

CHAPTER 32

STATE PLANNING RULES

Authority

N.J.S.A. 52:18A-203.

Source and Effective Date

R.1993 d.165, effective March 19, 1993.
See: 25 N.J.R. 461(a), 25 N.J.R. 1886(c).

Executive Order No. 66(1978) Expiration Date

Chapter 32, State Planning Rules, expires on March 19, 1998.

Chapter Historical Note

Chapter 32, State Planning Rules, became effective with Subchapter 1, General Provisions; Subchapter 2, Preparation of Preliminary State Development and Redevelopment Plan, and Subchapter 3, Procedures for Conducting Cross-Acceptance, adopted as R.1988 d.121, effective March 21, 1988. See: 19 N.J.R. 1971(b), 20 N.J.R. 673(a). A Petition for Rulemaking was filed with the State Planning Commission on November 20, 1989. See: 22 N.J.R. 259(b), 22 N.J.R. 565(a). Subchapter 4, Procedures for Conducting the Negotiation Phase of Cross-Acceptance, was adopted as R.1990 d.336, and Subchapter 3 was amended and redesignated Procedures for Conducting the Comparison Phase of Cross-Acceptance, effective July 2, 1990. See: 22 N.J.R. 621(c), 22 N.J.R. 2033(a). Subchapter 5, Procedures for Conducting the Issue Resolution Phase of Cross-Acceptance was adopted as R.1991 d.457, effective September 3, 1991. See: 23 N.J.R. 1778(b), 23 N.J.R. 2654(a). Subchapter 6, Letters of Clarification; Subchapter 7, Voluntary Submission of Plans for Consistency Review, and Subchapter 8, Amendment of the Resource Planning and Management Map, were adopted as R.1992 d.253, effective June 15, 1992. See: 24 N.J.R. 1241(a), 24 N.J.R. 2287(a). Pursuant to Executive Order No. 66(1978), Chapter 32 was readopted as R.1993 d.165. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS

17:32–1.1 Title and citation

This chapter shall be known and may be cited as N.J.A.C. 17:32, “State Planning Rules.”

Amended by R.1997 d.7, effective January 6, 1997.
 See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

17:32–1.2 Purpose and authority

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

1. The cross-acceptance process be structured so as to establish vertically integrated and compatible local, county, regional and State plans;
2. The counties participate in cross-acceptance and the State Planning Commission take all reasonable steps to ensure county participation;
3. The detail and substance of the Preliminary State Development and Redevelopment Plan be enhanced by early and direct county, municipal and public participation; and
4. The State Planning Commission prepare rules pursuant to authority granted by N.J.S.A. 52:18A–202 and 203 of the State Planning Act, which establish detailed procedures for the participation of appropriate governmental units at all levels in the formulation and implementation of the State Development and Redevelopment Plan.

Amended by R.1997 d.7, effective January 6, 1997.
 See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Deleted (a)2, relating to a review and comment process; and recodified (a)3 through (a)5 as (a)2 through (a)4.

17:32–1.3 Applicability

This chapter shall apply to all activities and actions of municipal and county governments, the State Planning Commission, State Agencies, and any negotiating entity designated by the Commission in the preparation, review and implementation of the State Development and Redevelopment Plan.

Amended by R.1997 d.7, effective January 6, 1997.
 See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

17:32–1.4 Definitions

The following terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Compatibility” means that a policy or set of policies in a local, county, regional or State agency plan is as effective as the comparable provisions contained in the State Development and Redevelopment Plan.

“Consistency” means that a policy or set of policies in a local, county, regional, or State agency plan is substantially the same as the comparable provisions in the State Development and Redevelopment Plan.

“County” means any board, department, division, office, agency or other subdivision of the county duly authorized by the county governing body, or executive, as appropriate, to carry out the requirements of this chapter.

“Cross-acceptance” means the process of comparing local, county and regional plans with the Preliminary State Development and Redevelopment Plan and the dialogue which occurs among participants during and after this process to achieve compatibility or consistency between local, county, regional and State plans.

“Cross-Acceptance Manual” means a document prepared by the Office of State Planning for the purpose of guiding negotiating entities through the cross-acceptance process. The manual shall contain, at a minimum, a prototype work program and schedule, and a final report outline and instructions.

“Cross-Acceptance Report” means a written statement submitted by the negotiating entity to the State Planning Commission describing the findings, recommendations, objections, and other information as set forth in the Cross-Acceptance Manual, resulting from the comparison of plans by the negotiating entity.

“Days” means calendar days unless otherwise specified.

“Interim State Development and Redevelopment Plan” means that document, and all maps, appendices, and other material included by reference, approved by the State Planning Commission, that reflects revisions to the Preliminary State Development and Redevelopment Plan.

“Municipality” means any board, department, division, office, agency, or other subdivision of the municipality duly authorized by the municipal governing body, or executive, as appropriate, to carry out the requirements of this chapter.

“Negotiating entity” means a county, or where a county has declined to participate in the cross-acceptance process, some other entity designated by the State Planning Commission to carry out cross-acceptance.