

buildings, schools and local businesses; and by notice to the Office of Smart Growth. Findings of the visioning process shall be used to develop a vision statement for inclusion in the master plan. Minimum requirements for conducting a visioning process include:

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

2. At least two public hearings during the course of the visioning process in which a preliminary vision statement is vetted and discussed. The advisory committee shall, at least 10 days in advance of said public hearings, issue a press release to local newspapers regarding the vetting of the preliminary vision statement and post notice of the hearing on the official municipal website, if available, and in a conspicuous public place. The vision statement may be adopted as a part of the master plan. In this case, the hearings for such adoption shall be consistent with N.J.S.A. 40:55D-1 et seq., regarding adoption, revision or amendment of a master plan.

(b) A vision statement of community consensus of its intended future shall be prepared using the information gathered in the visioning process.

(c) A summary report identifying actions taken to meet minimum and agreed upon additional requirements for performing the visioning process.

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

1. Proof of public notice pursuant to N.J.A.C. 5:85-1.7(f) for all required public meetings and hearings in the form of an affidavit of publication;
2. A certified resolution from the governing body, approving submission of the vision statement to the Office of Smart Growth;
3. Copies of materials used in the visioning process;
4. A copy of the summary report;

5. Copies of the meeting minutes of each public meeting and hearing at which the community vision was developed, reviewed and adopted. The minutes shall include a summary of public comments and copies of written comments filed before or during the public meeting or hearing; and

6. A copy of the vision statement.

Amended by R.2009 d.286, effective September 21, 2009.
See: 41 N.J.R. 1551(a), 41 N.J.R. 3407(b).

In the introductory paragraph of (a), inserted “; and by notice to the Office of Smart Growth”; rewrote (a)1; in (a)2, inserted the last two sentences; in (d)1, inserted “pursuant to N.J.A.C. 5:85-1.7(f)” and “in the form of an affidavit of publication”; rewrote (d)2; in (d)4, inserted “report” and deleted “and” from the end; in (d)5, substituted “; and” for a period at the end; and added (d)6.

5:85-7.12 Commencement of consistency review

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

Repeal and New Rule, R.2009 d.286, effective September 21, 2009.
See: 41 N.J.R. 1551(a), 41 N.J.R. 3407(b).

Section was “Complete petition for plan endorsement”.

5:85-7.13 Consistency review

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

(b) Within 90 days of receipt of items submitted pursuant to N.J.A.C. 5:85-7.12, the Office of Smart Growth, in consultation with the relevant Federal, State and regional agencies, shall conduct a review of the plan for consistency with the goals, policies and strategies of the State Plan.

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

1. The Statewide goals, policies and strategies;

2. The policies that apply to all planning areas;
3. The intentions for each relevant planning area;
4. The policy objectives for each relevant planning area;
5. If any change to a planning area boundary is proposed, the delineation criteria, intent and policy objectives for each planning area impacted by any boundary change;
6. The delineation criteria and intent for critical environmental sites and historic and cultural sites;
7. If there is a designated center or a center is proposed for designation, the policies for centers, including the center design policies, and environs; and
8. If a center is proposed to be designated or a change to the boundary of a designated center is proposed, the criteria for designating the type of center that is proposed to be designated or modified.

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

1. The submissions required pursuant to N.J.A.C. 5:85-7.12;
2. The following mandatory planning documents:
 - i. A sustainability statement;
 - ii. A land use element;
 - iii. A land use inventory or map;
 - iv. A zoning ordinance, schedule or map;
 - v. Documents detailing recent or upcoming developments;
 - vi. A circulation element;
 - vii. A municipal stormwater management plan and ordinance;
 - viii. A wastewater management plan;
 - ix. A housing element;
 - x. A petition for substantive certification filed with COAH or compliance with court-ordered housing;
 - xi. A draft fair share plan and implementing documents/ordinances;
 - xii. A community facilities plan, inventory and map;
 - xiii. A board of education five-year facilities plan;
 - xiv. An open space and recreation plan;
 - xv. A natural resource inventory;
 - xvi. A conservation plan and implementing ordinances;
 - xvii. Recycling Statement of Consistency;

- xviii. A municipal recycling ordinance;
 - xix. A New Jersey State Police letter approving the local emergency operating plan; and
 - xx. A capital improvement program; and
3. The following conditional items, which may be required depending on local circumstances:
- i. A utility service plan;
 - ii. A flood control plan;
 - iii. A recreation and open space inventory;
 - iv. An economic development plan;
 - v. An agricultural retention plan/farmland preservation plan, agricultural advisory committee, right-to-farm ordinance, and implementation program;
 - vi. A historic and cultural resources inventory, historic preservation plan, and implementation documents and mechanisms;
 - vii. Incorporation of hazard mitigation measures into relevant planning documents;
 - viii. A sustainability element; and
 - ix. Any additional requirements that are agreed upon between petitioner and the Executive Director, in consultation with the relevant State agencies;

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

1. The petitioner;
2. The governing body of a municipality or county, which is not the petitioner; or
3. A total of at least 10 written requests from other governmental agencies, advocacy groups or individuals with a demonstrated interest in the petition.

Amended by R.2009 d.286, effective September 21, 2009.
See: 41 N.J.R. 1551(a), 41 N.J.R. 3407(b).

In (a) and (b), substituted "items submitted pursuant to N.J.A.C. 5:85-7.12" for "the complete petition for plan endorsement", and deleted the last sentence; in the introductory paragraph of (c), deleted the first sentence; rewrote (d); and in the introductory paragraph of (e), substituted "pursuant to N.J.A.C. 5:85-7.12" for "of receipt of a complete petition".

5:85-7.14 Finding of consistency and recommendation report

(a) After receipt of items submitted pursuant to N.J.A.C. 5:85-7.12, the Executive Director shall make a determination