

**CHAPTER 85**  
**STATE PLANNING RULES**

**Authority**

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

**Source and Effective Date**

R.2008 d.279, effective August 21, 2008.  
See: 40 N.J.R. 2631(a), 40 N.J.R. 5196(a).

**Chapter Expiration Date**

Chapter 85, State Planning Rules, expires on August 21, 2013.

**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, State Planning Rules, was readopted as R.1993 d.165, effective March 19, 1993. See: 25 N.J.R. 461(a), 25 N.J.R. 1886(c). The name of Subchapter 2, Preparation of Preliminary State Development and Redevelopment Plan, was changed to Preparation of a Preliminary State Development and Redevelopment Plan by R.1997 d.7, effective January 6, 1997. See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b). The name of Subchapter 5, Procedures for Conducting the Issue Resolution Phase of Cross-Acceptance, was changed to Procedures for Conducting the Final Review Phase of Cross-Acceptance by R.1997 d.7, effective January 6, 1997. See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Pursuant to Executive Order No. 66(1978), Chapter 32, State Planning Rules, was readopted as R.1998 d.120, effective February 4, 1998. See: 29 N.J.R. 5055(a), 30 N.J.R. 860(a).

Chapter 32 of Title 17, State Planning Rules, was recodified as N.J.A.C. 5:85 and readopted as R.2003 d.336, effective July 15, 2003. See: 35 N.J.R. 304(a), 35 N.J.R. 1990(a), 35 N.J.R. 3819(a).

Subchapter 6, Letters of Clarification, was repealed by R.2004 d.186, effective May 17, 2004. See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

Chapter 85, State Planning Rules, was readopted as R.2008 d.279, effective August 21, 2008. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

**5:85-1.1 Title and citation**

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

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).  
Amended N.J.A.C. reference.

**5:85-1.2 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, plan endorsement, and map amendment processes be structured so as to establish vertically and horizontally integrated and consistent local, county, regional and State plans;
2. The State Planning Commission take all reasonable steps to ensure municipal, county and public participation in cross-acceptance and in plan endorsement; and
3. The detail and substance of the Preliminary State Development and Redevelopment Plan be enhanced by early and direct county, municipal and public participation.

(b) State Planning Commission action pursuant to these rules represent determinations of overall consistency with the State Development and Redevelopment Plan. These actions do not serve to either "validate" or "invalidate" a specific code, ordinance, administrative rule, regulation or other plan implementation mechanism.

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.  
Amended by R.2004 d.186, effective May 17, 2004.  
See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).  
In (a), rewrote 1 and 2, deleted 4; added (b).

**5:85-1.3 Applicability**

This chapter shall apply to all activities and actions of municipal and county governments, the State Planning Commission, regional and State Agencies, negotiating entities, and petitioners concerning 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).  
Amended by R.2004 d.186, effective May 17, 2004.  
See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

Inserted "regional and" preceding "State Agencies", and substituted "negotiating entities, and petitioners concerning" for "and any negotiating entity designated by the Commission in the preparation, review and implementation of".

**5:85-1.4 Definitions**

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

"Advanced petition" means the optional submission to the State Planning Commission by a petitioner of one or more of its adopted planning efforts, other than those plans and other materials that are required to be submitted as part of an initial petition for plan endorsement. An advanced petition must contain the information required to be submitted to the State Planning Commission pursuant to N.J.A.C. 5:85-7.7 in order for a petitioner to obtain advanced plan endorsement. A petitioner may submit an advanced petition either with an initial petition or after an initial petition has been endorsed by the State Planning Commission. A petitioner may submit additional advanced petitions as it adopts additional planning efforts. The State Planning Commission shall only endorse an advanced petition if it is consistent with the State Development and Redevelopment Plan and if the petitioner's initial petition either has been endorsed by the State Planning Commission or is being endorsed simultaneously with the advanced petition if the petitioner has submitted an advanced petition at the same time as the initial petition.

"Center" means an efficient and compact form of development having one or more mixed-use cores and residential neighborhoods and green spaces. Center designations are based on the area, population, density, and employment of the center being considered and features of the surrounding areas. Centers can range in scale from very large, an Urban Center, to the smallest, a Hamlet. Centers range in scale in the following order: Urban, Regional, Town, Village, and Hamlet. Descriptions and criteria for designating each type of center are located in the New Jersey State Development and Redevelopment Plan.

“Center boundary” means the line between a center and its environs. The boundary is defined by physical features, such as rivers, roads, or changes in the pattern of development or by open space, environmentally sensitive features, or farmland.

“Center designation” or “designated center” means a center that has been officially recognized as such by the State Planning Commission. Center designations only may occur as part of the plan endorsement process.

“Comprehensive plan” means a document, including maps, to guide all aspects of development and preservation in a coordinated way for a given jurisdiction. It includes an inventory and analysis of current conditions in and around the area and plans and policies to guide future actions.

“Consistency” or “consistent” means that the State Planning Commission determines that a municipal, county or regional plan, or amendment thereto, submitted for plan endorsement pursuant to N.J.A.C. 5:85-7 or a map amendment submitted for approval pursuant to N.J.A.C. 5:85-8 is the same as or has the same effect as the provisions in the State Development and Redevelopment Plan. In determining consistency, the State Planning Commission will consider the ability of the submitted plan to achieve the targets and indicators contained in the State Development and Redevelopment Plan that are applicable to the petitioner; the extent to which the activities listed to be undertaken in each planning area to achieve consistency with the State Development and Redevelopment Plan goals and implement State-wide policies have been or will be done; the consistency of the plan with applicable statutory and regulatory provisions; and whether the plan is based on current information and data. Consistency will be evaluated based on all the provisions of the State Development and Redevelopment 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.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality or a center, generally including housing and access to public transportation.

“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.

“Critical environmental site” (CES) means an area generally less than a square mile depicted on the State Plan Policy Map, which includes one or more environmentally sensitive features located either outside of a planning area classified as environmentally sensitive by the State Development and Redevelopment Plan or within designated centers located within such planning areas.

“Cross-Acceptance Manual” means a document adopted by the State Planning Commission pursuant to N.J.A.C. 5:85-2.3 for the purpose of guiding negotiating entities through the cross-acceptance process. The manual shall contain, at a minimum, a sample work program, a draft schedule, a sample negotiation agenda, and an outline for the Cross-Acceptance Report.

“Cross-acceptance process” or “cross-acceptance” means a process of comparing planning policies among government levels with the purpose of obtaining consistency between municipal, county, regional, and State plans and the State Development and Redevelopment Plan.

“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. The Cross-Acceptance Report can also be submitted by a municipality pursuant to N.J.A.C. 5:85-3.6 or by a regional entity or State agency pursuant to N.J.A.C. 5:85-3.7.

“Days” means calendar days unless otherwise specified.

“Demonstrated interest” means a particularized interest that an individual or an entity can specifically identify having in the action the State Planning Commission may take on a petition filed pursuant to N.J.A.C. 5:85-7 or 8 as a result of specified potential impact that action may have on the individual or entity’s right to use, acquire or enjoy property.

“Display ad” means a notification of a public meeting or hearing in one or more newspapers, other than a legal advertisement, to be conducted by the Office of Smart Growth or the State Planning Commission pursuant to these rules. For public meeting or hearing, it shall contain the date of the meeting or hearing, the time of the meeting or

hearing, the location of the meeting or hearing and the subject matter of such public meeting or hearing. The advertisements must be of at least four inches in width in a newspaper of general circulation in the jurisdictions to which the meeting, hearing or petition pertains.

“Draft Final State Development and Redevelopment Plan” means a draft of the Final State Development and Redevelopment Plan that has been released for public comment by the State Planning Commission following the cross acceptance process. The draft Final State Development and Redevelopment Plan is the same document as the Interim State Development and Redevelopment Plan that is also referenced in the State Planning Act.

“Endorsed plan” means a municipal, county or regional plan which has been approved by the State Planning Commission for initial or advanced plan endorsement as a result of finding it consistent with the State Development and Redevelopment Plan, pursuant to N.J.A.C. 5:85-7.

“Environs” means parts of the municipality or municipalities outside the center boundaries.

“Environmentally sensitive features” means natural attributes or characteristics whose function as part of a natural system or landscape is considered integral or important. For example, a coastal dune and beach system is an environmentally sensitive feature as is an area of critical habitat or a stream corridor. Environmentally sensitive features of State-wide or regional significance may also be part of the criteria for identification of a Special Resource Area.

“Final State Development and Redevelopment Plan” means the plan that the State Planning Commission adopts after releasing and receiving comments on the draft Final State Development and Redevelopment Plan which upon adoption becomes the official State Development and Redevelopment Plan that sets forth Statewide planning policies and serves as the official blueprint for development and redevelopment in New Jersey.

“Goal” or “goals” means a desired state of affairs to which planned effort is directed. The goals of the State Development and Redevelopment Plan are general statements of values derived from the State Planning Act of 1986 and public comments.

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

“Impact assessment” means the assessment of the economic, environmental, infrastructure, community life and intergovernmental coordination of the draft Final State Development and Redevelopment Plan required by the State Planning Act and N.J.A.C. 5:85-4.7.

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

“Initial petition” means the information required to be submitted to the State Planning Commission pursuant to N.J.A.C. 5:85-7.4 in order for a petitioner to obtain initial plan endorsement. An initial petition must be consistent with the State Development and Redevelopment Plan in order to be endorsed by the State Planning Commission.

“Map amendments” means the changes in the State Plan Policy Map initiated by the State Planning Commission in response to new data or that result from approval by the State Planning Commission of a petition for a map amendment pursuant to N.J.A.C. 5:85-8 or approval by the State Planning Commission pursuant to N.J.A.C. 5:85-7 of a petition for initial or advanced plan endorsement which includes a proposed map amendment.

“Master Plan” means a comprehensive plan for the development of a county or municipality used to guide development and development regulations. Master Plans are adopted by planning boards pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-28) and the County Planning Act (N.J.S.A. 40:27-1 et seq.).

“Minor map amendment” means an amendment to the State Plan Policy Map which does not exceed 100 acres and for which additional notice is required pursuant to N.J.A.C. 5:85-1.7(b)7 and (g)4.

“Municipal Strategic Revitalization Plan” see “Strategic Revitalization 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.

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

“Negotiating entity” or “negotiating entities” 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 compare and negotiate the Preliminary State Development and Redevelopment Plan.

“Negotiation” means the public dialogue between negotiating entities and the State Planning Commission to arrive at a Statement of Agreement and Disagreements.

“Negotiation session” means a session during which the duly authorized representatives of the State Planning Commission and a negotiating entity and any municipality that has submitted a Cross-Acceptance Report, engage in a dialogue with the purpose of attaining the highest degree of agreement on identified issues.

“Node” means a concentration of facilities and activities, which are not organized in a compact form.

“Office of Smart Growth” means the Office in the Department of Community Affairs that staffs the State Planning Commission and provides planning and technical assistance as requested. The Office of Smart Growth serves the same functions as the Office of State Planning (N.J.S.A. 52:18A-201). The Office of Smart Growth website is [www.njsmartgrowth.com](http://www.njsmartgrowth.com).

“Period of Cross-Acceptance” means that period of time extending from date of release of the Preliminary State Development and Redevelopment Plan by the Commission to the release of the Statement of Agreements and Disagreements.

“Petition” means either a formal request for initial or advanced plan endorsement or an amendment to an endorsed plan by a municipality, a county, a regional agency or any grouping thereof submitted to the State Planning Commission for review for consistency with the State Development and Redevelopment Plan pursuant to N.J.A.C. 5:85-7 or a formal request by an entity other than a municipality, county or regional agency for a proposed map amendment in an area that is not subject of an endorsed plan pursuant to N.J.A.C. 5:85-8.

“Petitioner” means a municipality, county, regional agency or any grouping thereof seeking initial or advanced plan endorsement or an amendment to an endorsed plan pursuant to N.J.A.C. 5:85-7 or an entity other than a municipality, county or regional agency seeking an amendment to the State Plan Policy Map for an area that is not subject of an endorsed plan pursuant to N.J.A.C. 5:85-8.

“Plan” means the legally adopted planning document of a governmental entity submitted for endorsement, as well as the various plan elements, planning studies, and documentation used to prepare or implement it.

“Plan Endorsement Contract” means an agreement entered into between the State Planning Commission and the petitioner seeking plan endorsement. The Contract sets forth the actions considered necessary to have the plan endorsed, a schedule and the regulatory and priority funding benefits that the petitioner is eligible upon having the petition for plan endorsement approved by the State Planning Commission. A Plan Endorsement Contract is optional for initial petitions for plan endorsement and is required for advanced petitions for plan endorsement.

“Plan Endorsement Guidelines” means a document issued by the State Planning Commission for the purpose of guiding petitioners through the plan endorsement process.

“Plan endorsement process” or “plan endorsement” or “endorsement” means the process undertaken by a municipality, county or regional agency, counties and municipalities or any grouping thereof, to petition the State Planning Commission for a determination of consistency of the submitted plan with the State Development and Redevelopment Plan.

“Planning area” means an area of greater than one square mile that shares a common set of conditions, such as population density, infrastructure systems, level of development, or environmental sensitivity. The State Development and Redevelopment Plan sets forth planning policies that guide growth in the context of those conditions.

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

“Policy” means a general rule for action focused on a specific issue, derived from more general goals and strategies. Some policies can be implemented directly through institutional procedures or regulations, others require the establishment of more specific and extensive plans or programs.

“Preliminary State Development and Redevelopment Plan” means the document, including maps, appendices, and other material included by reference approved by the State Planning Commission as the basis for comparing and negotiating with the negotiating entities and the State Planning Commission.

“Prior center designations” or “previously designated centers” means a center designated pursuant to the State Planning Rules in effect prior to the adoption of these rules that was not designated as part of the an endorsed plan.

“Regional” means an area encompassing land in more than one municipality, a county, or more than one county, that is bound together by shared characteristics and regional systems.

“Regional agency” and “regional entity” means an agency which performs planning for land development, infrastructure or capital investment planning for a region.

“Regional strategic plan” means a plan developed through a partnership of State, county, regional and municipal agencies for labor markets or other areas that defines the needs, opportunities, vision and regional strategies for land use, redevelopment, economic development, housing, public facilities and services, environmental protection and conservation, intergovernmental coordination and quality of community life.

“State agency” means an agency of the State government, including authorities and cabinet departments, commissions, authorities and State colleges among others.

“State Development and Redevelopment Plan” means the plan prepared and adopted pursuant to the State Planning Act that sets forth Statewide planning policies and serves as the official blueprint for development and redevelopment in New Jersey.

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

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

“Strategic revitalization plan” means a plan by a municipality, group of municipalities or an Urban Complex that assesses community strengths and weaknesses, defines overall physical and social strategies to promote regional efficiencies and cooperation, defines physical and social

strategies for creating interjurisdictional coordination and cooperation, specifies physical and social strategies to target public investments for greatest efficiency and impact and satisfies applicable State agency application requirements to receive expedited consideration for State funding and technical assistance.

“Strategy” means a general course of action, which links more general goals of the State Development and Redevelopment Plan with more specific policies.

“Urban complex” means an Urban Center and two or more municipalities within the surrounding Metropolitan Planning Area that exhibit a strong intermunicipal relationship, based on socio-economic factors and public facilities and services, that is defined, integrated and coordinated through a Strategic Revitalization Plan. Urban complexes are nominated jointly by a county or counties and the affected municipalities and are coterminous with municipal boundaries but not necessarily with county boundaries.

“Urban complex strategic revitalization plan” means a Strategic Revitalization Plan that may substitute for individual municipal Strategic Revitalization Plans within their jurisdiction and that:

1. Describes the relationships that exist within the urban complex;
2. Identifies issues affecting the future growth and viability of the urban complex;
3. Assesses the strengths and weaknesses of the urban complex; and
4. Specifies strategies for regional and cultural cooperation and action.

“Written notice” means notice that is provided either electronically or by first class mail.

Amended by R.1990 d.336, effective July 2, 1990.

See: 22 N.J.R. 621(c), 22 N.J.R. 2033(a).

Definitions of negotiation session and State Planning Advisory Committee added.

Amended by R.1992 d.253, effective June 15, 1992.

See: 24 N.J.R. 1241(a), 24 N.J.R. 2287(a).

Revised definitions “compatibility” and “consistency”.

Amended by R.1997 d.7, effective January 6, 1997.

See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Changed “Final cross-acceptance report” to “Cross-acceptance report”; inserted “Interim State Development and Redevelopment Plan” and “Preliminary State Development and Redevelopment Plan”; deleted “Functional state agency”, “Goal”, “Objective”, “Policy”, “Preliminary Plan Map”, “Standard”, “State Planning Advisory Committee(s)”, “Strategy”, and “Tier”; and amended several definitions.

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 "Interim State Development and Redevelopment Plan", inserted "or Interim Plan" preceding "means the document; deleted "Preliminary Plan Map" and "State Planning Advisory Committee(s)"; in "Office of State Planning website" amended the website; in "Consistency", "Endorsed plan", "Municipal Report", "Negotiation session" and "Period of Cross-Acceptance" amended the N.J.A.C. references.

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.

### 5:85-1.5 Technical assistance from the Office of Smart Growth

(a) The Office of Smart Growth shall provide technical assistance to negotiating entities and petitioners as may be needed to fulfill their responsibilities under these rules.

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

New Rule, R.1997 d.7, effective January 6, 1997.

See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

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.

### 5:85-1.6 Public participation

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

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

1. Filing a written request for such notice and document specifying subject matter requested; and
2. Providing name, organization, if any, address, phone and fax numbers, and email address.

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

vide meaningful opportunities for public participation during cross-acceptance.

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

1. Public comment pursuant to N.J.A.C. 5:85-2.2(a) as to what changes, if any, are appropriate in the State Development and Redevelopment Plan prior to the preparation and release of a Preliminary State Development and Redevelopment Plan;
2. Public comment at negotiation sessions conducted pursuant to N.J.A.C. 5:85-4;
3. Submission of written comments to the State Planning Commission at any time up to 30 days after the last public hearing conducted pursuant to N.J.A.C. 5:85-5.2;
4. Written communication with negotiating entities or municipal or county officials involved in cross-acceptance;
5. Comments presented at meetings of the various committees of the State Planning Commission as they relate to the work of those committees; and
6. Participation in advisory committees.

(d) The State Development and Redevelopment Plan is a Statewide policy document—it is an expression of Statewide intent and articulates the planning policies that will be needed to reach the goals of the State Planning Act. Local application of these policies occurs through the Plan Endorsement process. At a minimum, the public may participate in plan endorsement through the following means:

1. Public comment to the State Planning Commission and its committees when a petitioner is seeking approval from the State Planning Commission pursuant to N.J.A.C. 5:85-7 of an initial or advanced petition for plan endorsement or an amendment to an endorsed plan;
2. Written communication with petitioners seeking plan endorsement; and
3. Submission of written comments to the Executive Director of the Office of Smart Growth at any time up to 30 days after any public hearing conducted pursuant to N.J.A.C. 5:85-7.5(e), 7.8(e), 7.13(b) or 7.14(g).

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

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

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

2. Written communication with petitioners seeking map amendments; and

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

New Rule. R.1997 d.7, effective January 6, 1997.

See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

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).

Amended N.J.A.C. references.

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.

### 5:85-1.7 Public notice requirements

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

1. By posting information concerning the intention to approve a Preliminary State Development and Redevelopment Plan on the Office of Smart Growth website;

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

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

(b) Except for meetings for which public notice is given pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., public notice of meetings or hearings conducted by the State Planning Commission or the Executive Director of the Office of Smart Growth pursuant to these rules shall be provided as follows:

1. By posting on the Office of Smart Growth website;

2. By publishing a display ad or legal advertisement in at least one newspaper of general circulation in the area in which the meeting or hearing will be held;

3. By providing written notice to all persons or organizations who have registered with the Office of Smart Growth to receive public notice of meetings or hearings concerning a particular matter pursuant to N.J.A.C. 5:85-1.6(b);

4. By providing written notice to appropriate regional, State and Federal agencies;

5. If the public notice concerns a meeting regarding cross-acceptance pursuant to N.J.A.C. 5:85-3 or 4:

i. By providing written notice to the negotiating entity;

ii. By providing written notice to the mayor, governing body, clerk and planning board of any municipality which is a subject of the negotiations; and

iii. By providing written notice to the board of chosen freeholders, county executive or administrator, if any, county clerk and county planning board if the county is not the negotiating entity;

6. If the public notice concerns a meeting or a hearing regarding a petition filed pursuant to N.J.A.C. 5:85-7 or 8:

i. By providing written notice to the petitioner;

ii. By providing written notice to the mayor, clerk and planning board of any municipality in which property that is the subject of the petition is located if the municipality is not the petitioner; and

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

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

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

(d) All public notices required to be given by a municipality or county pursuant to N.J.A.C. 5:85-3, 4 or 7 shall be provided as follows:

1. By publishing a standard legal advertisement in each official newspaper of the municipality or county required to give public notice;

2. By notifying the mayor, clerk and planning board of any municipality that adjoins the municipality or county required to provide the public notice;

3. By notifying the board of chosen freeholders, county executive or administrator, if any, county clerk and county planning board of any county that adjoins the municipality or county required to provide the public notice;

4. By notifying the State Planning Commission;

5. By notifying the Executive Director of the Office of Smart Growth;

6. If a municipality is required to provide public notice, by providing written notice to the municipal planning board, board of education, environmental commission, if any and each authority, board, commission, committee, and department involved in economic development, land use, infrastructure or resource protection in that municipality;

7. If a county is required to provide public notice, by providing written notice to the county planning board and each authority, board, commission, committee and department involved in economic development, land use, infrastructure or resource protection in that county; and

8. If a county is required to provide public notice, by providing written notice to the mayor, governing body, clerk and planning board of each municipality in that county.

(e) All public notices required to be given by a negotiating entity pursuant to N.J.A.C. 5:85-3 or 4 shall be provided as follows when the negotiating entity is not a county:

1. By publishing a standard legal advertisement in each official newspaper of the county or counties for which the negotiating entity is conducting cross-acceptance;

2. By notifying the mayor, clerk and planning board of any municipality that adjoins the county or counties for which the negotiating entity is conducting cross-acceptance;

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

4. By notifying the State Planning Commission;

5. By notifying the Executive Director of the Office of Smart Growth;

6. By providing written notice to the mayor, governing body, clerk and planning board, environmental commission, if any and each authority, board, commission, committee and department involved in economic development, land use, infrastructure or resource protection in the municipality for which plan endorsement is being sought; and

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

(f) All public notices required to be given by a petitioner for plan endorsement pursuant to N.J.A.C. 5:85-7 shall be provided as follows when the petitioner is not a county or municipality:

1. By publishing a standard legal advertisement in each official newspaper of each county or municipality for which the petitioner is seeking plan endorsement;

2. By notifying the mayor, clerk and planning board of any municipality that adjoins any county or municipality for which plan endorsement is being sought;

3. By notifying the board of chosen freeholders, county executive or administrator, if any, county clerk and county planning board of any county that adjoins any county or municipality for which plan endorsement is being sought;

4. By notifying the State Planning Commission;

5. By notifying the Executive Director of the Office of Smart Growth;

6. By providing written notice to the mayor, governing body, clerk, planning board, environmental commission, if any and each authority, board, commission, committee and department involved in economic development, land use, infrastructure or resource protection in the municipality for which plan endorsement is being sought; and

7. By providing written notice to the board of chosen freeholders, county executive or administrator, if any, county clerk, county planning board and each authority, board, commission, committee and department involved in economic development, land use, infrastructure or resource protection in the county for which plan endorsement is being sought.

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

1. By publishing a standard legal advertisement in each official newspaper of each municipality and county in which the property that is the subject of the petition is located;

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

3. By providing written notice to the board of chosen freeholders, county executive or administrator, if any,

county clerk and county planning board of any county in which the property that is the subject of the petition is located and of each county which adjoins the property that is the subject of the petition;

4. If the petition is for a minor map amendment, by providing written notice to all owners of property that is subject of the petition and all owners of property within 200 feet of the property that is subject of the petition;

5. By notifying the State Planning Commission; and

6. By notifying the Executive Director of the Office of Smart Growth.

(h) Within five days of being informed that notice has been provided pursuant to (d) through (g) above; receiving a completed petition pursuant to N.J.A.C. 5:85-7 or 8; or the issuance of the Executive Director's report on a petition submitted pursuant to N.J.A.C. 5:85-7 or 8; or the issuance of a monitoring report by the Executive Director of the Office of Smart Growth pursuant to N.J.A.C. 5:85-7.12 or 7.13, the Office of Smart Growth shall:

1. Post information concerning said notice, petition, or report on the Office of Smart Growth website;

2. Provide written notice concerning said notice, petition, or report to all persons or organizations who have registered with the Office of Smart Growth to receive public notice concerning a particular matter pursuant to N.J.A.C. 5:85-1.6(b); and

3. Provide written notice concerning said notice, petition, or report to appropriate regional, State and Federal agencies.

(i) Within 45 days of the State Planning Commission adopting the Final State Development and Redevelopment Plan pursuant to N.J.A.C. 5:85-5 or acting on a petition pursuant to N.J.A.C. 5:85-7 or 8, the Office of Smart Growth shall provide notice of that action:

1. By posting information concerning said notice on the Office of Smart Growth website;

2. By providing written notice to all persons or organizations who have registered with the Office of Smart Growth to receive public notice concerning a particular matter pursuant to N.J.A.C. 5:85-1.6(b);

3. By providing written public notice to appropriate regional, State and Federal agencies;

4. By placing notice of the action by the State Planning Commission in the New Jersey Register;

5. If the public notice concerns adoption of the Final State Development and Redevelopment Plan, by providing written notice to all mayors, county executives and administrators and all municipal and county clerks, governing bodies and planning boards; and

6. If the public notice concerns action on a petition pursuant to N.J.A.C. 5:85-7 or 8:

i. By providing written notice to the mayor, clerk and planning board of any municipality in which property that is the subject of the petition is located if the municipality is not the petitioner; and

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

(j) All public notice of meetings or hearings provided pursuant to (b) and (d) through (g) above shall be provided at least 10 days in advance of the meetings or hearings and shall provide the time, date, location, and purpose of the meeting or hearing. The public notice shall also specify that the public can comment orally at the meeting or hearing or submit written comments within a specified time period. Written notice may be provided electronically, by facsimile copy, by the United States Postal Service or other comparable delivery system.

New Rule, R.2004 d.186, effective May 17, 2004.  
See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

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

### 5:85-2.1 Revising the State Development and Redevelopment Plan

(a) The State Planning Commission shall revise and readopt the State Development and Redevelopment Plan in accordance with the State Planning Act. In so doing, the State Planning Commission shall prepare and distribute a "Preliminary Plan" for cross-acceptance.

(b) The preparation, approval, and cross-acceptance of a Preliminary Plan pursuant to these rules notwithstanding, the current State Development and Redevelopment Plan shall continue to constitute the official State Development and Redevelopment Plan until such time as it is revised and readopted by the State Planning Commission in accordance with the State Planning Act and N.J.A.C. 5:85-5.

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

Section was "Functional state agency review of the Draft Preliminary State Development and Redevelopment Plan".

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).

Amended 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 (a); in (b), amended the N.J.A.C. reference.

## SUBCHAPTER 5. PROCEDURES FOR ADOPTING THE FINAL PLAN

### 5:85-5.1 Commencement of Final Plan approval

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

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

Substantially amended 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).

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 and undesignated former (a) and deleted (b).

### 5:85-5.2 Required public hearings

(a) There shall be a minimum of six public hearings on the draft Final State Development and Redevelopment Plan in different locations throughout the State with notice provided pursuant to N.J.A.C. 5:85-1.7(b) and (c).

(b) The public hearings shall be convened by the State Planning Commission, or by a committee of the Commission designated for that purpose, whereupon comments will be taken on the draft Final 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).

Amended report and N.J.A.C. references.

Amended by R.2004 d.186, effective May 17, 2004.  
See: 35 N.J.R. 4001(a), 36 N.J.R. 2490(c).

Substituted "draft Final" for "Interim" throughout; rewrote (a); deleted former (b) and (c) and recodified former (d) as new (b).

### 5:85-5.3 Municipal and county review and comment before adoption of Final State Development and Redevelopment Plan

Municipalities and counties may submit written comments to the State Planning Commission regarding the draft Final State Development and Redevelopment Plan and the draft Infrastructure Needs Assessment at any time up to 30 days

after the last public hearing conducted pursuant to N.J.A.C. 5:85-5.2.

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

Amended report references.

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).

Amended the N.J.A.C. references throughout.

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

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

Rewrote and undesignated former (a); deleted (b).

### 5:85-5.4 Adoption of the Final State Development and Redevelopment Plan

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

Recodified from 17:32-5.5 and amended by R.1997 d.7, effective January 6, 1997.

See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

Substituted "final review phase" for "issue resolution phase". Section was "Public participation during the issue resolution phase of cross-acceptance".

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).

Amended the N.J.A.C. references throughout.

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.

### 5:85-5.5 (Reserved)

Recodified to N.J.A.C. 17:32-5.4 by R.1997 d.7, effective January 6, 1997.

See: 28 N.J.R. 4084(a), 29 N.J.R. 150(b).

## SUBCHAPTER 6. (RESERVED)

## SUBCHAPTER 7. PLAN ENDORSEMENT

### Subchapter Historical Note

Public Notice: Plan Endorsement. See: 39 N.J.R. 2546(a), 3786(a).

Public Notice: Plan Endorsement. See: 40 N.J.R. 3322(a), 3322(b).

### 5:85-7.1 Purpose

(a) The State Planning Act 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 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. It is the intention of the State Planning Commission, through the Office of 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, and regional entities 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 petitioner initiating the advanced plan endorsement process will enter into a Plan Endorsement Contract with the State Planning Commission specifying the obligations of both parties to complete the advanced plan endorsement petition and specifying the benefits the petitioner will be eligible for upon approval of the advanced petition. 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.

(c) Centers, cores and nodes may only be designated through the plan endorsement process.

Amended by R.1993 d.367, effective July 19, 1993.

See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).

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 (d), deleted the second sentence.

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.

#### Case Notes

Unlike master development and redevelopment plans, ordinances are not required to be submitted for review by State Planning Commission. *Mount Olive Complex v. Township of Mount Olive*, 774 A.2d 704 (2001).

Department of Environmental Protection order directing staff to apply departmental policies and regulations in manner consistent and compatible with State Development and Redevelopment Plan to extent permitted by law was intra-agency statement not subject to formal rule-making process under Administrative Procedures Act. *New Jersey Builders Ass'n v. New Jersey Dept. of Environmental Protection*, 306 N.J.Super. 93, 703 A.2d 323 (A.D. 1997).

#### 5:85-7.2 Eligibility

(a) Any municipal or county governing body, or regional grouping of municipal or county governing bodies, or regional 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, 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 strategic revitalization plans, urban complex strategic revitalization plans, and regional strategic plans.

(c) If a municipal plan is submitted as part of a regional petition, it shall be endorsed if the municipal plan is found consistent with the State Development and Redevelopment and the regional plan.

(d) Municipalities included in urban complex strategic revitalization plans, regional strategic plans and county master plans with supporting plan implementation mechanisms that

have been endorsed by the State Planning Commission shall not be entitled to the benefits of plan endorsement 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) Where an urban complex strategic revitalization plan is not possible, a municipal strategic revitalization plan is encouraged.

(g) After consulting with other State agencies, the State Planning Commission shall issue Plan Endorsement Guidelines as to the information that 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 modify the information necessary to complete a petition for plan endorsement based on the type 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 in its entirety in determining consistency with the State Development and Redevelopment Plan. The State Planning Commission shall periodically consult with municipalities, counties, regional entities, and State agencies to determine whether the Plan Endorsement Guidelines should be revised.

(h) Plans shall be endorsed only if they are internally consistent and demonstrate consistency with the State Development and Redevelopment Plan.

(i) All relevant plan endorsement documents enclosing initial and 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.

Amended by R.1993 d.367, effective July 19, 1993.

See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).

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 the section.

### 5:85-7.3 Pre-petition meeting

Petitioners intending to seek plan endorsement are encouraged to request a pre-petition meeting with the Office of Smart Growth and appropriate State agencies. 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, 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.

Amended by R.1993 d.367, effective July 19, 1993.

See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).

Amended by R.2001 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 (e), substituted "meeting" for "hearing" following "conduct a public".

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.

### 5:85-7.4 Initial petitions for plan endorsement

(a) An initial 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.

2. A list of the documents being submitted;

3. Proof that notice of the submission of the initial petition of the State Planning Commission and the Executive Director of the Office of Smart Growth has been provided pursuant to N.J.A.C. 5:85-1.7(d) or (f);

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 Planning and Implementation Agreement;

5. Copies of the minutes of each public meeting 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;

6. 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 Endorsements Guidelines established by the State Planning Commission;

7. Ten copies, and one electronic copy, of the petitioner's plan, and proposed Planning and Implementation Agreement. The submission shall include for the area proposed for plan endorsement all current adopted master plans, including any adopted mandatory elements, any adopted capital improvement programs, an inventory of existing infrastructure, any zoning map and any zoning schedule, a natural resources inventory based on existing data, and any other applicable supporting materials for the initial petition including any materials identified in the Plan Endorsement Guidelines that are relevant to the particular circumstances of the petitioner;

8. 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 Planning and Implementation Agreement;

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

10. 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 initial petition for plan endorsement, a petitioner may enter into a Plan Endorsement Contract with the State Planning Commissioner.

Amended by R.1993 d.367, effective July 19, 1993.

See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).

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. Recodified (c) through (g) with amendments as N.J.A.C. 17:32-7.5.

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 (b), substituted "meeting" for "hearing" following "public" throughout 4, and substituted "and" for "or" following "copies," in 6.

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.

Petition for Rulemaking.

See: 36 N.J.R. 4328(a), 5458(a).

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

(a) Within 30 days of the receipt of an initial 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 initial petition is complete and complies with this subchapter.

(b) In cases where the Executive Director of the Office of 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 a corrected petition is not resubmitted within 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. 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.

(c) In cases where the Executive Director of the Office of 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.

(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) Within the State and Federal agency 45-day review period, the Office of Smart Growth may 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 public notice pursuant to (c) above that a completed initial 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 60-day review period set forth in N.J.A.C. 5:85-7.6(a) may be extended to 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 N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.

Recodified from N.J.A.C. 17:32-7.4 (c) through (g) and amended by R.2002 d.12, effective January 7, 2002.

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

Former N.J.A.C. 17:32-7.5, Public notification of Director of State Planning or Commission's review, recodified to N.J.A.C. 17:32-7.7.

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 (b), amended the N.J.A.C. reference; in (c), substituted "summary" for "copy" preceding "of the petition".

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.

Petition for Rulemaking: Action on Petition for Initial Plan Endorsement and Amendments to the State Plan Policy Map.

See: 38 N.J.R. 1085(b), 1472(a).

### **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, the Executive Director shall determine 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 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 petitioner's plan 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, the State Planning Commission and post the report on the Office of Smart Growth website. If the Executive Director determines that the petitioner's plan and proposed Planning and Implementation Agreement are consistent with the State Development and Redevelopment Plan, the Executive Director shall recommend that the initial petition be approved by the State Planning Commission. If the Executive Director determines the petitioner's plan and proposed Planning and Implementation Agreement are 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 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.

(c) The State Planning Commission and any duly authorized subcommittee shall review the Executive Director's determination that the initial petition is complete and the determination as to whether the petitioner's plan and

proposed Planning and Implementation Agreement are 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 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.

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

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

New Rule, R.2002 d.12, effective January 7, 2002.

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

Former N.J.A.C. 17:32-7.6, Suspension or extension, recodified to N.J.A.C. 17:32-7.8.

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 (h), 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.

### 5:85-7.7 Advanced petitions for plan endorsement

(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 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;

2. 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 N.J.A.C. 5:85-1.7(d) or (f);

3. A certified resolution from each governing body requesting advanced plan endorsement endorsing the advanced petition being submitted and designating the official of the municipality, county or regional agency to submit the petition and execute the Planning and Implementation Agreement;

4. Copies of the minutes of each public meeting at which the advanced plan endorsement petition was reviewed and of the meeting at which the advanced 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 Planning and Implementation Agreement. For the area proposed for plan endorsement, the submission shall include 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, 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, 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;

7. A narrative description of public participation and planning coordination efforts used to prepare and adopt the plan, develop and submit the advanced 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 Commissioner. 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.

Amended by R.1993 d.367, effective July 19, 1993.

See: 25 N.J.R. 1839(a), 25 N.J.R. 3238(c).

Recodified from N.J.A.C. 17:32-7.5 and 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 the introductory paragraph of (a) and in (b), amended the N.J.A.C. references.

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.

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

(a) Within 60 days of the receipt of an advanced 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 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 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 petition of the deficiencies in the petition. If a corrected advanced petition is not resubmitted within 90 days after receipt of the Executive Director's notice, or is resubmitted incorrectly, the advanced 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 petition is submitted in accordance with N.J.A.C. 5:85-7.7. 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.

(c) In cases where the Executive Director of the Office of Smart Growth finds that the advanced 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 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 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 hold a public hearing in an appropriate jurisdiction to receive testimony on the advanced petition with notice of the hearing being 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 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 to 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 N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.

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

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

Former N.J.A.C. 5:85-7.8, Extension of time requirements, recodified to N.J.A.C. 5:85-7.10.

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

(a) In cases where the Executive Director determines that the advanced 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 consistent with the State Development and Redevelopment Plan, and the Plan Endorsement Contract. The Executive Director shall prepare a report containing detailed findings and conclusions concerning the consistency of the advanced 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 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. If the Executive Director determines the petitioner's plan and proposed Planning and Implementation Agreement are 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 consistent with the State Development and Redevelopment Plan and the Plan Endorse-

ment 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) The State Planning Commission and any duly authorized subcommittee shall review the Executive Director's determination that the advanced petition is complete and the determination as to 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. Within 60 days after receipt of the recommendation, the State Planning Commission shall affirm, revise or reverse the Executive Director's determination on the advanced 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 advanced 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 advanced petition.

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

(e) Within 45 days of the State Planning Commission determining whether the petitioner's advanced 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).

New Rule. R.2002 d.12, effective January 7, 2002.

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).

Amended the N.J.A.C. references throughout.

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

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

Former N.J.A.C. 5:85-7.9, Period of endorsement, recodified as N.J.A.C. 5:85-7.11.

#### 5:85-7.10 Extension of time requirements

The Executive Director of the Office of 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 plan endorsement or amendments thereto exceeds the resources of the Office of 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 N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.

Recodified from N.J.A.C. 17:32-7.6 and 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.

Recodified from N.J.A.C. 5:85-7.8 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. 5:85-7.10, Monitoring of endorsed plans and designated centers, recodified to N.J.A.C. 5:85-7.12.

#### 5:85-7.11 Period of endorsement

(a) Except as provided under N.J.A.C. 5:85-7.13, endorsement of any initial or advanced plan shall be for 10 years.

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

(d) Except as provided under N.J.A.C. 5:85-7.13, centers designated after January 7, 2002 and prior to July 1, 2004, other than centers designated in an endorsed plan, shall be 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 May 17, 2004, whichever comes first.

New Rule, R.2002 d.12, effective January 7, 2002.

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).

Amended the N.J.A.C. references throughout.

Recodified from N.J.A.C. 5:85-7.9 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. 5:85-7.11, Revocation of plan endorsement and/or center designation, recodified to N.J.A.C. 5:85-7.13.

#### **5:85-7.12 Monitoring of endorsed plans and previously designated centers**

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

(b) Municipalities, counties or regional agencies with endorsed plans or previously designated centers shall provide reports, biennially or within six months after adoption of a 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 Smart Growth and the general public on the status of their 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, 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 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 endorsed plan and the terms of 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 six 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 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 prior center designations or Planning Implementation Agenda, the Executive Director of the Office of 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.

New Rule, R.2002 d.12, effective January 7, 2002.

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).

Rewrote the section.

Recodified from N.J.A.C. 5:85-7.10 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. 5:85-7.12, Petitions to amend endorsed plans, plan endorsement agreements, and/or planning and implementation agendas, or seeking minor map amendments, recodified to N.J.A.C. 5:85-7.14.

#### **5:85-7.13 Revocation of plan endorsement 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 Planning and Implementation Agreement or Planning and Implementation Agenda so that its endorsed plan or previously designated center are inconsistent with the State Development and Redevelopment Plan, the Executive Director shall prepare and forward a monitoring report to the State Planning Commission recommending that plan endorsement or prior center designation be revoked and shall inform the petitioner, county representatives and the State Planning Commission in writing of the reasons therefor. If the Executive Director recommends revocation of plan endorsement or center designation, notice of said recommendation shall be made pursuant to N.J.A.C. 5:85-1.7(h).

(b) Prior to the Executive Director recommending that plan endorsement or prior center designation be revoked, the Office of 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 or previously designated center. Notice of this hearing shall be provided by the Executive Director of the Office of Smart Growth in accordance with N.J.A.C. 5:85-1.7(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 the State Planning Commission or its duly authorized subcommittee will consider the monitoring report of the Executive Director of the Office of Smart Growth shall be provided by the Executive Director of the Office of 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 shall review the report of the Executive Director and the State Planning Commission shall affirm, 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 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 of the State Planning Commission's determination and findings regarding the review of the monitoring report on the endorsed plan and the Planning Implementation Agreement, or previously designated center and the Planning and Implementation Agenda. 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).

New Rule, R.2002 d.12, effective January 7, 2002.

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).

Rewrote (a); in (b) and (d), inserted references to center designations following references to plan endorsements and references to designated centers following references to endorsed plans; rewrote (e); in (f), amended the N.J.A.C. reference.

Recodified from N.J.A.C. 5:85-7.11 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. 5:85-7.13, State agency notification of endorsement approval, amendment, or revocation, repealed.

**5:85-7.14 Petitions to amend endorsed plans, previously designated centers, Planning and Implementation Agreements or Planning and Implementation Agendas**

(a) Petitions to amend endorsed plans, previously designated centers, Planning and Implementation Agreements or Planning and Implementation Agendas may be submitted by the original petitioner, but only during the biennial reporting of the status and progress of the Planning and Implementation Agreement or Planning and Implementation Agendas, 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.

(b) A petition to amend an endorsed plan, or a previously designated center, a Planning and Implementation Agreement or Planning and Implementation Agendas shall include, at a minimum:

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;
2. A statement updating the petitioner's latest biennial report if the petition amendment is not being proposed as part of a biennial report;
3. A list of the documents being submitted;
4. 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 N.J.A.C. 5:85-1.7(d) or (f);
5. 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;
6. Copies of the minutes of each public meeting at which the petition to amend the endorsed plan, previously designated centers, 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;

7. 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 Endorsements Guidelines established by the State Planning Commission;

8. Ten copies, and one electronic copy, of the petitioner's proposed amendment;

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

10. A statement describing:

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

ii. How the amendment will impact public sector decisions;

iii. The reason(s) why the amendment cannot await the next 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;

11. A report describing:

i. How the proposed amendment is consistent with the 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 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.

(c) Within 60 days of the receipt of the petition to amend an endorsed plan, a previously designated center, 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 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, a Planning and Imple-

mentation 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 of the deficiencies in the petition. If a corrected petition to amend an endorsed plan, a previously designated center, a Planning and Implementation Agreement or a Planning and Implementation Agenda 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, 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 is submitted in accordance with N.J.A.C. 5:85-7.14(a) and (b). 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.

(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, a Planning and Implementation Agreement or a Planning and Implementation Agenda is submitted in accordance with this subchapter, or is resubmitted correctly pursuant to (d) 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, 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 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 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 (e) 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 N.J.A.C. 5:85-1.6(b) and posted on the Office of Smart Growth website.

(i) In cases where the Executive Director determines that a petition to amend an endorsed plan, a previously designated center, 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 the 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 to the State Planning Commission, the petitioner and post the report on the Office of Smart Growth website. 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 amendment petition.

(k) The State Planning Commission and any duly authorized subcommittee, shall review the determination of the Executive Director that the amendment petition is complete and the determination as to whether the petition to amend an endorsed plan, a previously designated center, 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 petition based on its determination whether the amendment petition is consistent with the State Development and Redevelopment Plan. 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 amendment 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 Commission shall take action on the amendment 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) The Executive Director of the Office of Smart Growth shall, within 30 days after State Planning Commission action as set forth in (k) above, notify the petitioner in writing of the State Planning Commission's determination, findings and recommendations regarding the amendment petition.

(m) Within 45 days of the State Planning Commission determining whether the petitioner's petition to amend an endorsed plan, or a previously designated center, 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 notice of said determination pursuant to N.J.A.C. 5:85-1.7(i).

New Rule, R.2002 d.12, effective January 7, 2002.

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).

Petition for Rulemaking.

See: 37 N.J.R. 360(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;