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February 13, 2004

MEMORANDUM TO: Members, State Planning Commission

FROM: Vanessa Zoe Morin, Research Analyst

RE: State Planning Commission State Planning Rules

Attached is the State Planning Rule proposal in their entirety. The document is comprised of the changes contained in the rule proposal (additions are **bold** and deletions are [bracketed]) and the proposed changes based on comments and proposed Commission initiated changes ([tracking changes format](#)).

In addition to the technical and grammatical changes, the major proposed changes for the rule adoption are located in the following sections. The PIC reviewed the suggested changes at the February 4th and February 11th meetings and made several recommendations. These suggestions are in addition to those outlined at both PIC meetings.

Changes proposed at the February 4th and February 11th PIC Meetings

Subchapter 1¹

1. Language added to N.J.A.C. 5:85-1.4 describing what is meant by demonstrated interest.

Subchapter 2

2. Clarify that the requirements that a county shall submit both their notice of participation with a Cross-Acceptance Work Program within 45 days of receipt of the Preliminary State Development and Redevelopment Plan.

Subchapter 3

¹In Subchapter 1 and 7 the word "final" has been replaced with "advanced" in all instances for terms regarding advanced plan endorsement petitions.

3. Language added at N.J.A.C. 5:85-3.6(a)1 the specifies items that a municipality provide to the negotiating entity for comparison with the Preliminary Plan and that they must identify infrastructure needs to be included in the Infrastructure Needs Assessment.
4. Language added at N.J.A.C. 5:85-3.7 specifying the process for municipal plans to be incorporated in the negotiating entities report.

Subchapter 4

5. Language added at N.J.A.C. 5:85-4.6(a) that specifies that the draft Statement of Agreements and Disagreement will be made available at the Office of Smart Growth and the web site.
6. Language added at N.J.A.C. 5:85-4.7(a) that specifies that the Impact Assessment will review relative impacts that would likely occur without that draft Final State Development and Redevelopment.

Subchapter 5

7. Language added at N.J.A.C. 5:85-5.1 that specifies that the draft Final State Development and Redevelopment Plan will be made available at the Office of Smart Growth and the web site.

Subchapter 7

8. Clarify that petitioners are encouraged to meet with the Office of Smart Growth for the purpose of a Pre-petition meeting at N.J.A.C. 5:85-7.3.
9. Clarify that petitioners are to submit mandatory not optional elements of their master plan for initial plan endorsement petitions at N.J.A.C. 5:85-7.4(a)8.
10. Clarify that all endorsed plan and centers remain endorsed for a ten year period at N.J.A.C. 5:85-7.11.

Subchapter 8

11. Language added at N.J.A.C. 5:85-8.3(a) to specify that map amendments are permitted 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 for areas not subject to an endorsed plan.

Changes presented to the PIC Committee at the February 4th and February 11th Meetings

Subchapter 1

12. Clarify that cross-acceptance and plan endorsement involves full participation of municipalities and the public, in addition to counties at N.J.A.C 5:85-1.2(b).
13. At N.J.A.C. 5:85-1.4 definitional changes that have been added, deleted or clarified in the following categories: general planning principles, cross-acceptance, and plan endorsement (charts below).

General planning principles

Add	Delete	Clarify
Written document		Center; Center boundary; Center designation or designated center; Consistency or consistent; Critical environmental sites

Cross-acceptance

Add	Delete	Clarify
Infrastructure Needs Assessment		Cross-Acceptance Manual; draft Final State Development and Redevelopment Plan; Final State Development and Redevelopment Plan; Impact assessment; Impact assessment; State Development and Redevelopment; Statement of Agreements and Disagreements.

Plan Endorsement

Add	Delete	Clarify
Advanced petition	Final petition	Initial petition; Map amendment; Minor map amendment; Petition; Petitioner; Plan Endorsement Contract; Plan Endorsement Guidelines; Plan endorsement process or plan endorsement or endorsement; Planning and Implementation Agreement

14. Language added at N.J.A.C. 5:85-1.5(b), to specify that technical assistance may be in the form of a Cross-Acceptance Manual and Plan Endorsement Guidelines issued by the State Planning Commission.
15. At both N.J.A.C. 5:85-1.6 and N.J.A.C. 5:85-1.7, technical changes have been made to clarify public participation and notice mechanisms.

Subchapter 2

16. Add language regarding public participation for proposed Cross-Acceptance Work Programs and proposed schedules at N.J.A.C. 5:85-2.3(c).

Subchapter 3

17. Add language stating that a joint public information meeting will be held with each county planning board in each county for the purpose of providing information at N.J.A.C. 5:85-3.1(c) so that the language is consistent with the statute. Language will be deleted referencing that the Office of Smart Growth

- will provide public comments and responses pursuant to N.J.A.C. 1.6(a) because of the informational nature of these meetings.
18. Reorganize N.J.A.C. 5:85-3.6(a) so that the sequence of the subsections reflects the steps in which municipal Cross-Acceptance activities occur.
 19. Specifically list in N.J.A.C. 5:85-3.6(a) the capital improvement program as an item that municipalities provide to the negotiating entity.
 20. Add language at N.J.A.C. 5:85-3.6(c) and at N.J.A.C. 5:85-3.9(a) that clarifies that the Cross-Acceptance Report includes infrastructure needs that should be addressed in the Infrastructure Needs Assessment.
 21. Add language that clarifies that the negotiating entity's Cross-Acceptance Report consider both county and municipal planning issues.
 22. Add language regarding the distribution of Cross-Acceptance Reports by the Office of Smart Growth at N.J.A.C. 5:85-3.10(a).

Subchapter 4

23. Delete redundant reference to county planning board at N.J.A.C. 5:85-4.3(a) and N.J.A.C. 5:85-4.5(a).
24. Reinstate language proposed for deletion at N.J.A.C. 5:85-4.4 regarding municipal representation for negotiating plans.
25. Reorganize N.J.A.C. 5:85-4.5(a)1-3 to include reworded language concerning municipal negotiations that was proposed for deletion at current N.J.A.C. 5:85-4.5(b)3. Add at N.J.A.C. 5:85-4.5(b) those who have registered pursuant to N.J.A.C. 5:85-1.6(b) to those entitled to receive notice of the Statement of Agreements and Disagreements resulting from negotiation sessions at N.J.A.C. 5:85-4.5(b).
26. Add language in N.J.A.C. 5:85-4.6(a) that clarifies that it is the State Planning Commission that adopts the Statement of Agreements and Disagreements after the negotiating committee adopts a draft Statement of Agreements and Disagreements. Language is added to expand the distribution of the draft Statement of Agreements and Disagreements and to provide a time period for review and comment on that document prior to State Planning Commission action.
27. Add language consistent with the State Planning Act that specifies that cross-acceptance concludes with the approval of the Statement of Agreements and Disagreements by the State Planning Commission at N.J.A.C. 5:85-4.6(b).
28. Delete "with and" in N.J.A.C. 5:85-4.7(a) as it is redundant.
29. Delete the word draft before Impact Assessment at N.J.A.C. 5:85-4.7(b) as it is the Impact Assessment that is distributed.

Subchapter 5

30. Add language that specifies upon consideration of formal reports and the draft Final State Development and Redevelopment Plan and Impact Assessment, the State Planning Commission shall approve for distribution a draft Final State Development and Redevelopment Plan, including a draft Infrastructure Needs Assessment at N.J.A.C. 5:85-5.1(a).

Subchapter 7

31. At N.J.A.C. 5:85-7.1(a) language is added to clarify that plan endorsement is a two-step process that includes initial and advanced petition stages. Language is added to clarify that initial plan endorsement is primarily based on planning activities that are already required and existing information that is readily available. There is no requirement that a petitioner seek advanced plan endorsement after it obtains initial plan endorsement. Language also clarifies that petitioners enter into a Planning and Implementation Agreement with the State Planning Commission, at both the initial and advanced petition stages, and a Plan Endorsement Contract prior to commencing the advanced plan endorsement petition stage. Upon approval of an initial petition, petitioners will receive regulatory and funding benefits as specified by State agencies with additional benefits available upon approval of advanced plan endorsement petitions.
32. Changes at N.J.A.C. 5:85-7.1(b) clarify that centers, cores, and nodes may only be designated through the plan endorsement process.
33. The reference to State agencies at N.J.A.C. 5:85-7.2(a) is deleted, because the petition for map amendment for State agencies is outlined at N.J.A.C. 5:85-8.
34. Language clarifying planning and implementation mechanisms was added at N.J.A.C. 5:85-7.2(b).
35. Changes at N.J.A.C. 5:85-7.2(g) were added to provide a contextual framework for State Planning Commission review of petitions and a timeframe for revisions to the Plan Endorsement Guidelines.
36. N.J.A.C. 5:85-7.3 changes added language that specifies the required elements and the purpose for a Pre-petition meeting.
37. Changes at N.J.A.C. 5:85-7.4(a) add language and renumber individual provisions to clarify what is to be included in an initial petition for plan endorsement. Similar language additions have been made at N.J.A.C. 5:85-7.7(a) and N.J.A.C. 5:85-7.14(b) concerning advanced plan endorsement petitions and endorsed plan amendments petitions.
38. Language specifying that a petitioner may enter into a Plan Endorsement Contract prior to filing an initial petition for plan endorsement is added at N.J.A.C. 5:85-7.4(b).
39. The changes at N.J.A.C. 5:85-7.5(b), N.J.A.C. 5:85-7.8(b), and N.J.A.C. 5:85-7.14(d) clarify the notice provisions for the Office of Smart Growth when a petitioner has withdrawn either a plan endorsement petition or a request for an amendment because the petition has been deemed incomplete by the Office of Smart Growth Executive Director.
40. N.J.A.C. 5:85-7.5(e), N.J.A.C. 5:85-7.8(e), and N.J.A.C. 5:85-7.14(g) have been revised to specify that a public hearing by the Office of Smart Growth on a petition is optional unless the petitioner, other governing bodies or at least 10 other interested parties request the public hearing.
41. N.J.A.C. 5:85-7.6(b), N.J.A.C. 5:85-7.9(b), and N.J.A.C. 5:85-7.14(h) were revised to permit a petitioner to request the State Planning Commission to review a petition for plan endorsement and an amendment to an endorsed plan if the Executive Director fails to submit a recommendation within a specified timeframe.

42. Changes to N.J.A.C. 5:85-7.6(a), N.J.A.C. 5:85-7.9(a) and N.J.A.C. 5:85-7.14(i) clarify the documents to be reviewed by the Executive Director of the Office of Smart Growth and the State Planning Commission for consistency with the State Development and Redevelopment Plan.
43. At N.J.A.C. 5:85-7.6(c), N.J.A.C. 5:85-7.9(c), and N.J.A.C. 5:85-7.14(k), the provisions were renumbered and changed to specify the actions the State Planning Commission can take on a plan endorsement petition.
44. The language at N.J.A.C. 5:85-7.6(c) and N.J.A.C. 5:85-7.9(c) was deleted because it became redundant to the actions that have been added in #13 above.
45. The purpose and required elements of an advanced petition was clarified at N.J.A.C. 5:85-7.7(a).
46. N.J.A.C. 5:85-7.7(b) was revised to (1) specify that a petitioner shall enter into a Plan Endorsement Contract that is consistent with the State Development and Redevelopment Plan prior to filing an advanced petition for plan endorsement and (2) to clarify the Office of Smart Growth notice provisions.
47. The reference to the Municipal Land Use Law was deleted in order to clarify the period of endorsement for initial and advanced plan endorsement at N.J.A.C. 5:85-7.11(a).
48. The changes to N.J.A.C. 5:85-7.12(b) clarify the required documents that must be included in the monitoring reports to be submitted to the Executive Director of the Office of Smart Growth.
49. Changes at N.J.A.C. 5:85-7.13(d) specify that the State Planning Commission may revoke an endorsed plan or prior center designation based on its determination as to whether the plan or designated center remains consistent with the State Development and Redevelopment Plan.
50. New language at N.J.A.C. 5:85-7.15(a) and N.J.A.C. 5:85-7.15(b) differentiates between regulatory and funding benefits to petitioners that have achieved initial or advanced plan endorsement.

Subchapter 8

51. Revisions to N.J.A.C. 5:85-8.2 include adding “cores and nodes,” in addition to center designations, as an eligible component of a map amendment petition, and making a grammatical correction.
52. Language was deleted at N.J.A.C. 5:85-8.4(b)(2) that required a State agency to submit its policies and interests with any map amendment petition.
53. Changes at N.J.A.C. 5:85-8.4(b)(4) add language to clarify the required elements of a State agency, an entity, or an individual report for a map amendment petition
54. The revisions to N.J.A.C. 5:85-8.4(b)(5) & (7)-(8) make the requirements consistent for initial and advanced petitions, amendments to an endorsed plan, and map amendments.
55. The changes to N.J.A.C. 5:85-8.5(b) correct the reference to the timeframe for resubmitting an incomplete petition so that it is consistent with N.J.A.C. 5:85-7 requirements; correct the reference to the corresponding section and petitioner notice requirements; and add language specifying that the Office of Smart Growth will provide notice regarding a petitioner’s proposed map amendment petition

- withdrawal to those who have registered with the Office of Smart Growth to receive notice.
56. N.J.A.C. 5:85-8.5(e) was changed so that requirements for public hearings on map amendments are consistent with public hearings for plan endorsement petitions.
 57. Changes to N.J.A.C. 5:85-8.5(f) clarify the extension provisions for a map amendment petition that is consistent with the provisions of initial and advanced petitions and amendments to an endorsed plan.
 58. Changes to N.J.A.C. 5:85-8.6(a) clarify the action of the Office of Smart Growth and State Planning Commission in determining and recommending consistency of a map amendment petition with the State Development and Redevelopment Plan so that it is similar to initial and advanced petitions, and amendments to an endorsed plan.
 59. Changes to N.J.A.C. 5:85-8.6(b) clarify the action of the State Planning Commission in reviewing consistency of a map amendment petition with the State Development and Redevelopment Plan so that it is similar to initial and advanced petitions and amendments to an endorsed plan.

SUBCHAPTER 7 [VOLUNTARY SUBMISSION OF PLANS FOR] PLAN ENDORSEMENT

5:85-7.1 Purpose

(a) The State Planning Act [recommends but does not require] **encourages** that municipal, county, and regional plans be consistent with the State Development and Redevelopment Plan. State agencies are expected to review and coordinate their plan, programs and regulations to make them consistent with the State Development and Redevelopment Plan. During the [State Plan] cross-acceptance process, governments at all levels compared respective public plans and processes in general with the State **Development and Redevelopment Plan**. The process of plan endorsement covered by this subchapter is designed to build on that effort. **Through plan endorsement, centers can be designated and State Plan Policy Map boundaries adjusted in order to significantly advance or more accurately reflect the goals, strategies, and policies of the State Development and Redevelopment Plan.** Entities that receive plan endorsement, in accordance with the State **Development and Redevelopment Plan**, shall be entitled to a variety of benefits, including, but not limited to, priority for funding **for programs identified by State agencies**, coordination of planning with other agencies in meeting unique needs of the entity seeking endorsement[,], **and** expedited permit review[,], and eligibility for approval of State Plan Policy Map amendments to implement regional and local growth management policies]. It is the intention of the State Planning Commission, through the Office of [State Planning] **Smart Growth**, to assist all levels of government in coordinating plans and together achieving consistency with the State **Development and Redevelopment Plan**. To that end, this subchapter outlines a voluntary review process, which will compare municipal, county, regional and State agency plans and provide findings and recommendations that would coordinate and integrate these plans in a manner consistent with the State Development and Redevelopment Plan. Plan endorsement is separated into two stages. The first stage, initial plan endorsement, provides for a petitioner submitting to the State Planning Commission the fundamental planning documents, such as the master plan, that most municipalities and counties will have already prepared. The second stage, advanced plan endorsement, provides for a petitioner submitting to the State Planning Commission any more extensive planning efforts, such as a municipality that has adopted one or more of the optional master plan elements, that the petitioner has prepared. There is no requirement that a petitioner seek advanced plan endorsement after it obtains initial plan endorsement. For both initial and advanced plan endorsement, the submitted plans will be reviewed by the State Planning Commission and endorsed if the plans are determined to be consistent with the State Development and Redevelopment Plan. Specified regulatory and funding priority benefits will be available to petitioners once an initial petition for plan endorsement is approved. Additional benefits will be made available when advanced petitions are approved, with the benefits relating to the nature of the advanced plans that are approved. As petitioners have additional advanced plans approved, they will become eligible for additional benefits. A [P]petitioner[s] initiating the advanced plan endorsement process will enter into a [the] Plan Endorsement Contract[s] with the State Planning Commission specifying the obligations of both

parties to complete the advanced plan endorsement petition [process] and specifying the benefits the petitioner will be eligible for upon approval of the advanced petition. [Plans] [At the end of that process plans found to be consistent with the] [SDRP] [State Development and Redevelopment Plan will be endorsed by the State Planning Commission.] **The State Planning Commission will enter into Planning and Implementation Agreements that will implement the endorsed plan by the petitioner and by the State agencies when both initial and advanced petitions for plan endorsement are approved.**

(b) The purpose of plan endorsement is to increase the degree of consistency among municipal, county, regional and State agency plans and the State **Development and Redevelopment** Plan and to facilitate the implementation of said plans. [The State Plan outlines six objectives that derive from this purpose:

1. To encourage municipal, county, regional, and State agency plans to be coordinated and support each other to achieve the goals of the State Plan;
2. To encourage counties and municipalities to plan on a regional basis, while recognizing the fundamental role of the municipal master plan and development regulations;
3. To consider the entire municipality including centers, cores, nodes and environs, within the context of regional systems.
4. To provide an opportunity for all government entities and the public to discuss and resolve common planning issues;
5. To provide a framework to guide and support State investment programs and permitting assistance in the implementation of municipal, county and regional plans that meet Statewide objectives; and
6. To learn new planning approaches and techniques from municipal, county, regional, and State agencies for dissemination throughout the State and possible incorporation into the State Plan.

(c) It is not the purpose of the plan endorsement process to either "validate" or "invalidate" a specific code, ordinance, administrative rule, regulation or other instrument of plan implementation, although those relevant to the implementation of the petitioner's plan shall be reviewed for consistency with the plan that is under consideration.]

[(d)](c) [From January 7, 2002, the petitioners shall] [**Petitioners may only delineate centers in endorsed plans, and the State Planning Commission shall designate centers as part of] Centers, cores and nodes may only be designated through the -plan endorsement process.**

5:85-7.2 Eligibility

(a) Any municipal or county governing body, **or regional grouping of municipal or county governing bodies**, or regional [or State] agency may petition the State Planning Commission for plan endorsement of its plan.

(b) Plans eligible for endorsement are:

1. Master plans **with supporting plan implementation mechanisms such as zoning maps and schedules [land use ordinances], natural resource inventories[, and] capital improvement programs** of municipalities and counties;
2. **The following plans provided that the area proposed for endorsement includes at least one entire municipality:**
[Municipal]municipal strategic revitalization plans[;],
- [3. Urban]urban complex strategic revitalization plans[;], **and**
- [4. Regional]regional strategic plans[; and
5. State agency functional plans].

(c) (No change.)

(d) [Urban] **Municipalities included in urban** complex strategic revitalization plans, regional strategic plans and county master plans [approved] **with supporting plan implementation mechanisms that have been endorsed** by the State Planning Commission shall not be entitled to the benefits of plan endorsement [in those municipalities where those municipalities have not incorporated the recommendations and implementation features of the urban complex strategic revitalization plan, regional strategic plan or county master plan in its municipal master plan and ordinances] **unless their municipal master plans with supporting plan implementation mechanisms also have been endorsed by the State Planning Commission.**

(e) The State Planning Commission shall give priority consideration to petitions for endorsement involving county **master plans**, regional strategic plans and urban complex strategic revitalization plans, **and municipal master plans submitted as a part of a county plan or subsequent to the endorsement of a county plan if the county supports the municipal master plan as consistent with the endorsed county plan, regional strategic plan or urban complex strategic revitalization plan**, as a way of encouraging municipalities to participate in **county plans**, regional strategic plans or urban complex strategic revitalization plans for endorsement.

(f) (No change.)

(g) [Codes, ordinances, administrative rules, regulations and other instruments of plan implementation are not eligible for endorsement, but those relevant to the implementation of the petitioner's plan shall be reviewed for consistency with the plan that is under consideration for endorsement] **After consulting with other state**

agencies, the State Planning Commission shall issue Plan Endorsement Guidelines as to the information that needs to generally should accompany plan endorsement petitions in order to demonstrate that the petitioner's plan is consistent with the State Development and Redevelopment Plan. The State Planning Commission shall adjust modify the information that must accompany necessary to complete a petition for plan endorsement petitions based on the type[s] of plan being considered for endorsement and the characteristics of the area covered by the plan endorsement petition. The plan and supporting materials submitted for plan endorsement shall be reviewed by the State Planning Commission as an overall package in its entirety in determining consistency with the State Development and Redevelopment Plan. The State Planning Commission shall periodically consult with municipalities, counties, state and regional agencies to determine whether the Plan Endorsement Guidelines should be revised.

[(h) The Office of State Planning may provide technical assistance and advice to municipal, county, regional and State agencies on matters related to duties and responsibilities of the Commission or Office, as set forth in the State Planning Act, N.J.S.A. 52:18A-196 et seq., regardless of whether such agencies are petitioning or plan to petition the State Planning Commission for plan endorsement.]

[(i)(h) Plans shall be endorsed only if they are internally consistent and demonstrate consistency [according to the guidelines for plan endorsement adopted by] with the State [Planning Commission] **Development and Redevelopment Plan.**

(i) All relevant plan endorsement documents enclosing initial and final advanced petitions for plan endorsement and amendments to an endorsed plan shall be submitted to the State Planning Commission and Executive Director of the Office of Smart Growth, who shall serve as agent for the State Planning Commission in the administration of this subchapter.

(j) The State Planning Commission may, at its discretion, appoint one or several subcommittees to hear and review the petitions, but only the State Planning Commission may take final action on a petition for plan endorsement.

5:85-7.3 [Notification of petition filing] **Pre-petition meeting**

[(a) A] **Petitioners intending to seek plan endorsement are encouraged to [may] request a [pre-petition] Pre-petition meeting** with the Office of [State Planning] **Smart Growth** and appropriate state agencies [and entities] [is a requirement before filing for plan endorsement]. **At least 30-days prior to the pre-petition meeting, the petitioners shall submit to the Office of Smart Growth a copy of existing master plans, including any adopted optional elements, [land use ordinances], any other adopted planning documents, including, in the case of a municipality, the adopted zoning map and any zoning schedule and any adopted capital improvement programs. The purpose of the Pre-petition meeting is for the Office of Smart Growth and the other state agencies to give guidance to the petitioner as to what**

additional actions, if any, the petitioner will need to take to demonstrate that an initial or advanced petition for plan endorsement is consistent with the State Development and Redevelopment Plan. The pre-petition meeting is also an opportunity to discuss what items should be included in the Plan Endorsement Contract.

(b) After the pre-petition meeting, municipalities shall provide public notice of their filing of a petition under this subchapter, in two newspapers of general circulation within the municipality or one newspaper and the petitioner's website, if available, prior to their submission of a petition for plan endorsement. Notice shall also be sent to the petitioning municipality's planning board, environmental commission, utilities authority, board of education and other boards and authorities as appropriate, to the governing body and planning board of the county within which the municipality is located and to the governing bodies and planning boards of adjoining counties and municipalities.

(c) After the pre-petition meeting, counties shall provide public notice of their filing of a petition under this subchapter, in two newspapers of general circulation within the county, or one newspaper and the petitioner's website, if available, prior to their submission of a petition for plan endorsement. Notice shall also be sent to the petitioning county's planning board, utilities authority, improvement authority, economic development commission or department, and other boards and authorities as appropriate, to the governing bodies, environmental commissions, boards of education and planning boards of all municipalities within the subject county and to the governing bodies and planning boards of adjoining municipalities and counties.

(d) After the pre-petition meeting, regional agencies shall provide public notice of their filing of a petition under this subchapter, in two newspapers of general circulation within their jurisdiction, or one newspaper and the petitioner's website, if available, prior to the agency's submission of a petition for plan endorsement. Notice shall also be sent to county and municipal governing bodies, the planning boards, environmental commissions, boards of education, utilities authorities improvement authorities, economic development commissions or departments, and other board and authorities as appropriate, of all municipalities and counties within the agency's jurisdiction and to the governing bodies and planning boards of any adjacent counties and municipalities.

(e) Before filing a petition for plan endorsement, petitioners shall conduct a public meeting on the petition for plan endorsement to discuss the plan and planning and implementation agenda and receive and consider public comments thereof.

(f) All notifications required under this section shall contain, at a minimum, the following information:

1. The name and address of the petitioner filing the petition for plan endorsement;
2. A description of the action being requested; and

3. The location and time at which copies of the petition and supporting documentation can be examined.

(g) Newspaper notices may be published as a standard legal advertisement.]

5:85-7.4 [Procedures] Initial petitions for plan endorsement

[(a) Petitions for plan endorsement shall be submitted to the Director of the Office of State Planning, who shall serve as agent for the State Planning Commission in the administration of these rules.

[(b)](a) [A] **An initial petition for plan endorsement** shall consist of the following:

1. A **Plan Endorsement Application** form, prepared by the Office of [State Planning] **Smart Growth**, fully completed and signed by the petitioner or a duly authorized official, representing the petitioner. [Said form shall contain the following:]

[i. The name and address of petitioner;]

[ii.] **2.** A list of the documents being submitted; [and]

[iii.] **3.** **[A certified copy of the resolution [adopting]endorsing the [plan(s)] initial petition being submitted;**

[2] **4.]** Proof that notice of the submission of the initial petition to the State Planning Commission and the Executive Director of the Office of Smart Growth has been provided pursuant to [the notification requirements of] [this subchapter] N.J.A.C. 5:85-1.7(d) or (f) [have been met];

[3] **[5]4.** A certified resolution from each governing body requesting plan endorsement endorsing the initial petition being submitted and designating the official of the municipality, county or regional agency to submit the petition and execute the [agreement] Planning and Implementation Agreement [Plan Endorsement Contract and schedule];

[4] **[6]5.** Copies of the minutes of each [the] public meeting [where] **at which the initial** plan endorsement petition was reviewed and of the meeting at which the resolution endorsing the initial petition was approved. The minutes shall include a summary of public comments and copies of written comments filed before, or presented at, the public meeting;

[5. Boundaries of current and proposed SPPM planning areas, centers, cores, nodes, critical environmental sites and historic and cultural sites, parks and military installations on municipal zoning maps and] **[7]6. If any changes to the State Plan Policy Map are proposed, the current and proposed State Plan Policy Map boundaries** [of current and proposed SPPM planning areas, centers, cores, nodes, critical environmentally sites and historic and cultural sites, parks and military installations on

municipal zoning maps and] **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 and as provided in [guidelines] **the Plan Endorsements Guidelines** established by the [Office of] **State Planning Commission**;

[6] [8]17. Ten copies, and one electronic copy, of the petitioner's plan, and proposed [Planning and [i]Implementation Agreement [agenda] [schedule and Plan Endorsement Contract to complete the plan endorsement process]], land development regulations, and other supporting materials and implementation measures]. **The submission shall include for the area proposed for plan endorsement all current adopted master plans, including any adopted mandatory [optional] elements, [land use ordinances and regulations], any adopted capital improvement programs, an inventory of existing infrastructure, any adopted zoning map and zoning schedule, a natural resources inventory based on existing data, and any other applicable supporting materials for the initial petition including any materials [to initiate the plan endorsement process] identified in the Plan Endorsement Guidelines that are relevant to the particular circumstances of the petitioner;**

[7] [9]18. A narrative description of public participation and planning coordination efforts used to prepare and adopt the plan, develop **and submit the initial petition and** the proposed [p]Planning and [i]Implementation Agreement [agenda, and submit the plan endorsement] [Plan Endorsement Contract];

Recodify existing 8. and 9. as **109. and 110.** (No change in text.)

(b) Prior to filing an initial petition for plan endorsement, a petitioner may enter into a Plan Endorsement Contract with the State Planning Commission.

[(c) The State Planning Commission may, at its discretion, appoint one or several subcommittees to hear and review the petitions, but only the Commission may take final action on a petition for plan endorsement.

(d) All meetings of the State Planning Commission, or its duly authorized subcommittee(s), to consider petitions shall be conducted in accordance with the Open Public Meetings Act, N.J.A.C. 10:4-1 et seq., and opportunity shall be provided to the public at all said meetings to comment on petition(s) being considered prior to action being taken.]

5:85-7.5 Determination of completeness and period of review

(a) Within 30 days of the receipt of [a] **an initial** petition for plan endorsement, the **Executive** Director of the Office of [State Planning] **Smart Growth** shall inform the petitioner[, county representatives,] and the State Planning Commission, in writing, whether the **initial** petition is complete and complies with this subchapter.

(b) In cases where the **Executive** Director of the Office of [State Planning] **Smart Growth** finds that the **initial** petition is not complete or has not been submitted in accordance with this subchapter, the **Executive** Director shall inform the petitioner in writing within 30 days after receipt of the petition of the deficiencies in the **initial** petition. [If the petitioner resubmits a corrected **initial** petition] [is resubmitted, the petition will be considered] [,notice shall be provided in accordance with] [(c) below] [N.J.A.C. 5:85-1.7(d) or (f).] If a corrected petition is not resubmitted within [45] **90** days after receipt of the **Executive** Director's notice, or is resubmitted incorrectly, the **initial** petition 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 is submitted in accordance with N.J.A.C. 5:85-7.4.** [The petitioner shall provide n]Notice of any such withdrawal shall be provided by the Office of Smart Growth to those interested persons and organizations who have registered with the Office of Smart Growth in accordance with N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website [in accordance with N.J.A.C. 5:85-[7.3]**1.7(d) or (f).**]

(c) In cases where the **Executive** Director of the Office of [State Planning] **Smart Growth** finds that the **initial** petition 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. 5:85-1.7(h) and** send copies of the **initial** petition, plan(s) and supporting documents to the State agencies represented on the State Planning Commission and any other relevant State or Federal agency[, post a summary of the petition on the Office of State Planning web site and put notice of the Director's action on the website and in the New Jersey Register. This action will provide notice to individuals or organizations that they may register to receive future notices of hearings, copies of modifications and actions on the petition].

(d) The relevant State and Federal agencies receiving copies of the initial petition as noted in (c) above shall provide comments to the Executive Director within 45 days.

(e) After the 45 day review by State and Federal agencies the Director shall, within 90 days review said plan(s) and comments received from State and Federal agencies and prepare a determination, findings and recommendations regarding the degree to which the subject plan is consistent with the provisions of the State Development and Redevelopment Plan and how effectively that has been done, in accordance with the guidelines for plan endorsement adopted by the State Planning Commission. The Director's review of regional petitions will include a review of consistency between the regional plan and accompanying county and municipal plans in the region.]

(f)(e) Within the State and Federal agency 45-day review period, the Office of [State Planning] **Smart Growth** may [shall] hold a public hearing in an appropriate jurisdiction to receive testimony on the **initial** petition **with public notice provided pursuant to N.J.A.C. 5:85-1.7(b).** The Office of Smart Growth shall hold a public hearing in an appropriate jurisdiction to receive testimony on the initial petition with public notice provided pursuant to N.J.A.C. 5:85-1.7(b) if it 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 providing notice public notice pursuant to (c) above that a completed initial petition has been submitted. [Notice of this hearing shall be provided through a press release to two newspapers of general circulation within the municipality, county or region and posted on the Office of State Planning website 14 days before the hearing. Ten days before the hearing, the Office shall publish a display ad in one of the newspapers of general circulation. Copies of the minutes of this public meeting shall include a summary of public comments and copies of written comments filed before, or presented at the public hearing.]

[(g)](f) The **Executive** Director of the Office of [State Planning] **Smart Growth** [May] may request additional information and, at the discretion of the **Executive** Director, the [90] **60-day** review period set forth in N.J.A.C. 5:85-7.6(a) may be extended to [for an additional] 45 days after receipt of the requested information. **Public notice of any such extension shall be provided to the petitioner, to those interested persons and organizations who have registered with the Office of Smart Growth in accordance with [to] N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.**

5:85–7.6 Determination of the **Executive** Director and State Planning Commission

(a) In cases where the **Executive** Director determines that the **initial** petition is submitted in accordance with this subchapter, [and] the **Executive** Director shall determine[s that] **within 60 days after the conclusion of the State and Federal agency review period whether** the petitioner’s plan along with the proposed Planning and Implementation Agreement are [is substantially] consistent [or inconsistent] with the **State Development and Redevelopment Plan.** [guidelines for plan endorsement adopted by the State Planning Commission, the] **The Executive** Director shall prepare a report containing detailed findings and conclusions concerning the consistency of the petitioner’s plan [initial petition] and proposed Planning and Implementation Agreement with the State Development and Redevelopment Plan. The **Executive** Director shall provide notice of the report pursuant to N.J.A.C. 5:85-1.7(h) and forward the report to the petitioner, [county representatives and] the State Planning Commission and post the report on the Office of [State Planning] **Smart Growth** web site. **If the Executive** Director determines that the petitioner’s plan and proposed Planning and Implementation Agreement are [an initial petition is] consistent with the **State Development and Redevelopment Plan,** the **Executive** Director shall recommend that the initial petition be approved by the State Planning Commission [determine whether the proposed Plan Endorsement Contract and schedule will result in having a plan that is substantially consistent with the **State Development and Redevelopment Plan,** and if necessary, recommend any revisions to the proposed plan endorsement contract and schedule that will achieve such consistency]. **If the Executive** Director determines the petitioner’s plan and proposed Planning and Implementation Agreement are [an initial petition is]

substantially] 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 petitioner's plan and proposed Planning and Implementation Agreement [initial petition substantially] consistent with the State Development and Redevelopment Plan or recommend that the initial petition be denied by the State Planning Commission.

{(b) In cases where the Executive Director fails to submit a recommendation to the State Planning Commission concerning an initial petition that has been determined to have been submitted pursuant to this subchapter within the 60 day time period set forth in (a) above, the petitioner may request that the State Planning Commission take action on the initial petition. [determines that the petition is inconsistent with the guidelines for plan endorsement adopted by the State Planning Commission, the Director shall forward a report to the petitioner, county representatives and the State Planning Commission with a recommendation and indicate what steps can be taken by the petitioner to move the plan, in whole or in part, toward consistency. The Director shall provide public notice of the action in the New Jersey Register and post on the Office of State Planning website.]

[(c) In cases where the Director determines that the petition is consistent with the guidelines for plan endorsement adopted by the State Planning Commission, the Director shall forward the report to the State Planning Commission, county representatives and the petitioner with the recommendation for plan endorsement and a plan endorsement agreement. The Director shall provide public notice of the action in the New Jersey Register and post on the Office of State Planning website.]

[(d)]{(b)}{(c)} [Within 60 days after receipt of the recommendation, the] **The State Planning Commission and any [or its] duly authorized subcommittee shall review the Executive Director's determination that the [plan(s) of the petitioner] initial petition is complete and the determination as to whether the petitioner's plan and proposed Planning and Implementation Agreement are [initial petition is substantially] consistent with the [guidelines for plan endorsement adopted by the State Planning Commission] State Development and Redevelopment Plan. Within 60 days after receipt of the recommendation, the State Planning Commission shall affirm, revise or reverse the Executive Director's determination on the initial petition based on its determination whether the petitioner's plan and proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan. If the Executive Director fails to submit a recommendation to the State Planning Commission concerning an initial petition that has been determined to have been submitted pursuant to this subchapter within the 60 day time period set forth in (a) above and a petitioner requests that the State Planning Commission take action on the initial petition pursuant to (b) above; the State Planning Commission and any duly authorized subcommittee shall review the Executive Director's determination that the initial petition is complete and the petitioner's plan and proposed Planning and Implementation Agreement and determine whether they are consistent with the State Development and Redevelopment Plan. The State Planning Commission shall take action on the initial petition within 90 days after receipt of the request from the petitioner that State Planning Commission review the**

initial petition. If the State Planning Commission determines that the initial petition has been submitted in accordance with this subchapter and the petitioner's plan and proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan, the State Planning Commission shall approve the initial petition and authorize execution of the Planning and Implementation Agreement. If the State Planning Commission determines the initial petition is complete and the petitioner's plan and proposed Planning and Implementation Agreement are inconsistent with the State Development and Redevelopment Plan, the State Planning Commission shall either make the necessary changes so that the petitioner's plan and proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan or deny the initial petition.

[(e)]**(c) If the State Planning Commission determines that the initial petition is substantially consistent with the State Development and Redevelopment Plan,** [The] [the State Planning Commission, or its duly authorized subcommittee, shall also review][s] [the determination of the Executive Director] [and the basis of the findings and recommendations] **[concerning the Plan Endorsement Contract and schedule.** Within 60 days] [of its decision to do so] **[after receipt of the recommendation,** the State Planning Commission shall act to affirm, revise or reverse the determination] [findings and recommendations] [of the Executive Director] [and will act] [on the petitioner's proposed] [request for] **[Plan Endorsement Contract and schedule.]**

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

[(g)]**(e)** Within 45 days of the State Planning Commission determining [that] **whether** the petitioner's [plan is] **initial petition is complete and [substantially]** consistent [or inconsistent] **with the State Development and Redevelopment Plan,** the Executive Director of the Office of [State Planning] Smart Growth shall [place] **provide public** notice of said determination [in the New Jersey Register and post on the Office of State Planning] **pursuant to N.J.A.C. 5:85-1.7(i).**

[(h)] Notice of these actions as provided above in this section shall be provided in accordance with N.J.A.C. 5:85-7.7.]

5:85-7.7 [Public notification of the Director of State Planning or Commission's disposition of plan endorsement] Advanced Petitions for [Completion of] plan endorsement [process]

(a) A petitioner may seek endorsement by the State Planning Commission of any of its planning efforts in addition to those required to be submitted as part of its initial petition for plan endorsement. Such advanced petitions may include one or more planning efforts in addition to those required to be submitted as part of an initial petition. A petitioner may submit different petitions for advanced plan endorsement at different times. An advanced petition for plan endorsement may be

submitted simultaneously with an initial petition for plan endorsement. An advanced [final] petition for plan endorsement shall consist of the following:

1. A Plan Endorsement Application form, prepared by the Office of Smart Growth, fully completed and signed by the petitioner or a duly authorized official, representing the petitioner[A certified copy of the resolution endorsing the final petition being submitted];
2. Proof that notice of the submission of the advanced petition to the State Planning Commission and the Executive Director of the Office of Smart Growth has been provided pursuant to [the notification requirements of] N.J.A.C. 5:85-1.7(d) or (f)[have been met];
3. A certified resolution from each governing body requesting advanced [final] plan endorsement endorsing the advanced petition for plan endorsement being submitted and designating the official of the municipality, county or regional agency to submit the petition and execute the Planning and Implementation Agreement [and schedule];
4. Copies of the minutes of each [any] public meeting at which the advanced [final] plan endorsement petition was reviewed and of the meeting at which the advanced [final] petition was approved. The minutes shall include a summary of public comments and copies of written comments filed before, or presented at, the public meeting;
5. If any changes to the State Plan Policy Map are proposed, 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 and as provided in the Plan Endorsement Guidelines established by the State Planning Commission;
6. Ten copies, and one electronic copy, of the petitioner's plan, and proposed [schedule and] Planning and Implementation Agreement. For the area proposed for plan endorsement, the submission shall include [for the area] all revisions to previously submitted master plans and any new or revised adopted optional elements, any master plan reexamination reports adopted after any initial petition for plan endorsement was approved by the State Planning Commission, [revisions to previously submitted land use ordinances and regulations,] all new and any revisions to previously submitted capital improvement programs, all new and any revisions to previously submitted inventories of existing infrastructure, all new and any revisions to previously submitted natural resources inventories, any updates or revisions to monitoring reports submitted pursuant to N.J.A.C. 5:85-7.12, [and] all new and any revisions to previously submitted other applicable supporting materials and any other applicable supporting materials for the advanced petition, including any materials identified in either the Plan Endorsement Guidelines that

are relevant to the particular circumstances of the petitioner or the Plan Endorsement Contract entered into pursuant to (b) below; [and]

7. 7. A narrative description of public participation and planning coordination efforts used to prepare and adopt the plan, develop and submit the final petition and the Planning and Implementation Agreement;

8. If approval by another state agency of a plan being submitted for advanced plan endorsement is also being sought, then all information necessary for that agency to review that plan;

9. A list of the documents being submitted;

10. Written documentation indicating good-faith efforts to include neighboring jurisdictions in the plan endorsement process; and

11. Regional petitions must include written documentation indicating good faith efforts to include all municipalities and counties within the region of participation in the regional plan and, where applicable, a list of municipalities and counties that would not or could not participate in the regional plan.

(b). Prior to filing an advanced petition for plan endorsement, a petitioner shall enter into a Plan Endorsement Contract with the State Planning Commission. Upon receipt of a proposed Plan Endorsement Contract from a petitioner, the Executive Director of the Office of Smart Growth shall give notice of receipt of the draft to those interested persons and organizations who have registered with the Office of Smart Growth in accordance with N.J.A.C. 5:85-1.6(b) and by posting the draft on the Office of Smart Growth website. The State Planning Commission shall not take action on a proposed Plan Endorsement Contract until at least 14 days after said notice has been given. The State Planning Commission shall only approve the proposed Plan Endorsement Contract if it results in an advanced petition that is consistent with the State Development and Redevelopment Plan.

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5:85-7.8 Determination of completeness and period of review

(a) Within 60 days of the receipt of an advanced [final] petition for plan endorsement, the Executive Director of the Office of Smart Growth shall inform the petitioner and the State Planning Commission, in writing, whether the advanced [final] petition is complete and complies with this subchapter.

(b) In cases where the Executive Director of the Office of Smart Growth finds that the advanced [final] petition 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 advanced [final] petition of the deficiencies in the petition. [If the petitioner resubmits a corrected final petition, notice shall be provided in accordance with N.J.A.C. 5:85-1.7(d) or (f).] If a corrected advanced [final] petition is not resubmitted within 90 days after receipt of the Executive Director's notice, or is resubmitted incorrectly, the advanced [final] petition 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 **advanced [final]** petition is submitted in accordance with N.J.A.C. 5:85-7.7. [The petitioner shall provide n] Notice of **any such** withdrawal shall be provided by the Office of Smart Growth to those interested persons and organizations who have registered with the Office of Smart Growth in accordance with N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website on its website [in accordance with N.J.A.C. 5:85-1.7(d) or (f)].

(c) In cases where the Executive Director of the Office of Smart Growth finds that the **advanced [final]** petition 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. 5:85-1.7(h) and send copies of the **advanced [final]** petition, plan(s) and supporting documents to the State agencies represented on the State Planning Commission and any other relevant State or Federal agency.

(d) The relevant State and Federal agencies receiving copies of the **advanced [final]** petition as noted in (c) above shall provide comments to the Executive Director within 45 days.

(e) Within the State and Federal agency 45-day review period, the Office of Smart Growth **may [shall]** hold a public hearing in an appropriate jurisdiction to receive testimony on the **advanced [final]** petition with notice of the hearing being provided pursuant to N.J.A.C. 1.7(b). The Office of Smart Growth shall hold a public hearing in an appropriate jurisdiction to receive testimony on the advanced petition with public notice provided pursuant to N.J.A.C. 5:85-1.7(b) if it 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 providing public notice pursuant to (c) above that a completed advanced petition has been submitted.

(f) The Executive Director of the Office of Smart Growth may request additional information and, at the discretion of the Executive Director, the **90 day** review period set forth in N.J.A.C. 5:85-7.9(a) may be extended for an additional 45 days after receipt of the **requested** information. Public notice of any such extension shall be provided to the petitioner, to those interested persons and organizations who have registered with the Office of Smart Growth in accordance with [to] N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.

5:85-7.9 Determination of the Executive Director and State Planning Commission

(a) In cases where the Executive Director determines that the **advanced [final]** petition 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 petitioner's plan along with the proposed

Planning and Implementation Agreement are [is] consistent with the State Development and Redevelopment Plan and the Plan Endorsement Contract. [, t] The Executive Director shall prepare a report containing detailed findings and conclusions concerning the consistency of the advanced [final] petition and the proposed Planning and Implementation Agreement with the State Development and Redevelopment Plan. The Executive Director shall provide notice of the report pursuant to N.J.A.C. 5:85-1.7(h) and forward the report to the petitioner, the State Planning Commission and post on the Office of Smart Growth website. If the Executive Director determines the petitioner's plan and proposed Planning and Implementation Agreement are [a final petition is] consistent with the State Development and Redevelopment Plan and the Plan Endorsement Contract, the Executive Director shall recommend that the advanced petition be approved by the State Planning Commission [determine whether the proposed Planning and Implementation Agreement and schedule will ensure that the plan is consistent with the State Development and Redevelopment Plan and if necessary, recommend any revisions to the proposed Planning and Implementation Agreement and schedule that will ensure consistency]. If the Executive Director determines the petitioner's plan and proposed Planning and Implementation Agreement are [a final petition 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 petitioner's plan and proposed Planning and Implementation Agreement [final petition] consistent with the State Development and Redevelopment Plan and the Plan Endorsement Contract or recommend that the advanced petition be denied by the State Planning Commission.

(b) In cases where the Executive Director fails to submit a recommendation to the State Planning Commission concerning an advanced petition that has been determined to have been submitted pursuant to this subchapter within the 90 day time period set forth in (a) above, the petitioner may request that the State Planning Commission take action on the advanced petition.

(c) [(b)] The State Planning Commission and any [, or its] duly authorized subcommittee, shall review the Executive Director's determination that the advanced [final] petition is complete and the determination as to whether the petitioner's plan and proposed Planning and Implementation Agreement are [final petition is] consistent with the State Development and Redevelopment Plan and the Plan Endorsement Contract. Within 60 days after receipt of the recommendation, the State Planning Commission shall affirm, revise or reverse the Executive Director's determination on [of] the advanced [final] petition. based on its determination whether the petitioner's plan and proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan and the Plan Endorsement Contract. If the Executive Director fails to submit a recommendation to the State Planning Commission concerning an advanced petition that has been determined to have been submitted pursuant to this subchapter within the 90 day time period set forth in (a) above and a petitioner requests that the State Planning Commission take action on the advanced petition pursuant to (b) above; the State Planning

Commission and any duly authorized subcommittee shall review the Executive Director's determination that the advanced petition is complete and the petitioner's plan and proposed Planning and Implementation Agreement and determine whether they are consistent with the State Development and Redevelopment Plan. The State Planning Commission shall take action on the advanced petition within 90 days after receipt of the request from the petitioner that State Planning Commission review the initial petition. If the State Planning Commission determines that the advanced petition has been submitted in accordance with this subchapter and the petitioner's plan and proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan and Plan Endorsement Contract, the State Planning Commission shall approve the advanced petition and authorize execution of the Planning and Implementation Agreement. If the State Planning Commission determines the advanced petition is complete and the petitioner's plan and proposed Planning and Implementation Agreement are inconsistent with the State Development and Redevelopment Plan or the Plan Endorsement Contract, the State Planning Commission shall either make the necessary changes so that the petitioner's plan and proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan and the Plan Endorsement Contract or deny the initial petition.

[(c) If the State Planning Commission determines that the final petition is consistent with the State Development and Redevelopment Plan, the State Planning Commission, or its duly authorized subcommittee, shall also review the determination of the Executive Director concerning the Planning and Implementation Agreement and schedule. Within 60 days after receipt of the recommendation, the State Planning Commission shall affirm, revise or reverse the Executive Director's determination on the petitioner's Planning and Implementation Agreement.]

(d) The Executive Director of the Office of Smart Growth shall, within 30 days after State Planning Commission action as set forth in [(b) or] (c) above, notify the petitioner in writing of the State Planning Commission's determination, findings and recommendations regarding the advanced [final] petition.

(e) Within 45 days of the State Planning Commission determining whether the petitioner's advanced [final] petition is complete and consistent with the State Development and Redevelopment Plan and the Plan Endorsement Contract, the Executive Director of the Office of Smart Growth shall provide notice of said determination pursuant to N.J.A.C. 5:85-1.7(i).

5:85-[7.8]7.10 Extension of time requirements

[(a)] The **Executive** Director of the Office of [State Planning] **Smart Growth** may extend, up to **an additional** 60 days, the time allowed for certain actions under this subchapter in the event that the number of requests for **initial and advanced [final]** plan endorsement [and/or] **or** amendments thereto exceeds the resources of

the Office of [State Planning] **Smart Growth** 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 in accordance with [to] N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.**

[(b) The Director of the Office of State Planning notify petitioners and/or county representatives of any extension of time periods resulting from (a) above.]

5:85-[7.9]7.11 Period of endorsement

(a) [Except as provided under N.J.A.C. 5:85-[7.11]7.13, plan endorsement of any municipal plan shall be] [for a period of six years and] **[valid until the next reexamination of the municipal master plan as required pursuant to N.J.S.A. 40:55D-89 and shall remain valid while any timely petition for plan endorsement or amendment to an existing endorsed plan made based on such a reexamination report is pending before the State Planning Commission.]** Except as provided under N.J.A.C. 5:85-7.13, **initial or endorsement advanced endorsement** of any [county and regional] plan[s] shall be for 10 years [or until [readoption of the] **three years after the next Final State Development and Redevelopment Plan is adopted by the State Planning Commission after (the effective date of these rules),** whichever comes first].

(b) Except as provided under N.J.A.C. 5:85-[7.11]7.13, State Planning Commission approvals of [existing] endorsed urban complex strategic revitalization plans[,] **and** corridor plans, **including any centers, cores or nodes designated therein,** [and designated centers] **approved prior to January 7, 2002** shall [be] **remain endorsed** for a period [as provided under (a) above,] **of 10 years** from January 7, 2002. **Except as approved in an endorsed plan, [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.**

(c) The State Planning Commission automatically endorses those portions of municipalities **in the Pinelands area** certified by the Pinelands Commission as conforming to the Pinelands Comprehensive Management Plan as long as the Pinelands Commission, [certifies the]**certification for that municipality remains in effect.**

(d) Except as provided under N.J.A.C. 5:85-[7.11]7.13, [jurisdictions with designated centers, received in petitions before March 1, 2001, approved under N.J.A.C. 5:85-8, after map amendments adopted on anticipated date by the State Planning Commission] **centers designated after January 7, 2002 and prior to July 1, 2004, other than centers designated in an endorsed plan,** shall be [in effect as provided in (a) above] **designated for a period of six years** from the date of designation by the State Planning Commission **or until three years after the next Final State Development and Redevelopment Plan adopted by the State Planning Commission after (the effective date of these rules),** whichever comes first.

5:85-[7.10]7.12 Monitoring of endorsed plans and **previously** designated centers

(a) The **Executive Director** of the Office of [State Planning] **Smart Growth** shall periodically monitor the status and progress of endorsed plans[,] [and] [**previously** designated centers,] and the [plan endorsement agreement and/or planning implementation agenda] **Planning and Implementation Agreement** and previously designated centers and the Planning and Implementation Agenda during the term of plan endorsement [and/or] **or prior** center designation and forward all reports to the State Planning Commission.

(b) Municipalities, counties or regional agencies with endorsed plans [and/or] **or previously** designated centers [approved under this subchapter or under N.J.A.C 5:85-8 prior to map amendments adopted on anticipated date by the State Planning Commission] shall [be required to] provide reports, biennially or within six months after adoption of a [significant] new or significantly revised plan, reexamination report, land use ordinance or regulation that deviates from the adopted master plan, significantly revised capital improvement programs, new or significantly revised zoning map or zoning schedule or other program submitted as part of the petition for plan endorsement is adopted, to the **Executive Director** of the Office of [State Planning] **Smart Growth** and the general public on the status of their [plan endorsement agreement and/or planning and implementation agenda] **Planning and Implementation Agreement** efforts. The report submitted to the **Executive Director** shall also include copies of any revisions to the petitioner's plan, reexamination reports, [land [development] use ordinances and regulations,] Board of Adjustment **annual** reports, **capital improvement programs or other programs submitted as part of the petition for plan endorsement**, or other implementation measures adopted since plan endorsement [and/or] **or prior** center designation by the State Planning Commission or the last report submitted and, in the report, how these items are consistent with the State Development and Redevelopment Plan, the [guidelines for plan endorsement adopted by the State Planning Commission and the] endorsed plan[, including plans of designated centers,] and the terms of [a plan endorsement agreement and/or planning and implementation agenda] **the Planning and Implementation Agreement**. If the State Development and Redevelopment Plan has been readopted by the State Planning Commission since a plan was endorsed, the next biennial report scheduled to be filed by the petitioner at least 6 months following said readoption shall address whether there are any changes in the readopted State Development and Redevelopment Plan that impact on the endorsed plan. If any such changes are identified, the petitioner shall describe in detail either how the endorsed plan and Planning and Implementation Agreement are consistent with the readopted State Development and Redevelopment Plan or the changes that will be made in the endorsed plan or Planning and Implementation Agreement so that they will be consistent with the readopted State Development and Redevelopment Plan.

(c) If a complaint is received by the Office of [State Planning] **Smart Growth** or the State Planning Commission of failure to comply with the terms of an endorsed plan or the Planning and Implementation Agreement or, [including plans of designated centers, plan endorsement agreement or planning and implementation agenda] **prior center designations or Planning and Implementation Agenda [Agreement]**, the

Executive Director of the Office of [State Planning] **Smart Growth** shall investigate and report to the State Planning Commission. Public notice of any such complaint and any report by the Executive Director shall be provided to the petitioner, to those interested persons and organizations who have registered with the Office of Smart Growth in accordance with N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.

5:85-[7.11]7.13 Revocation of plan endorsement [and/or] **or prior** center designation

(a) If at any time 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 [endorsed plan and/or designated center, planning and implementation agenda or plan endorsement] **Planning and Implementation Agreement or Planning and Implementation Agenda** so that its endorsed plan[, and/or] **or previously** designated center are [, may be] inconsistent with the [guidelines for plan endorsement adopted by the State Planning Commission, and the endorsed plan, plans of the designated centers, or the terms of a plan endorsement agreement and/or planning and implementation agenda] **State Development and Redevelopment Plan**, the **Executive** Director shall prepare and forward a monitoring report to the State Planning Commission recommending that plan endorsement [and/or] **or prior** center designation be revoked [and, where appropriate, the plan endorsement agreement invalidated] and shall inform the petitioner, county representatives and the State Planning Commission in writing of the reasons therefore. If the **Executive** Director recommends revocation of plan endorsement or center designation, notice of said recommendation shall be [published in the New Jersey Register and posted on the Office of State Planning web site] **made pursuant to N.J.A.C. 5:85-1.7(h).**

(b) Prior to the **Executive** Director recommending that plan endorsement [and/or] **or prior** center designation be revoked, the Office of [State Planning] **Smart Growth** shall hold a public hearing in the jurisdiction to receive testimony on the status and progress of the jurisdiction's implementation of the endorsed plan [and/or] **or previously** designated center. Notice of this hearing shall be provided by the **Executive** Director of the Office of [State Planning] **Smart Growth** in accordance with N.J.A.C. 5:85-[7.5(f)]1.7(b). Copies of the 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.

(c) Notice that [of possible action by] the State Planning Commission[,] or its duly authorized subcommittee[, to] will consider the monitoring report of the **Executive** Director of the Office of [State Planning] **Smart Growth** shall be provided by the **Executive** Director of the Office of [State Planning through a press release to two newspapers of general circulation within the municipality, county or region and on the Office of State Planning website 14 days before the meeting. Ten days before the meeting, the Office shall publish a display ad in one of the newspapers of general circulation] **Smart Growth pursuant to N.J.A.C. 5:85-1.7(b).**

(d) Within 60 days of the issuance of the monitoring report by the **Executive Director**, the State Planning Commission[, or its duly authorized subcommittee,] shall review the report of the **Executive Director** [and the basis of findings and recommendations,] and the State Planning Commission [may act to] **shall affirm**, [amend or revoke plan endorsement and/or center designation] **revise, or reverse the Executive Director's report as to whether the endorsed plan or prior center designation shall be revoked** based on its determination of whether the endorsed plan or prior center designation remains consistent with the State Development and Redevelopment Plan.

(e) The **Executive Director** of the Office of [State Planning] **Smart Growth** shall, within 30 days after State Planning Commission action, as set forth in (d) above, notify the petitioner whose endorsed plan or previously designated center was the subject of the action [and county representatives in writing] of the **State Planning Commission's** determination and [,] findings [and recommendations] regarding the review of the monitoring report on the endorsed plan, [and/or] **or previously** designated center, and the [plan endorsement agreement and/or planning and implementation agenda] **Planning and Implementation Agreement. The Executive Director of the Office of Smart Growth shall place notice of said determination pursuant to N.J.A.C. 5:85-1.7(i).**

[(f) Notice of the action by the State Planning Commission shall be provided in accordance with N.J.A.C. 5:85-7.6(g).]

5:85-[7.12]7.14 Petitions to amend endorsed plans, [plan endorsement agreements, and/or planning and implementation agendas, or seeking minor map amendments] **previously designated centers, [or] Planning and Implementation Agreements or Planning and Implementation Agendas**

[(a) Petitions to amend endorsed plans, plan endorsement agreements, and/or planning and implementation agenda shall be submitted to the State Planning Commission and Director of the Office of State Planning, who shall serve as agent for the State Planning Commission in the administration of this subchapter.]

[(b).](a) Petitions to amend [an] endorsed plans, [plan endorsement agreements, and/or planning and implementation agenda, plan endorsement agreements, and or planning implementation agenda of an endorsed plan] **previously designated centers, [or] Planning and Implementation Agreements or Planning and Implementation Agendas** may be submitted by the original petitioner [a county, municipality, regional, or State agency], but only during the biennial reporting of the status and progress of the [planning and implementation agenda and plan endorsement agreement] **Planning and Implementation Agreement or Planning and Implementation Agenda**, unless **either the endorsement period for the endorsed plan will end in less than two years or it can be demonstrated that, for special reasons, the proposed amendment cannot await the next biennial reporting.**

[(c)](b) A petition to amend an endorsed plan, [plan endorsement agreements, and/or planning and implementation agenda, plan endorsement agreements, and or planning implementation agenda of an endorsed plan] **or a previously designated center, [or] a Planning and Implementation Agreement or Planning and Implementation Agenda** shall include, at a minimum:

1. ~~(No change.)~~ A Plan Endorsement Application form, prepared by the Office of Smart Growth, fully completed and signed by the petitioner or a duly authorized official, representing the petitioner [The petitioner's name, address, and telephone number, including the same information for the registered agent, if any, who will present the petition, with proof of authorization];

2. A statement updating the petitioner's latest biennial report if the petition amendment is not being proposed as part of a biennial report;

[2.]**3. A list of the documents being submitted** [A statement describing the petitioner's interest in the endorsed plan,] [plan endorsement agreements, and/or planning and implementation agenda] [**previously designated centers, or Planning and Implementation Agreements**, including at a minimum, its public policy (planning] [and/or] [**or regulatory**) interests];

[3.]**4.** A statement describing:

- i. How the amendment promotes local, regional and State goals and objectives;
- ii. How the amendment will impact public sector decisions; [and]
- iii. The reason(s) why the amendment cannot await the next [biennial reporting] **revision of the State Development and Redevelopment Plan; and**
- iv. The reason(s) why the amendment is not being proposed as part of a biennial report if the amendment is not being proposed as part of a biennial report;**

[4.]**5.** A report describing:

- i. How the proposed amendment is consistent with the [guidelines for plan endorsement adopted by the State Planning Commission and the endorsed plan] **State Development and Redevelopment Plan; and**

(1) How the amendment helps the municipality, county, regional and State agencies achieve consistency with the State Development and Redevelopment Plan and the endorsed plan **or previously designated centers; or**

(2) Why the current [endorsed plan, plan endorsement agreement and/or the planning and implementation agenda] **Planning and Implementation Agreement or Planning and Implementation Agenda** item that is proposed to be changed cannot be implemented **and why the proposed change to the Planning and Implementation Agreement or Planning and Implementation Agenda will accomplish the same purpose as well or better as original agreement or agenda;**

[5.]6. Copies of the minutes of each [the] public meeting at which [where] the [resolution to] petition to amend the endorsed plan, [plan endorsement agreement and/or planning and implementation agenda] previously designated centers, [or] Planning and Implementation Agreement or Planning and Implementation Agenda was reviewed and of the meeting at which the resolution endorsing the amendment petition was approved. The minutes shall include a summary of public comments and copies of written comments filed before or at the public meeting; [and]

[6.]7. Ten copies, and one electronic copy, of the petitioner's proposed amendment[.]; **[and]**

8. 8.—Proof that notice of the submission of the amendment petition to the State Planning Commission and the Executive Director of the Office of Smart Growth has been provided pursuant to [the public notification requirements of] N.J.A.C. 5:85-1.7(d) or (f); [have been met.]

9. A narrative description of public participation and planning coordination efforts used to prepare and submit the amendment petition;

10. A certified resolution from each governing body that is impacted by the proposed amendment endorsing the amendment petition being submitted and designating the official of the municipality, county or regional agency to submit the petition and execute any requested or required amendment to the existing Planning and Implementation Agreement or Planning and Implementation Agenda; and

11. If any changes to the State Plan Policy Map are proposed, the current and proposed State Plan Policy Map 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 and as provided in the Plan Endorsements Guidelines established by the State Planning Commission;

[(d) Municipalities shall provide public notice of their filing of a proposed amendment in two newspapers of general circulation within the municipality or one newspaper and the petitioner's website, if available, prior to their submission of the proposed amendment. Notice shall also be sent to the petitioning municipality's planning board, environmental commission, utilities authority, board of education and other boards and authorities as appropriate, to the governing body and planning board of the county within which the municipality is located and to the governing bodies and planning boards of adjoining counties and municipalities.

(e) Counties shall provide public notice of their filing of a proposed amendment in two newspapers of general circulation within the county or one newspaper and the petitioner's website, if available, prior to their submission of a proposed amendment. Notice shall also be sent to the petitioning county's planning board, utilities authority, improvement authority, economic development commission or department, and other boards and authorities as appropriate, to the governing bodies, environmental

commissions, boards of education and planning boards of all municipalities within the subject county and to the governing bodies and planning boards of adjoining counties and municipalities counties.

(f) Regional agencies shall provide public notice of their filing of a proposed amendment in two newspapers of general circulation or one newspaper and the petitioner's website, if available within their jurisdiction. Notice shall also be sent to the governing bodies and planning boards of all municipalities and counties, utilities authorities, improvement authorities, economic development commissions or departments, and other boards and authorities as appropriate, within the agency's jurisdiction and to the governing bodies, environmental commissions and boards of education and planning boards of adjoining counties and municipalities.

(g) Proper authorization and endorsement for a municipality, county or regional agency, shall include a resolution of the governing body authorizing submission of the petition.

(h) The Director shall publish notice of the petition in the New Jersey Register, put notice of the petition on the Office of State Planning website and post a summary of the petition on the website. This action should provide notice to individuals or organizations that they may register to receive future notices of hearings, copies of modifications and actions on the petition.

(i) The Director shall, after consultation with all the parties to a plan endorsement agreement, complete a review of a petition to amend an endorsed plan, plan endorsement agreement and/or planning and implementation agenda and prepare a determination and findings regarding the degree to which the subject amendment is consistent with the guidelines for plan endorsement adopted by the State Planning Commission and the endorsed plan.

(j) The Director shall forward the determination, findings and recommendations to the State Planning Commission, the petitioner and parties to the plan endorsement agreement.

(k) The State Planning Commission, or its duly authorized subcommittee, may, at its discretion, review the determination, findings and recommendations of the Director of the Office of State Planning regarding amending the endorsed plan, plan endorsement agreement and/or planning and implementation agenda. The Commission, or its duly authorized subcommittee, shall declare its intention to review the Director's determination within 30 days of its receipt of the Director's report pursuant to (e) above.

(l) If the Commission, or its duly authorized subcommittee, does not declare its intention to review the Director's findings and recommendations within the 30-day period, the Director's determination shall stand.

(m) If the Commission, or its duly authorized subcommittee, decides to review the determination of the Director, within 60 days of its decision, the State Planning

Commission may act to affirm, revise or reverse the determination, findings and recommendations of the Director.

(n) The Director of the Office of State Planning shall, within 30 days after State Planning Commission action, or nonaction, as set forth in (l) or (m) above, notify the petitioner and parties to the plan endorsement agreement in writing of the Commission's determination, findings and recommendations regarding the amendment to the endorsed plan, plan endorsement agreements, and/or planning and implementation agenda and shall issue a notice pursuant to N.J.A.C. 5:85-7.6(g).

(o) Counties, municipalities and regional agencies with endorsed plans desiring minor map amendments shall follow the procedures established under N.J.A.C. 5:85-8.7.]

(c) Within 60 days of the receipt of the petition to amend an endorsed plan, a previously designated center, [or] a Planning and Implementation Agreement or a Planning and Implementation Agenda, the Executive Director of the Office of Smart Growth shall inform the petitioner and the State Planning Commission, in writing, whether the petition [to amend an endorsed plan or a previously designated center or a Planning and Implementation Agreement] is complete and complies with this subchapter.

(d) In cases where the Executive Director of the Office of Smart Growth finds that the petition to amend an endorsed plan, a previously designated center, [or] a Planning and Implementation Agreement or a Planning and Implementation Agenda 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 amendment [petition to amend an endorsed plan, a previously designated center, or a Planning and Implementation Agreement] of the deficiencies in the petition. [If the petitioner resubmits a corrected petition to amend an endorsed plan, a previously designated center, or a Planning and Implementation Agreement, notice shall be provided in accordance with N.J.A.C. 5:85-1.7(d) or (f).] If a corrected petition to amend an endorsed plan, a previously designated center, or a Planning and Implementation Agreement is not resubmitted within 90 days after receipt of the Executive Director's notice, or is resubmitted incorrectly, the petition to amend an endorsed plan, a previously designated center, [or] a Planning and Implementation Agreement or a Planning and Implementation Agenda 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 amendment petition [to amend an endorsed plan, a previously designated center, or a Planning and Implementation Agreement] is submitted in accordance with N.J.A.C. 5:85-7.14(a) and (b). [The petitioner shall provide n[Notice of any such withdrawal shall be provided by the Office of Smart Growth to those interested persons and organizations who have registered with the Office of Smart Growth in accordance with N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website [in accordance with N.J.A.C. 5:85-1.7(d) or (f)].

(e) In cases where the Executive Director of the Office of Smart Growth finds that the petition to amend an endorsed plan, a previously designated center, [or] a Planning and Implementation Agreement or a Planning and Implementation Agenda is submitted in accordance with this subchapter, or is resubmitted correctly pursuant to (b) above, the Executive Director shall provide public notice in accordance to N.J.A.C. 5:85-1.7(h) and send copies of the petition, plan(s) and supporting documents to the State agencies represented on the State Planning Commission and any other relevant State or Federal agency.

(f) The relevant State and Federal agencies receiving copies of the petition to amend an endorsed plan, a previously designated center, [or] a Planning and Implementation Agreement or a Planning and Implementation Agenda pursuant to (e) above shall provide comments to the Executive Director within 45 days.

(g) Within the State and Federal agency 45-day review period, the Office of Smart Growth may [shall] hold a public hearing in an appropriate jurisdiction to receive testimony on the amendment petition with public notice provided pursuant to N.J.A.C. 5:85-1.7(b). The Office of Smart Growth shall hold a public hearing in an appropriate jurisdiction to receive testimony on the amendment petition with public notice provided pursuant to N.J.A.C. 5:85-1.7(b) if it 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 providing public notice pursuant to (c) above that a completed amendment petition has been submitted.

(h) The Executive Director of the Office of Smart Growth may request additional information and, at the discretion of the Executive Director, the 90 day review period set forth in (i) below 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 in accordance with [to] N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.

(i) In cases where [T]the Executive Director determines that [shall, after consultation with all the parties complete a review within 90 days of] a petition to amend an endorsed plan, a previously designated center, [or] a Planning and Implementation Agreement or a Planning and Implementation Agenda 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 [and prepare a determination and findings regarding the degree to which] the [subject] amendment petition is consistent with the State Development and Redevelopment Plan. The Executive Director shall prepare a report containing detailed findings and conclusions concerning the consistency of the amendment petition with the State Development and Redevelopment Plan. The Executive Director shall provide notice of the report pursuant to N.J.A.C. 5:85-1.7(h) and

forward the report [determination, findings and recommendations] to the State Planning Commission, the petitioner and post the report on the Office of Smart Growth website [any other parties to an endorsed plan, a previously designated center or a Planning and Implementation Agreement]. If the Executive Director determines that the amendment petition is consistent with the State Development and Redevelopment Plan, the Executive Director shall recommend that the amendment petition be approved by the State Planning Commission. If the Executive Director determines that the amendment petition 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 amendment petition consistent with the State Development and Redevelopment Plan or recommend that the amendment petition be denied by the State Planning Commission.

(j) In cases where the Executive Director fails to submit a recommendation to the State Planning Commission concerning an amendment petition that has been determined to have been submitted pursuant to this subchapter within the 90 day time period set forth in (i) above, the petitioner may request that the State Planning Commission take action on the initial petition

(k)(j) The State Planning Commission and any [, or its] duly authorized subcommittee, shall review the determination of the Executive Director that the amendment petition is complete and the determination as to whether [concerning] the petition to amend an endorsed plan, a previously designated centers, [or] a Planning and Implementation Agreement or a Planning and Implementation Agenda is consistent with the State Development and Redevelopment Plan. Within 60 days after receipt of the recommendation, the State Planning Commission shall affirm, revise or reverse the Executive Director's determination on the amendment [petitioner's the] petition based on its determination whether the amendment petition is consistent with the State Development and Redevelopment Plan [to amend an endorsed plan, a previously designated center, or a Planning and Implementation Agreement]. If the Executive Director fails to submit a recommendation to the State Planning Commission concerning an amendment petition that has been determined to have been submitted pursuant to this subchapter within the 60 day time period set forth in (i) above and a petitioner requests that the State Planning Commission take action on the initial petition pursuant to (j) above; the State Planning Commission and any duly authorized subcommittee shall review the Executive Director's determination that the amendment petition is complete and the amendment petition and determine whether it is consistent with the State Development and Redevelopment Plan. The State Planning Commission shall take action on the initial petition within 90 days after receipt of the request from the petitioner that State Planning Commission review the amendment petition. If the State Planning Commission determines that the amendment petition has been submitted in accordance with this subchapter and the amendment petition is consistent with the State Development and Redevelopment Plan, the State Planning Commission shall approve the amendment petition. If the State Planning Commission determines the amendment petition is complete and the amendment petition

is inconsistent with the State Development and Redevelopment Plan, the State Planning Commission shall either make the necessary changes so that the amendment petition is consistent with the State Development and Redevelopment Plan or deny the amendment petition.

(l)(k) The Executive Director of the Office of Smart Growth shall, within 30 days after State Planning Commission action as set forth in **(k)(j)** above, notify the petitioner in writing of the State Planning Commission's determination, findings and recommendations regarding the **amendment** petition **[to amend an endorsed plan, a previously designated center, or a Planning and Implementation Agreement]**.

(m)(l) Within 45 days of the State Planning Commission determining whether the petitioner's petition to amend an endorsed plan, or a previously designated center, **[or]** a Planning and Implementation Agreement **or a Planning and Implementation Agenda** is complete and consistent with the State Development and Redevelopment Plan, the Executive Director of the Office of Smart Growth shall **provide public [place]** notice of said determination pursuant to N.J.A.C. 5:85-1.7(i).

5:85 –[7.14]7.15 State agency [functional plans] **procedures for Plan Endorsement** [(Reserved)]

(a) Each State agency member of the State Planning Commission, and any other state agency at the request of the State Planning Commission or the Executive Director of the Office of Smart Growth, shall prepare a list of procedural or substantive regulatory **benefits [provisions]** that will only apply within an area that is subject of an initial **or advanced [and final]** petition for plan endorsement that has been endorsed by the State Planning Commission. Each list shall specify the regulatory differences that will take effect once an initial petition for plan endorsement has been endorsed by the State Planning Commission pursuant to N.J.A.C. 5:85-7.6 and those regulatory differences that will take effect once **an advanced [the final]** petition has been endorsed by the State Planning Commission pursuant to N.J.A.C. 5:85-7.9. **The list of regulatory benefits that will be available when an advanced petition for plan endorsement is approved shall specify what information needs to be included in the advanced petition in order for each such benefit to take effect.** The regulatory **benefits [differences]** that are identified shall be designed to promote implementation of an endorsed plan. **The regulatory benefits may be limited so that they only apply within portions of the area covered by an endorsed plan if such limitation will better implement the endorsed plan. The list of regulatory benefits shall specify those benefits that only apply in limited areas and the extent and reasons for those limits.** Each such State agency shall **undertake to make any [the]** necessary regulatory changes to implement those **benefits it has identified [different regulatory provisions]**. **Where appropriate, the agency shall identify and recommend necessary statutory amendments that would enable it to**

provide additional benefits that would facilitate the implementation of endorsed plans.

(b) Each State agency member of the State Planning Commission, and any other state agency at the request of the State Planning Commission or the Executive Director of the Office of Smart Growth, shall prepare a list of funding programs that will either be eligible for [receive] higher priority or only be available within an area that is subject of a initial or advanced [and final] petition for plan endorsement that has been approved [endorsed] by the State Planning Commission. Each list shall specify the funding eligibility differences that will take effect once an initial petition for plan endorsement has been endorsed by the State Planning Commission pursuant to N.J.A.C. 5:85-7.6 and those funding eligibility differences that will take effect once an advanced [the final] petition has been endorsed by the State Planning Commission pursuant to N.J.A.C. 5:85-7.9. The list of funding benefits that will be available when an advanced petition for plan endorsement is approved shall specify what information needs to be included in the advanced petition in order for each such benefit to take effect. The differences in funding eligibility that are identified shall be designed to promote implementation of an endorsed plan. The funding benefits may be limited so that they only apply within portions of the area covered by an endorsed plan if such limitation will better implement the endorsed plan. The list of funding benefits shall specify those benefits, which only apply in limited areas and the extent and reasons for those limits. Each such State agency shall undertake any [make the] necessary [programmatic funding] changes to implement those different funding provisions it has identified. Where appropriate, the agency shall identify and recommend necessary statutory amendments that would enable it to provide additional funding benefits that would facilitate the implementation of endorsed plans.

(c) The Office of Smart Growth shall compile and maintain an updated list of all State agency benefits and make the list available to prospective petitioners seeking plan endorsement.

SUBCHAPTER 8 [AMENDMENT OF] THE STATE PLAN POLICY MAP

5:85-8.1 State Plan Policy Map

(a) The official map of the State Development and Redevelopment Plan is entitled the "State Plan Policy Map" [(SPPM) and is comprised of a series of maps [corresponding to the 1:24,000 scale United States Geological Survey (U.S.G.S.) 7.5 minutes topographic quadrangle maps comprising] **encompassing** the geographic area of the State of New Jersey.

(b) Each said quadrangle map is labeled "SPMM " and reflects at a minimum the following State Planning Commission approved delineations and information:

1. Planning areas;
2. Endorsed plans;
3. Identified, proposed or designated centers;
4. Center boundaries;
5. Cores and Nodes;
6. Critical environmental sites and historic and cultural sites;
7. Parks and natural areas;
8. Military installations; and
9. The certification signature, and appropriate initialing of revisions, if any, by the Secretary of the Commission.]

(c)(b) Any other graphic representation, at any scale, of delineations and other pertinent data contained on the State Plan Policy Map that is included in the State Development and Redevelopment Plan or any other document, is for illustrative purposes only and is not to be considered the official map of the State **Development and Redevelopment** Plan as outlined in (a) [and (b)] above.

5:85-~~8.2 Purpose~~8.2 Purpose

[(a)] In most cases, the State Plan Policy Map reflects the intergovernmental consensus arrived at during the cross-acceptance process. While the cross-acceptance process [provided] **provides** sufficient data, coordination and dialogue to prepare the State Plan Policy Map, new research, conditions and events may also suggest appropriate changes to the State Plan Policy Map. The purpose of this subchapter, therefore, is to create a process for amending the State Plan Policy Map after adoption of the State Development and Redevelopment Plan in order to accommodate such newly discovered or newly important conditions, situations or knowledge that emerge as the State Plan is applied by State and regional agencies, as well as [to update the State Plan Policy Map as progress is made by] municipalities and counties [in their own planning, beyond cross-acceptance, for consistency with the State Development and Redevelopment Plan]. In addition, it is necessary to address [future conditions (]planning area changes [**including** [and [designated] **designation of centers, cores and nodes** [)] that evolve through the plan endorsement process. [It is the intention of

the State Planning Commission to endorse consistent plans and to enter into plan endorsement agreements with local governments and State agencies for incorporation into future State agency policy decisions.]

[(b) It is not the purpose of this process to provide for amendments to the State Plan Policy Map to reflect, or "validate," land use changes or to serve as a legal basis for making such changes. There is no site specific change of land use that is inherently inconsistent with the State Plan. To the extent that such a change of use may be inconsistent with another public entity's plan, code, ordinance or regulation formulated to be consistent with the State Plan, and as a result be disapproved by that entity, resolution of the issue resides with that public entity and the interested or aggrieved party.

(c) Individuals, organizations and State agencies considering submitting a petition to the State Planning Commission to amend the State Plan Policy Map are encouraged to submit petitions for a letter of clarification pursuant to N.J.A.C. 5:85-6, where the petition to amend may involve a clarification of a provision of the State Development and Redevelopment Plan relative to the geographic area in question.]

5:85-8.3 [Eligibility] Map amendments

(a) [The] **Except [F]for areas that are [not] 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, [and] 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. [The] **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. 5:85-1.7(b).****

(b) Any [State agency, county or municipal governing body, and private citizen or organization may submit a petition to the State Planning Commission to amend the State Plan Policy Map] **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 N.J.A.C. 5:85-7.**

(c) [Municipalities, counties and regional agencies without endorsed plans pursuant to N.J.A.C. 5:85-7 may not petition for a map amendment under this subchapter unless the map amendment meets the criteria established for a minor map amendment. For minor map amendments, the procedures established under this subchapter shall apply. For any other map amendment, the procedures established by N.J.A.C. 5:85-7 shall apply] **Any other entity may submit a petition for an amendment to the State**

Plan Policy Map provided that the concerned area is not subject of an endorsed plan.

[(d) The State Planning Commission may consider the following petitions:

1. Petitions to amend planning areas supported by new or updated capacity based planning information, as defined in the State Development and Redevelopment Plan, that would realign the boundary(ies) of planning areas;

2. Petitions to amend centers supported by new or updated capacity based planning information, as defined in the State Development and Redevelopment Plan, that:

- i. De-designate, or otherwise eliminate, a center that was identified, proposed or designated in the State Plan; or
- ii. Delineate, or adjust the delineation of, a "center boundary" of an existing designated center(s);

3. Petitions to include new critical environmental sites or historic and cultural sites on, or modify or remove existing critical environmental sites or historic and cultural sites from, the State Plan Policy Map based on new information related to the criteria for such sites found in the State Development and Redevelopment Plan;

4. Petitions to include parks, natural areas and military installations or modify or remove parks, natural areas and military installations from, the State Plan Policy Map based on new information related to the criteria for such sites found in the State Development and Redevelopment Plan; and

5. Petitions to amend, modify or eliminate cores and nodes in an endorsed plan].

5:85-[8.5]**8.4** Procedures

(a) Petitions to amend the State Plan Policy Map shall be submitted to the **Executive Director** of the Office of [State Planning] **Smart Growth**, who shall serve as agent for the State Planning Commission in the administration of [these rules] **this subchapter**. Ten copies and one electronic copy of the proposed map amendment petition documentation required under (b)[3]1 and [4][6]18 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 [petitioner's] interest **of the entity or individual submitting the petition** in the land area under consideration, including, at a minimum:

i. For a State agency [public entity], its public policy (planning [and/~~or~~or] or regulatory) interests; **and**

ii. For an **entity or an** individual [or organization], his, her 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 in the next three years regarding the use of the property; [and]

3. A statement describing:

i.-ii. (No Change.)

iii. The reason(s) why the amendment cannot await the [triennial revision] **next revision** of the State Development and Redevelopment Plan; [and]

4. A report describing:

i. [(No change.)] How the proposed amendment is consistent with the provisions of the State Development and Redevelopment Plan and any adjoining municipal, county or regional plan endorsed by the State Planning Commission, citing the pertinent provisions in each plan; and

ii. How the **proposed** amendment helps each [the] municipality, county and regional agency[ies] impacted by the proposed amendment achieve consistency with the State Development and Redevelopment Plan, and any adjoining municipal, county or regional plan endorsed by the State Planning Commission;

[5. Copies of the minutes for the public meeting where the map amendment petition resolution was reviewed and of the meeting at which, it was approved. The minutes shall include a summary of public comments and copies of written comments filed before, or presented at, the public meeting;]

[6.]**5. The current and proposed State Plan Policy Map [B]**boundaries [of current and proposed SPPM planning areas, centers, cores, nodes, critical environmentally sites and historic and cultural sites, parks and military installations on municipal zoning maps and] **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 and as provided in [guidelines] **the Plan Endorsements [g]Guidelines** established by the [Office of] State Planning **Commission**;

[7.]**6.** Proper authorization and endorsement as follows:

i. [For a municipality, county or regional agencies, the petition shall include a resolution of the governing body authorizing submission of the petition;

ii.] (No change in text.)

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

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

**7. Documentation that the public notice requirements at N.J.A.C. 5:85-1.7(g)(d) or (f) have been met for the proposed map amendment; and
8. A list of documents being submitted.**

(c) [In cases where the petition to amend the State Plan Policy Map is submitted by an entity other than the municipality or county within which the subject geographic area is located, the] **The Executive** Director of the Office of [State Planning] **Smart Growth** shall forward one copy of the [petition] **proposed map amendment** to the appropriate municipal and county governing [body(ies)] **bodies** and planning board[(s)] for their review and comment. If no comment is received within 90 days after mailing said petition, the municipality and/or county shall be deemed to have no comment on the **proposed map amendment** [entities/individual's] [petitioner's] [request].

(d) If the State Planning Commission initiates a map amendment, the **Executive** Director of the Office of [State Planning] **Smart Growth** shall notify the appropriate municipal and county governing [body(ies)] **bodies** and planning board[(s)] for their review and comment. If no comment is received within 90 days after mailing said notice, the municipality [and/]or county shall be deemed to have no comment on the proposed map amendment. [The Director of the Office of State Planning shall also put notice that the State Planning Commission has resolved to initiate a map amendment on the Office of State Planning web site and in the New Jersey Register. This action should provide notice to individuals or organizations that they may register to receive future notices of hearings, copies of proposed amendments and actions on the proposed amendments].

(e) The Office of [State Planning] **Smart Growth** shall hold a public hearing in an appropriate jurisdiction to receive testimony on the petition or map amendment initiated by the State Planning Commission. Notice of this hearing shall be provided [through a press release to two newspapers of general circulation within the municipality, county or region and on the Office of State Planning website 14 days before the hearing. Ten days before the hearing, the Office shall publish a display ad in one of the newspapers of general circulation. Copies of the 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] **pursuant to N.J.A.C. 5:85-1.7(b)**.

(f) The State Planning Commission may, at its discretion, appoint [one or several] a subcommittee[s] to hear and review [petitions and] **proposed** map amendments, **including those** initiated by the State Planning Commission. [Except as provided otherwise in this subchapter,] [only] **Only** the **State Planning** Commission may act on a **proposed map amendment** petition.

(g) Upon receipt of a complete petition, the Director of the Office of State Planning shall put notice of the petition on the Office of State Planning website and in the New Jersey Register and post a summary of the petition on the website. This action

should provide notice to individuals or organizations that they may register to receive future notices of hearings, copies of modifications and actions on the petition.

(h) The Director of the Office of State Planning shall ensure prompt review of the petition and submit both the petition and the Director's recommendation(s) to the State Planning Commission or its duly authorized subcommittee(s), if any.

(i) All meeting(s) of the State Planning Commission, or its duly authorized subcommittee(s), to consider petitions shall be conducted in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq., and opportunity shall be provided to the public at all said meetings to comment on petition(s) being considered prior to action being taken.

(j) The State Planning Commission or the Director of the Office of State Planning shall consider the complete petition in accordance with this subchapter within a period of 120 days after receipt of the petition, or 210 days in the event a petition is forwarded for municipal or county comment pursuant to (c) above, or in a period of time established pursuant to N.J.A.C. 5:85-8.9].

5:85-8.5 Determination of completeness and period of review

(a) Within 60 days of the receipt of a petition for a proposed map amendment[s], the Executive Director of the Office of Smart Growth 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 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 the proposed map amendment of the deficiencies in the petition. [If the petitioner resubmits a corrected petition for a proposed map amendment, notice shall be provided in accordance with N.J.A.C. 5:85-1.7(d) or (f).] If a corrected petition for a proposed map amendment is not resubmitted within 90 [45] days after receipt of the Executive Director's notice, or is resubmitted incorrectly, the petition for the 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. 5:85-8.4[7.8]. The petitioner shall provide notice of any such withdrawal in accordance with N.J.A.C. 5:85-1.7(g)(d) or (f). Notice of any such withdrawal shall be provided by the Office of smart Growth to those interested persons and organizations who have registered with the Office of Smart Growth in accordance with N.J.A.C. 5:85-1.6(b).

(c) In cases where the Executive Director of the Office of Smart Growth 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. 5:85-1.7(h) and send copies of the petition for proposed map amendments, plan(s) and supporting documents to the State agencies represented on the State Planning Commission and any other relevant State or Federal agency.

(d) The relevant State and Federal agencies receiving copies of the petition for the proposed map amendment pursuant to (c) above shall provide comments to the Executive Director within 45 days.

(e) Within the State and Federal agency 45-day review period, the Office of Smart Growth may [shall] 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. 5:85-1.7(b). The Office of Smart Growth 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. 5:85-1.7(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 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 may request additional information and, at the discretion of the Executive Director, the 90 day review period set forth in N.J.A.C. 5:85-8.6(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 in accordance with [to] N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.

5:85-8.6 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. 5:85-1.7(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 web site. If the Executive Director determines that the petition for the proposed map amendment 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 [a] petition for a proposed map amendment is inconsistent with the State Development and Redevelopment Plan, the Executive Director shall either [may] recommend the necessary changes that should be required by the State Planning Commission to [would] make the proposed map amendment consistent with the State Development and Redevelopment Plan or recommend that the initial petition be denied by the State Planning Commission.

(b) The State Planning Commission and any [,] or its [,] duly authorized subcommittee [,] shall review the Executive Director's determination that the petition for the proposed map amendment is complete and the determination as to whether the petition for the proposed map amendment is consistent with the State Development and Redevelopment Plan. Within 60 days after receipt of the recommendation, the State Planning Commission shall affirm, revise or reverse the Executive Director's determination of the petition for the proposed map amendment based on its determination whether the proposed map amendment petition is consistent with the State Development and Redevelopment Plan.

(c) The Executive Director of the Office of Smart Growth shall, within 30 days after State Planning Commission action as set forth in (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 shall place notice of said determination in the New Jersey Register and provide notice pursuant to N.J.A.C. 5:85-1.7(i).

5:85-[8.9]8.7 Extension of time requirements

[(a)] The **Executive** Director of the Office of [State Planning] **Smart Growth** may extend [for], **up to an additional** 60 days, the time allowed for certain actions under this subchapter in the event that the number of requests for [amendments to the] State Plan Policy Map **amendments** exceeds the resources of the Office of [State Planning] **Smart Growth** 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 in accordance** with [to] N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.

[(b)] The Director of the Office of State Planning shall notify petitioners of any extension of time periods resulting from (a) above.]