity to submit the petition and execute any requested or required amendment;

6. (No change.)

7. If any changes to the State Plan Policy Map are proposed, both the proposed and current State Plan Policy Map boundaries shall be depicted in digital files

conforming to [national standards of 1:24,000 scale accuracy] **USGS National Map Accuracy Standards for 1:6,000 with 90 percent vertices within 16.66 feet of intended location** and as provided in the Plan Endorsements Guidelines;

8.-9. (No change.)

10. A statement describing:

i. How the amendment promotes local, regional, and State goals and objectives;

ii.-iv. (No change.)

11. A statement describing:

i. (No change.)

ii. **Either:**

[ii.] **(1)** How the amendment helps the municipality, **adjacent municipalities**, county, regional, and State agencies achieve consistency with the State Plan and the endorsed plan or previously designated centers; or

[iii.] **(2)** Why the current [planning and implementation agreement] **Plan Implementation Agreement** item that is proposed to be changed cannot be implemented and why the proposed change will accomplish the same purpose as well or better [as] **than** the original agreement.

(c) (No change.)

(d) In cases where the Executive Director finds that the petition to amend has not been submitted in accordance with this subchapter, the Executive Director shall inform the petitioner, in writing, within 60 days after receipt of the petition to amend, of the deficiencies of the petition. If a revised petition to amend is not resubmitted within 90

days after receipt of the Executive Director's notice, or as otherwise agreed, or is submitted incorrectly, it will be considered withdrawn without prejudice and the petitioner so notified. The Executive Director shall provide notice of any such withdrawal to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** in accordance with N.J.A.C. [5:85]15:30-1.6(b) and post such information on the Office of [Smart Growth] **Planning Advocacy's** website.

(e) In cases where the Executive Director finds that the petition to amend is submitted in accordance with this subchapter, or is resubmitted correctly pursuant to (a) and (b) above, the Executive Director shall provide public notice in accordance with N.J.A.C. [5:85]15:30-1.7(b) and send copies of the petition, plan, and supporting documents to the State agencies represented on the Commission and any other relevant State or Federal agency.

(f) (No change.)

(g) Within the State and Federal agency 60-day review period, the Office of [Smart Growth] **Planning Advocacy** may hold a public hearing in an appropriate jurisdiction to receive public comment on the petition, with public notice provided pursuant to N.J.A.C. [5:85]15:30-1.7(b).

(h) The Office of [Smart Growth] **Planning Advocacy** shall hold a public hearing if the Executive Director receives a written request for such a hearing from the petitioner, the governing body of a municipality, or county, which is not the petitioner or a total of at least 10 written requests from other governmental agencies, advocacy groups, or individuals with a demonstrated interest in the petition within 10 days of the Office of

[Smart Growth] **Planning Advocacy** providing [notice] public notice pursuant to (e) above that a petition to amend has been submitted in accordance with this subchapter.

(i) (No change.)

(j) The Executive Director shall prepare a report containing detailed findings and conclusions concerning the consistency of the subject of the petition to amend with the State Plan. The Executive Director shall provide notice of the report pursuant to N.J.A.C. [5:85]15:30-1.7(b) and forward the report to the Commission, the petitioner, and post the report on the Office of [Smart Growth] **Planning Advocacy's** website.

1. (No change.)

2. If the Executive Director determines that the subject of the petition to amend is not consistent with the State Plan, the Executive Director shall either recommend the necessary **State Plan Policy Map, local planning, and/or local regulatory** changes that should be required by the Commission to make the subject of the petition to amend consistent with the State Plan[,] or recommend that the petition to amend be denied by the Commission.

3. If the Executive Director fails to submit a recommendation to the Commission concerning a petition to amend that has been determined to have been submitted pursuant to this subchapter within the 90-day time period set forth [in] at (i) above, the petitioner may request that the Commission take direct action on the petition.

(k) The Commission and [any duly authorized subcommittee] **Plan Implementation Committee** shall review the recommendation of the Executive Director, that the petition to amend was submitted in accordance with this subchapter, and the determination as to whether the subject of the petition to amend is consistent with the State Plan.

(l) Within 45 days after receipt of the recommendation, the Commission shall conduct a hearing on the petition to amend and affirm, revise, or reverse the Executive Director's recommendation, based on its determination of whether the subject of the petition is consistent with the State Plan. The Commission determination on the petition to amend shall be a final agency action.

(m) The Executive Director shall, within 30 days after Commission action as set forth [in] at (l) above, notify the petitioner, in writing, of the Commission's determination, findings, and recommendations regarding the petition to amend.

(n) Within 45 days of the Commission determining whether the petition to amend was submitted in accordance with this section, and is consistent with the State Plan, the Executive Director shall post notice of said determination pursuant to N.J.A.C. [5:85]**15:30-7.4.**

## SUBCHAPTER 8. THE STATE PLAN POLICY MAP

Recodify existing 5:85-8.1 and 8.2 as **15:30-8.1 and 8.2** (No change in text.)

### [5:85]**15:30-8.3** Map [Amendments] **amendments**

(a) Except for areas that are subject to an endorsed plan, the State Planning Commission may initiate amendments to the State Plan Policy Map based on new information related to the goals, strategies, policies, and delineation criteria of the State Plan provided that the new information alters the assumptions that were the basis for adopting the State Plan Policy Map for a particular area or areas. If the State Planning

Commission determines that it should initiate a map amendment to the State Plan Policy Map, it shall prepare and distribute to appropriate municipalities, counties, State agencies, and regional entities justification for requesting the State Plan Policy Map amendments and hold a public hearing on the proposed map amendment in the vicinity of where the proposed map amendment is located. Public notice of the hearing concerning the proposed map amendment shall be provided pursuant to N.J.A.C. [5:85]15:30-1.7(b).

- (b) Any proposed change to the State Plan Policy Map by municipality, county, or regional agency shall be conducted through the plan endorsement process set forth [in] at N.J.A.C. [5:85]15:30-7.
- (c) (No change.)

[5:85]15:30-8.4 Procedures

(a) Petitions to amend the State Plan Policy Map shall be submitted to the Executive Director of the Office of [Smart Growth] **Planning Advocacy**, who shall serve as agent for the State Planning Commission in the administration of this subchapter. [Ten copies and one electronic] **A petitioner shall submit a written** copy of the proposed map amendment petition documentation required [under] **pursuant to** (b)1 and 8 below [shall be submitted].

- (b) A petition to amend the State Plan Policy Map shall include, at a minimum:
1. (No change.)
  2. A statement describing the interest of the entity or individual submitting the petition in the land area under consideration, including, at a minimum:

i. (No change.)

ii. For an **individual or private** entity [or an individual], [his, her] **their** or its financial, ownership, or contractual interests and a description of any pertinent regulatory actions occurring during the immediate past five years or [planned/anticipated] **any planned or anticipated** in the next three years regarding the use of the property;

3. A statement describing:

- i. (No change.)
- [ii. How the amendment will impact public sector decisions; and
- iii. The reason(s) why the amendment cannot await the next revision of the State Development and Redevelopment Plan;]
- ii. How the amendment will impact the local zoning district in which the State Plan Policy Map amendment is proposed;**
- iii. How the amendment will impact infrastructure and associated capacity in the municipality in which the State Policy Map amendment is proposed;**
- iv. How the amendment will impact adjacent municipalities;**
- v. How the amendment will impact adjoining zoning districts of adjacent municipalities;**
- vi. How the amendment will impact public sector decisions; and**
- vii. The reason(s) why the amendment cannot await the next revision of the State Development and Redevelopment Plan, if the petitioner is an individual or private entity;**

4. (No change.)

5. [The current and proposed State Plan Policy Map boundaries shall be depicted on drafting film at a scale of 1:24,000 and corresponding to the United States Geological Survey (U.S.G.S.) 7.5 minutes topographic quadrangle maps or in digital files conforming to national standards of 1:24,000 scale accuracy] **If any changes to the State Plan Policy Map are proposed, the proposed State Plan Policy Map boundaries shall be depicted in digital files, at a minimum, conforming to USGS National Map Accuracy Standards for 1:6,000 with 90 percent vertices within 16.66 feet of intended location** and as provided in the Plan Endorsements Guidelines established by the State Planning Commission;

6. Proper authorization and endorsement are as follows:

i. (No change.)

ii. For [a] **an individual or private entity**, the petition shall include a certified copy of the authorization to submit the petition; and

iii. For an individual **or private entity**, at the discretion of the petitioner, the petition may include endorsements of the amendment by public and private organizations;

7. Documentation that the public notice requirements at N.J.A.C. [5:85]**15:30-1.7(g)** have been met for the proposed map amendment; and

8. (No change.)

(c) The Executive Director of the Office of [Smart Growth] **Planning Advocacy** shall forward one copy of the **petition** for proposed map amendment, **along with a cover letter**, to the appropriate municipal and county governing bodies and planning boards

for their review and comment. **The cover letter shall include a general outline detailing the respective roles of the appropriate governing bodies, planning boards, Petitioner, State Planning Commission, and Office of Planning Advocacy, along with any other pertinent procedural information associated with the proposed map amendment process pursuant to N.J.A.C. 15:30-1.7(g) and as set forth at (b) above.** If no comment is received within 90 days after mailing said petition, the municipality or county shall be deemed to have no comment on the proposed map amendment.

(d) If the State Planning Commission initiates a map amendment, the Executive Director of the Office of [Smart Growth] **Planning Advocacy** shall notify the appropriate municipal and county governing bodies and planning boards for their review and comment. If no comment is received within 90 days after mailing said notice, the municipality or county shall be deemed to have no comment on the proposed map amendment.

(e) The Office of [Smart Growth] **Planning Advocacy** shall hold [a] **an in-person, virtual, or mixed mode** public hearing in an appropriate **municipal, county, or regional** jurisdiction to receive testimony [on the] **when a** petition [or] **for the** map amendment **is** initiated by the State Planning Commission. Notice of this hearing shall be provided pursuant to N.J.A.C. [5:85]**15:30-1.7(b)**.

(f) The State Planning Commission may, at its discretion, [appoint a subcommittee] **request the Plan Implementation Committee** to hear and review proposed map amendments, including those initiated by the State Planning Commission. Only the State Planning Commission may act on a proposed map amendment petition.

(g) If an individual or private entity initiates a map amendment, the appropriate municipality within which the amendment is proposed, may, at its discretion, hold an in-person or virtual public hearing to receive testimony on the map amendment in accordance with the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A 10:4-6 et seq:

1. At least 10 days prior to the public hearing date, the individual or private entity initiating the map amendment, shall provide notice in accordance with N.J.A.C. 15:30-1.7(g);
2. The municipality shall provide the Executive Director with proof that notice of the hearing on the map amendment has been provided pursuant to N.J.A.C. 15:30-1.7(g) in the form of an affidavit of publication;
3. At the conclusion of the public hearing, the municipality shall consider adopting a certified resolution expressing either support or opposition to the map amendment petition; and
4. Within 30 days of the hearing, a copy of the resolution and meeting minutes at which the hearing on the map amendment petition was held, shall be transmitted to the Executive Director. The minutes shall include a summary of public comments and copies of written comments filed before or at the public meeting.

[5:85]15:30-8.5 Determination of completeness and period of review

- (a) Within 60 days of the receipt of a petition for a proposed map amendment, the Executive Director of the Office of [Smart Growth] Planning Advocacy shall inform the

petitioner, any municipality and county impacted by the proposed map amendments, and the State Planning Commission, in writing, whether the proposed map amendment petition is complete and complies with this subchapter.

(b) In cases where the Executive Director of the Office of [Smart Growth] **Planning Advocacy** finds that the petition for a proposed map amendment is not complete or has not been submitted in accordance with this subchapter, the Executive Director shall inform the petitioner, in writing, within 60 days after receipt of the petition for a proposed map amendment of the deficiencies in the petition. If a corrected petition for a proposed map amendment is not resubmitted within 90 days after receipt of the Executive Director's notice, or is resubmitted incorrectly, the petition for a proposed map amendment will be considered withdrawn without prejudice and the petitioner so notified. No further action by the Executive Director will be taken until a new or revised petition for a proposed map amendment is submitted in accordance with N.J.A.C. [5:85]**15:30-8.4**. The petitioner shall provide notice of any such withdrawal in accordance with N.J.A.C. [5:85]**15:30-1.7(g)**. Notice of any such withdrawal shall be provided by the Office of [Smart Growth] **Planning Advocacy** to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** in accordance with N.J.A.C. [5:85]**15:30-1.6(b)**.

(c) In cases where the Executive Director of the Office of [Smart Growth] **Planning Advocacy** finds that the petition for a proposed map amendment is submitted in accordance with this subchapter, or is resubmitted correctly pursuant to (b) above, the Executive Director shall provide public notice in accordance with N.J.A.C. [5:85]**15:30-1.7(h)** and send copies of the petition for a proposed map amendment, plan(s), and

supporting documents to the State agencies represented on the State Planning Commission and any other relevant State or Federal agency.

(d) (No change.)

(e) Within the State and Federal agency 45-day review period, the Office of [Smart Growth] **Planning Advocacy** may hold a public hearing in an appropriate jurisdiction to receive testimony on the petition for a proposed map amendment with public notice provided pursuant to N.J.A.C. [5:85]**15:30-1.7(b)**. The Office of [Smart Growth] **Planning Advocacy** shall hold a public hearing in an appropriate jurisdiction to receive testimony on the map amendment petition with public notice provided pursuant to N.J.A.C. [5:85]**15:30-1.7(b)** if it receives a written request for such a hearing from the governing body of any municipality or county with areas impacted by the petition or a total of at least 10 requests from other governmental agencies, advocacy groups, or individuals with a demonstrated interest in the petition within 10 days of the Office of [Smart Growth] **Planning Advocacy** providing public notice pursuant to (c) above that a completed map amendment petition has been submitted.

(f) The Executive Director of the Office of [Smart Growth] **Planning Advocacy** may request additional information and, at the discretion of the Executive Director, the 90-day review period set forth [in] **at** N.J.A.C. [5:85]**15:30-8.6(a)** may be extended for an additional 45 days after receipt of the requested information. Public notice of any such extensions shall be provided to the petitioner, to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** in accordance with N.J.A.C. [5:85]**15:30-1.6(b)** and posted on the Office of [Smart Growth] **Planning Advocacy's** website.

[5:85]15:30-8.6 Determination of the Executive Director and State Planning Commission

(a) In cases where the Executive Director determines that the petition for the proposed map amendment is submitted in accordance with this subchapter, the Executive Director shall determine within 90 days after the conclusion of the State and Federal agency review period whether the petition for the proposed map amendment is consistent with the State Development and Redevelopment Plan. The Executive Director shall prepare a report containing detailed findings and conclusions concerning the petition for the proposed map amendment. The Executive Director shall provide notice of the report pursuant to N.J.A.C. [5:85]15:30-1.7(h) and forward the report to the petitioner, any municipality and county impacted by the petition for the proposed map amendment, and the State Planning Commission and post the report on the Office of [Smart Growth] **Planning Advocacy's** website. If the Executive Director determines that the petition for the proposed map amendments is consistent with the State Development and Redevelopment Plan, the Executive Director shall recommend that the map amendment petition be approved by the State Planning Commission. If the Executive Director determines that the petition for a proposed map amendment is inconsistent with the State Development and Redevelopment Plan, the Executive Director shall either recommend the necessary changes that should be required by the State Planning Commission to make the proposed map amendment consistent with the State Development and Redevelopment Plan or recommend that the proposed map amendment petition be denied by the State Planning Commission.

(b) (No change.)

(c) The Executive Director of the Office of [Smart Growth] **Planning Advocacy** shall, within 30 days after State Planning Commission action as set forth [in] **at** (b) above, notify the petitioner, in writing, of the State Planning Commission's determination, findings, and recommendations regarding the petition for the proposed map amendment.

(d) Within 45 days of the State Planning Commission determining whether the petition for the proposed map amendment is complete and consistent with the State Development and Redevelopment Plan, the Executive Director of the Office of [Smart Growth] **Planning Advocacy** shall place notice of said determination in the New Jersey Register and provide notice pursuant to N.J.A.C. [5:85]**15:30-1.7(i)**.

[5:85]**15:30-8.7 Extension of time requirements**

The Executive Director of the Office of [Smart Growth] **Planning Advocacy** may extend, up to an additional 60 days, the time allowed for certain actions [under] **pursuant to** this subchapter in the event that the number of requests for State Plan Policy Map amendments exceeds the resources of the Office of [Smart Growth] **Planning Advocacy** to process those requests in accordance with this subchapter. Public notice of any such extensions shall be provided to the petitioner, to those interested persons, and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** in accordance with N.J.A.C. [5:85]**15:30-1.6(b)** and posted on the Office of [Smart Growth] **Planning Advocacy's** website.