

See: 33 N.J.R. 1511(a), 34 N.J.R. 285(a).

Amended by R.2003 d.336, effective August 18, 2003.

See: 35 N.J.R. 304(a), 35 N.J.R. 1990(a), 35 N.J.R. 3819(a).

In (c), inserted "and/or" following "agreement" and substituted "meeting" for "hearing" following "public" in 5 and substituted "and" for "or" in 6; in (h), substituted "summary" for "copy" preceding "of the petition"; in (n) and (o), amended the N.J.A.C. references.

Recodified from N.J.A.C. 5:85-7.12 and amended by R.2004 d.186, effective May 17, 2004.

See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

Rewrote the section. Former N.J.A.C. 5:85-7.14, State agency functional plans (Reserved), recodified to N.J.A.C. 5:85-7.15.

5:85-7.15 State agency procedures for Plan Endorsement

(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 that will only apply within an area that is subject of an initial or advanced 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 approved 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 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 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 necessary regulatory changes to implement those benefits it has identified. 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 higher priority or only be available within an area that is subject of an initial or advanced petition for plan endorsement that has been approved 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 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 necessary 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.

New Rule, R.2004 d.186, effective May 17, 2004.

See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

SUBCHAPTER 8. 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" and is comprised of a series of maps encompassing the geographic area of the State of New Jersey.

(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) above.

Amended by R.2002 d.12, effective January 7, 2002.

See: 33 N.J.R. 1511(a), 34 N.J.R. 285(a).

Rewrote the section.

Amended by R.2004 d.186, effective May 17, 2004.

See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

Rewrote (a); deleted former (b); recodified former (c) as (b) and substituted "State Development and Redevelopment Plan as outlined in (a) above" for "State Plan as outlined in (a) and (b) above".

5:85-8.2 Purpose

In most cases, the State Plan Policy Map reflects the intergovernmental consensus arrived at during the cross-acceptance process. While the cross-acceptance process 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 municipalities and counties. In addition, it is necessary to address planning area changes and designation of centers, cores and nodes that evolve through the plan endorsement process.

Amended by R.2002 d.12, effective January 7, 2002.

See: 33 N.J.R. 1511(a), 34 N.J.R. 285(a).

Rewrote the section.

Amended by R.2003 d.336, effective August 18, 2003.

See: 35 N.J.R. 304(a), 35 N.J.R. 1990(a), 35 N.J.R. 3819(a).

In (a), inserted "State Plan Policy" preceding "Map" in the second sentence; in (c), amended the N.J.A.C. reference.

Amended by R.2004 d.186, effective May 17, 2004.

See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

Rewrote the section.

5:85-8.3 Map Amendments

(a) Except for areas that are subject to an endorsed plan, the State Planning Commission may initiate amendments to the State Plan Policy Map based on new information related to the goals, strategies, policies and delineation criteria of the State Plan provided that the new information alters the assumptions that were the basis for adopting the State Plan Policy Map for a particular area or areas. If the State Planning Commission determines that it should initiate a map amendment to the State Plan Policy Map, it shall prepare and distribute to appropriate municipalities, counties, State agencies and regional entities justification for requesting the State Plan Policy Map amendments and hold a public hearing on the proposed map amendment in the vicinity of where the proposed map amendment is located. Public notice of the hearing concerning the proposed map amendment shall be provided pursuant to N.J.A.C. 5:85-1.7(b).

(b) Any proposed change to the State Plan Policy Map by municipality, county, or regional agency shall be conducted through the plan endorsement process set forth in N.J.A.C. 5:85-7.

(c) 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.

Amended by R.2002 d.12, effective January 7, 2002.

See: 33 N.J.R. 1511(a), 34 N.J.R. 285(a).

In (a), substituted "State Plan Policy Map" for "Resource Planning and Management Map"; inserted new (b); recodified former (b) as (c) with substantive amendments.

Amended by R.2003 d.336, effective August 18, 2003.

See: 35 N.J.R. 304(a), 35 N.J.R. 1990(a), 35 N.J.R. 3819(a).

Added a new (a); recodified former (a) as (b); recodified former (b) as (c) and amended the N.J.A.C. references throughout; recodified former (c) as (d).

Amended by R.2004 d.186, effective May 17, 2004.

See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

Rewrote the section.

Public Notice: Notice of Completed Petition for Map Amendment.

See: 36 N.J.R. 4177(a).

5:85-8.4 Procedures

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

(b) A petition to amend the State Plan Policy Map shall include at a minimum:

1. Petitioner's name, address and telephone number, including the same information for the duly authorized agent, if any, who will represent the petitioner, with proof of authorization;

2. A statement describing the interest of the entity or individual submitting the petition in the land area under consideration, including, at a minimum:

- i. For a State agency, its public policy (planning or regulatory) interests; and

- ii. For an entity or an individual, 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;

3. 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 revision of the State Development and Redevelopment Plan;

4. A report describing:

- i. 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 municipality, county and regional agency 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;