

(b) Decision not to review within 15 days following receipt of any amendment to a certified master plan or ordinance, the Executive Director shall determine whether or not the amendment raises a substantial issue with respect to the conformance of the county master plan or ordinance with this Plan. If the Executive Director determines no such substantial issue is raised, he shall certify such fact to the clerk of the county and such amendment shall thereupon take effect in accordance with its terms and applicable law.

(c) Decision to review: If the Executive Director determines that the amendment raises a substantial issue with respect to the conformance of the amended county master plan or ordinance to this Plan, the amended county master plan or ordinance shall be reviewed pursuant to N.J.A.C. 7:50-3.18 and 3.19, and the Executive Director shall so inform the county clerk.

PART III—DELEGATION TO COUNTY PLANNING BOARDS OF PRELIMINARY REVIEW OF MUNICIPAL PLANS AND ORDINANCES

7:50-3.21 Application by county for delegation

The governing body of any county whose master plan and regulations have been certified by the Commission pursuant to N.J.A.C. 7:50-3, Part II, may petition the Commission for authority to conduct preliminary review of municipal master plans and land use ordinances located within the county by submitting a request for such authority in such form and number and containing such information as may be required by the Executive Director.

Amended by R.1995 d.449, effective August 21, 1995.
See: 27 N.J.R. 1557(a), 27 N.J.R. 1927(a), 27 N.J.R. 3158(a).

7:50-3.22 Delegation by Commission

(a) Recommendation of Executive Director: Within 30 days after receipt of a request filed pursuant to N.J.A.C. 7:50-3.21, the Executive Director shall submit to the Commission his recommendation as to whether the requested delegation is consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and this Plan.

(b) Action by the Commission: Upon receipt of the Executive Director's recommendation, the Commission shall review the request for authorization and the recommendation of the Executive Director and may, if it determines that the requested delegation is consistent with the purposes and provisions of the Pinelands Protection Act, Federal Act and this Plan, delegate to the petitioning county the preliminary review of municipal master plans and land use ordinances prescribed in Part IV of this subchapter. The Commission may, in its discretion, limit such delegation to designated municipalities within a county for a fixed term, with or without provision for automatic or other renewal; and may make such delegation subject to any special terms, condi-

tions or limitations deemed necessary or appropriate by the Commission.

7:50-3.23 List of reviewing counties and notice to municipalities

The Executive Director shall maintain a list of those counties to which a delegation pursuant to N.J.A.C. 7:50-3.22(b) has been made and shall, within 10 days following entry of any order by the Commission pursuant to N.J.A.C. 7:50-3.22(b) delegating preliminary review authority to any county, notify the clerks of all municipalities within the county of such delegation and of its specific terms.

7:50-3.24 Revocation of delegation and notice thereof

(a) Recommendation by Executive Director: If at any time after a delegation pursuant to N.J.A.C. 7:50-3.22(b) has been made the Executive Director has reason to believe that a county is exercising the delegated preliminary review authority in a manner inconsistent with that represented to the Commission in the request filed pursuant to N.J.A.C. 7:50-3.21 or in any manner inconsistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act or this Plan, he shall report all facts giving rise to such determination, together with his recommendation that the delegation be revoked, suspended or modified, to the Commission.

(b) Action by the Commission: Upon receipt of any report and recommendation from the Executive Director pursuant to (a) above, the Commission shall determine whether such county has exercised the delegated preliminary review authority in a manner inconsistent with that represented to the Commission in the request filed pursuant to N.J.A.C. 7:50-3.21 or in any manner not consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act or this Plan and, if it so determines, shall revoke, suspend or modify such delegation.

(c) Notice of revocation: Within 10 days following entry of any order entered by the Commission pursuant to (b) above, revoking, suspending or modifying any delegation pursuant to N.J.A.C. 7:50-3.22(b), the Executive Director shall give notice of such order and of its terms, by certified mail, to the affected county and to all municipalities within such county.

7:50-3.25 through 7:50-3.30 (Reserved)

PART IV—CERTIFICATION OF MUNICIPAL PLANS

7:50-3.31 Conformance of municipal master plan and land use ordinances required

Within one year after the effective date of this Plan, or any amendment hereof, each municipality with jurisdiction over land located within the Pinelands Area shall conform

its master plan and land use ordinances applicable to such land to the minimum standards of this Plan.

7:50-3.32 Submission of plan and land use ordinances

Within one year after the effective date of this Plan, or any amendment thereof, each municipality located in whole or in part in the Pinelands Area shall submit, in accordance with the provisions of this Part, its master plan and land use ordinances to the Commission for review and determination of whether such plan and ordinances are in conformance with the minimum standards of this Plan; provided, however, that municipalities in any county which has been delegated preliminary review authority pursuant to Part III of this subchapter shall submit their master plans and land use ordinances to such county in accordance with N.J.A.C. 7:50-3.40 and the provision of any applicable ordinance or regulation of such county. Such municipal master plan and land use ordinances shall be in such form and number and shall contain such information as may be required by the Executive Director in order to make the findings required by N.J.A.C. 7:50-3.39. In no case shall the Executive Director accept a master plan for formal review and certification pursuant to N.J.A.C. 7:50-3.39 without an adopted ordinance which implements said master plan, unless no such ordinance is necessary.

Amended by R.1988 d.405, effective September 19, 1988.

See: 20 N.J.R. 716(a), 20 N.J.R. 2384(a).

Added text "In no case ...".

Petition for Rulemaking.

See: 34 N.J.R. 2152(a), 34 N.J.R. 2870(a), 34 N.J.R. 3134(b), 34 N.J.R. 3868(c).

7:50-3.33 Setting of hearing

After receipt of the master plan and land use ordinances, the Executive Director shall give notice of and set the date, time, and place for a public hearing for consideration of the application. The public hearing shall be held by the Executive Director within 60 days following the receipt of the master plan and ordinances in accordance with the provisions of N.J.A.C. 7:50-4.3. At the hearing any person may present any relevant information, including but not limited to nominations of Special Agricultural Production Areas and Agricultural Production Areas that are not designated in the submitted municipal master plan or land use ordinance.

Petition for Rulemaking.

See: 34 N.J.R. 2152(a), 34 N.J.R. 2870(a), 34 N.J.R. 3134(b), 34 N.J.R. 3868(c).

7:50-3.34 Recommendation of Executive Director

Upon completion of the public hearing, the Executive Director shall review the application and the record of the hearing and shall, within 100 days following the receipt of the master plan and land use ordinances, submit a report to the Commission setting forth proposed findings and a recommended order as to whether the master plan and land use ordinances are in conformance with the minimum standards of this Plan.

7:50-3.35 Certification of municipal master plans and land use ordinances

Upon receipt of the report of the Executive Director, the Commission shall review the findings, conclusions and recommendation of the Executive Director and shall, within 120 days following receipt of the plan and land use ordinances, issue an order certifying, certifying with conditions or disapproving the municipal master plan and land use ordinances. If the municipal master plan and land use ordinances are certified with conditions or disapproved, the Commission shall specify the changes necessary in order to secure Commission certification of the municipal master plan and land use ordinance.

Amended by R.1994 d.590, effective December 5, 1994.

See: 26 N.J.R. 165(a), 26 N.J.R. 4795(a).

7:50-3.36 Responsibility of municipality upon conditional certification or disapproval

Any municipality whose master plan or land use ordinances have been disapproved or certified with conditions shall modify such master plan or land use ordinances as is necessary to conform to the minimum standards of this Plan and the provisions of any conditions attached to a conditional certification. Within 120 days after the Commission order disapproving or certifying with conditions, each such municipality shall submit its modified master plan and land use ordinances for review pursuant to the provisions of N.J.A.C. 7:50-3.33 through 3.35.

7:50-3.37 Effect of municipality's failure to obtain Commission certification of master plan and land use ordinances

In the Preservation Area, and after one year from the effective date of this Plan, in the Pinelands Area, no person shall carry out any development in an uncertified municipality unless such development has been approved by the Commission pursuant to N.J.A.C. 7:50-4, Part II. Such approval shall supersede any local decision if a municipality has not received certification of its master plan and land use ordinances. If the Commission conditionally certifies or disapproves an amendment to a municipal master plan or land use ordinance pursuant to N.J.A.C. 7:50-3.35 and the municipality does not comply with the requirements of N.J.A.C. 7:50-3.36, the amendment shall be deemed to be disapproved. The municipality's previously certified master plan and land use ordinances shall remain in effect unless the amendment constituted the required response to an order issued pursuant to Part VI of this subchapter or to an amendment adopted by the Commission pursuant to N.J.A.C. 7:50-7. In that case, the municipality's master plan and land use ordinances shall be deemed to be uncertified and the provisions of N.J.A.C. 7:50-4, Part II shall apply to all development requiring municipal approval.

Amended by R.1994 d.590, effective December 5, 1994.

See: 26 N.J.R. 165(a), 26 N.J.R. 4795(a).