



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
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TRENTON, NEW JERSEY 08625-0820

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Governor

THOMAS K. WRIGHT
Chairman

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DONNA A. RENDEIRO
Executive Director/Secretary

Resolution No. 2023-11
Page 1 of 2

Date: June 7, 2023
Patron: Thomas K. Wright

RESOLUTION
AUTHORIZING UPDATED RULE LANGUAGE AND UPDATED TIMELINE

WHEREAS, pursuant the State Planning Act, N.J.S.A. 52:18A-196 to -208, the State Planning Commission (the Commission) has prepared and adopted a State Development and Redevelopment Plan (the State Plan), which includes a State Plan Policy Map; and

WHEREAS, the Commission is empowered, pursuant to N.J.S.A. 52:18A-203(a), to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes; and

WHEREAS, the rules and regulations of the Commission are codified at N.J.A.C. 5:85-1.1 to -8.10; and

WHEREAS, the Commission has not made substantial additions or revisions to its rules and regulations in several years; and

WHEREAS, since the Commission last engaged in substantive rulemaking, the Governor signed Executive Order 23 (Murphy) (Apr. 20, 2018) and enacted policies requiring that state agencies place greater emphasis on Environmental Justice and Equity than is embodied in the current rules; and

WHEREAS, Executive Order 89 (Murphy) (Oct. 29, 2019) requires that the Commission incorporate mandatory resiliency planning in the Commission's rules for Plan Endorsement; and

WHEREAS, significant changes in land use patterns and priorities have taken place throughout New Jersey since the Commission last engaged in substantive rulemaking; and

WHEREAS, advancements in technology provide for more efficient processes related to State Plan updates and associated policies and procedures; and

WHEREAS, the Commission approved Resolution #2021-10 authorizing a rule update timeline and process to codify the necessity and prudence of updating the State Planning Rules for all of the foregoing reasons; and

WHEREAS, the Commission approved Resolution #2021-13 authorizing Rule languages changes; and

WHEREAS, since the State Planning Commission approved Resolutions #2021-10 and #2021-13, there have been additional revisions in order to clarify the Rules and further streamline the process of plan endorsement and State Plan updates; and

WHEREAS, the Commission finds it necessary and prudent to further update the State Planning Rules for all of the foregoing reasons; and

WHEREAS, the approved timeline has been updated to correspond with the current process which required additional time for the proposed revisions; and

WHEREAS, Exhibit A, attached hereto, summarizes the updated changes to the State Planning Rules and provides a timeline for proposal and adoption; and

WHEREAS, Exhibit B, attached hereto, is the complete text of the updated Rules proposed for readoption with substantive changes to be presented to the public pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 to -31).

NOW THEREFORE, BE IT RESOLVED that the Commission approves the schedule and topics to be updated through formal rulemaking, as identified in Exhibit A, and the readoption of N.J.A.C. 5:85 with substantive changes, as identified in Exhibit B; and

BE IT FURTHER RESOLVED that public comments received during the 60-day public comment period will be presented to the Commission for review prior to publication in the New Jersey Register; and

BE IT FURTHER RESOLVED that, in all other aspects, the Commission authorizes the Executive Director of the Office of Planning Advocacy to take all actions necessary to engage in formal rulemaking pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -31, and all other pertinent statutes and regulations.

I hereby certify that this resolution was
duly adopted by the State Planning Commission
at its meeting on June 7, 2023


Donna A Rendeiro, Secretary
State Planning Commission
Date: June 7, 2023

EXHIBIT A

NJ Office of Planning Advocacy Proposed amendments to the State Planning Rules, N.J.A.C. 5:85

Proposed Rulemaking Timeline:

1. SPC hearing to vote on State Rulemaking changes: June 7, 2023
2. Obtain resolution from SPC to authorize submission of notice: June 7, 2023
3. Deadline to publish the Notice of Proposal is July 17, 2023, NJ Register to begin the 60-day public comment period: June 14, 2023
4. 60 comment period ends: September 15
5. OPA and Deputy Attorney General will prepare the adoption document and respond to public comments and send it to DOJ and Governor's office: October 15
6. Final State Rulemaking changes presented to SPC: November 13
7. Deadline to publish the Notice of Adoption is December 18, 2023 NJ Register: November 22, 2023
 - Rules expire on January 18, 2024, based on the 180-day extension. There are two NJ Register volumes that are published prior to expiration (January 2, 2024, and January 16, 2024).

Exhibit B

<u>Current Section</u>	<u>Current rules</u>	<u>Previously approved by SPC</u>	<u>Current proposal</u>
Subchapter 1 General Provisions			
5:85-1.4 Definitions	Critical environmental site (CES) definition only mentions center	CES now includes cores and nodes	No change
	Memorandum of Understanding (MOU) definition referred to an Action Plan	MOU now refers to the PIA in place of Action Plan	No change
		Neighborhood Plan definition has been removed as the SPC does not endorse units smaller than local government.	All mention of neighborhood petitioner has also been removed
	Plan Endorsement definition treated all applications the same as if a brand new application even if previously endorsed	New definition for Plan Endorsement renewal which allows for an expedited renewal after the 10 year endorsement has expired	No change
	Plan Implementation Agreement (PIA)	PIA definition has been expanded to incorporate the Action Plan and that the PIA will be adopted as part of the resolution of the State Planning Commission (SPC).	No change
	Plan Implementation Mechanism - "means zoning and land use ordinances, maps and schedules, natural resource inventories, capital improvements programs and any other relevant means used to implement plans.	Added "open space and farmland preservation programs"	No change
	PA1 centers villages towns Highlands Pinelands and villages	Now includes cores and nodes	No change
	No previous definition for written comment	Provides for either electronically or by first class mail for public comment	No change

State Planning Commission
 Summary of Rule Changes
 6/8/2023

<u>Current Section</u>	<u>Current rules</u>	<u>Previously approved by SPC</u>	<u>Current proposal</u>
		Added: Plan Endorsement renewal or expedited process definition	No change
Subchapter 2 Preparation of a Preliminary SDRP			
	Written only	Majority of communications can now be either written or electronic with a few exceptions: public notice under the Open Public Meetings Act	No change
5:85-1.6, 1.7 Public participation	Cross-acceptance and Plan Endorsement opportunities for public comment was accepted as written or in person during public hearings	Can now also be submitted electronically	No change
Subchapter 3 Procedures for comparing state regional county and municipal plans			
5:85-3.1(c) Commencement of comparing plans	The SPC shall conduct a joint public information meeting with each county planning board in each county to provide information on the Preliminary State Development and Redevelopment Plan (SDRP)	Can meet virtually upon request - 5:85-3.1 with county planning boards; 4.5 OPA with negotiating entities; required meetings for SPC for State Rules changes six meetings five virtual; Municipality and county review of new State Rules can be submitted electronically	No change
5:85-3.2(b) Negotiating entities for Cross-Acceptance	The SPC shall send a copy of the Cross-Acceptance Manual to each county	Can now be sent electronically	No change
5:85-3.2(c)	Each county shall send a letter of participation or waiver	Can now be sent electronically	No change

State Planning Commission
 Summary of Rule Changes
 6/8/2023

<u>Current Section</u>	<u>Current rules</u>	<u>Previously approved by SPC</u>	<u>Current proposal</u>
5:85-3.7 Regional and State agency in participation in cross-acceptance	Preliminary SDRP shall be distributed to all appropriate regional and State agencies	Preliminary SDRP can be sent electronically to regional and State agencies	No change
5:85-3.6(a) Municipal participation in cross-acceptance	Requires submissions of latest Master Plan and Master Plan Re-exam, Land Development Ordinances and capital improvement programs	Master Plan and Re-exam, Land Development Ordinances and capital improvement programs no longer required since unnecessary and overburdensome	No change
Subchapter 4 Procedure for negotiating plans			
5:85-4.5(a) The negotiation process	Negotiations of cross-acceptance - Office of Smart Growth to meet with all authorized representatives of each negotiating entity	Office of Planning Advocacy (OPA) can meet virtually with all negotiating entities to reach agreement	No change
5:85-5.2 Required public hearings	There shall be a minimum of six public hearings on draft final SDRP	Minimum of six public hearings in different locations in NJ or held virtually. At least one meeting will be held in person in a central location.	Three of the six must be in person
5:85-5.3 Municipal and County review before adoption of final SDRP	Municipal and county comments written submission	The SPC shall provide an electronic format for written comments	No change
Subchapter 7 Plan Endorsement			
		Majority of communications can now be either written or electronic with the exception of public notice under the Open Public Meetings Act	

State Planning Commission
 Summary of Rule Changes
 6/8/2023

<u>Current Section</u>	<u>Current rules</u>	<u>Previously approved by SPC</u>	<u>Current proposal</u>
5:85-7.5 State agency responsibilities		Added: List of benefits to potential petitioners shall be updated which helps encourage entities to participate in Plan Endorsement process	No change
5:85-7.8 Advisory committee appointment and membership	8.1(a)(1) mentions a neighborhood petitioner in addition to a municipal petitioner	Added: The Advisory Committee shall have added focus on greater inclusivity of underserved populations and increased public engagement during Plan Endorsement process. At least two of the five to 10 members must be members of the public. Sustainable Jersey Green Team could serve as Advisory Committee. Language referencing a neighborhood petitioner removed.	Language referencing Sustainable Jersey Green Team has been deleted. Language referencing a neighborhood petitioner has been put back in as deleted instead of just removing it so there is a clear change.
5:85-7.9 Municipal Self-Assessment (MSA)		Removed: MSA checklist contained lengthy requirements including petitioner submitting planning documents, demographics, inventory of all grant funding, inventory of planning and zoning approvals etc which have been removed	No changes
5:85-7.10 State agencies Opportunities and Constraints (O&C)	Evaluate based upon development, infrastructure & natural resources.	Added: social equity and climate change as evaluation criteria	Added environmental justice as a criteria
5:85-7.11 Community visioning process	Two facilitated workshops and two public hearings	At least one workshop and one public hearing to be held virtually to enhance public participation. The petitioner shall engage socially vulnerable populations during process.	No changes

State Planning Commission
 Summary of Rule Changes
 6/8/2023

<u>Current Section</u>	<u>Current rules</u>	<u>Previously approved by SPC</u>	<u>Current proposal</u>
	Community visioning process two facilitated workshops and two public hearings	At least one workshop and one public hearing to be held virtually to enhance public participation	No change
5:85-7.13(c-e) Consistency review		Added: language to include criteria for Environmental Justice, climate resiliency, Greenhouse gases & Affordable housing	No changes
5:85-7.14 Finding of consistency and recommendation report	If consistent Executive Director writes a recommendation report and at the end of the review period the Executive Director writes a Certificate of Eligibility for consideration by SPC. If not Executive Director and state agencies write a draft MOU and action plan	Removed: Certificate of Eligibility no longer required. If consistent then Executive Director writes a recommendation report and proceed to PIA. If not consistent then action plan prior to PIA. MOU no longer required and essentially incorporated into the PIA and Action plan has been streamlined and has a reduced emphasis. Greater emphasis on the PIA. MOU replaced with resolutions adopted by petitioner & SPC. Reduced time period to 45 days to develop action plan.	Title now "Finding of consistency and action plan" - Executive Director no longer prepares a recommendation report, if submission is consistent a draft PIA is done.
	If action plan is inconsistent, advise in writing items that need to be addressed in Action Plan	If additional action must be taken to achieve consistency, the Executive Director has 45 days from the conclusion of the 90 day consistency review period to develop an Action Plan	No change
5:85-7.15 Action Plan and MOU adoption submission and completion		Title now "Action Plan" - The Plan Endorsement process no longer includes the MOU and the Action Plan is now prior to the PIA. (recodified in 7.14)	Recodified 7.15 (from 7.18) is Recommendation report, review of petition, and direct petition

State Planning Commission
 Summary of Rule Changes
 6/8/2023

<u>Current Section</u>	<u>Current rules</u>	<u>Previously approved by SPC</u>	<u>Current proposal</u>
5:85-7.16 Certificate of Eligibility		Removed from Plan Endorsement process as no longer needed. The PIA will provide this function. SPC can remand PIA back to petitioner for revisions.	No change
5:85-7.17 Draft PIA	Petitioner works with State agencies to develop a draft PIA that outlines a plan for the ten year endorsement period.	Draft PIA and MOU - Once OPA receives the Draft PIA and MOU the Executive Director sends a recommendation report to the SPC deeming the plan consistent or inconsistent. Plan Implementation Committee (PIC) reviews Executive Director report and makes recommendation to SPC for approval, approval with revisions or denial.	Title changed to "PIA submission and completion" MOU no longer required. Replaced with PIA and resolution. Executive Director reviews the Action Plan and draft PIA and prepares the recommendation report and sends to PIC deeming consistent or inconsistent. PIC makes their recommendations to the SPC. Recodified at 7.16
5:85-7.18 Recommendation report, review of petition, and direct petition	Within 60 days of Action Plan submitted then Executive Director writes a recommendation report to SPC. PIC makes recommendation within 45 days.	Moved to 7.15 Within 60 days of Action Plan and development of draft PIA submitted then the Executive Director writes recommendation report	7.20 Extension of time requirements is recodified at 7.18
5:85-7.19 Plan Endorsement by SPC	SPC conducts a hearing based upon the petition, Executive Director recommendation report and PIC's recommendation. The SPC's approval or denial of a petition is the final agency action. Executive Director notifies petitioner of SPC determination.	Same process but includes a resolution from the petitioner (from Planning Board and Governing Body) accepting and authorizing the PIA and State Planning Areas map. The resolution has replaced the need for the MOU.	No change
5:85-7.21 Period of Endorsement	No mention of Highlands only Pinelands	A municipality or county that has received Highlands Council approval is deemed equivalent to endorsement from SPC.	Now recodified at 7.19

State Planning Commission
 Summary of Rule Changes
 6/8/2023

<u>Current Section</u>	<u>Current rules</u>	<u>Previously approved by SPC</u>	<u>Current proposal</u>
5:85-7.23 Revocation of plan endorsement		7.23 is now Petitions to amend endorsed plans, previously designated centers, PIA's recodified from 7.24	Previous revisions did not mention whether this section should be included or changed. We feel the language is worth keeping and had meant to be kept. 7.23(b)(11)(iii) "Why the current planning and implementation agreement item that is proposed to be changed cannot be implemented and why the proposed change will accomplish the same purpose as well or better than the original".
<u>New section-</u> Renewal of endorsed plans and centers		Added: 7.23 A less stringent application process has been designed for renewal based upon petitioner's previous Plan Endorsement and accomplishments. Executive Director reports to SPC regarding PIA progress and whether or not eligible to pursue expedited Plan Endorsement. Petitioner submits required documents.	Recodified in 7.21 The Executive Director after consent from PIC deems eligible for expedited process. PIC advises if ineligible then Executive Director must notify petitioner.
		Executive Director will schedule a renewal meeting within 30 days of receipt of these documents with the petitioner and state agencies. OPA drafts memo outlining any additional materials needed and agreed to by petitioner agencies county etc	No change

State Planning Commission
 Summary of Rule Changes
 6/8/2023

<u>Current Section</u>	<u>Current rules</u>	<u>Previously approved by SPC</u>	<u>Current proposal</u>
		Present to PIC then SPC for official endorsement renewal report. If approved endorsed for 10 years and subject to biennial review.	No change
5:85-7.24 Petitions to amend	12 months prior to expiration of endorsement, the Executive Director shall in consultation with the PIC inform petitioner whether PIA is consistent. If meaningful progress made, the letter will state eligible for Plan Endorsement renewal. No longer requires MSA. Within 10 months prior to expiration Mayor must petition for renewal of Endorsement	Revised language would permit a justification statement instead of MSA	Recodified at 7.23
5:85 - 7.24			States reserved
Subsection 8 State Map			
5:85-8.4 Procedures		Language clarifying the procedure if an individual or private entity is seeking an amendment to the State Plan Policy Map including follow up procedures after a hearing is held in the local municipality and notifying the Executive Director of the meeting outcome (within 30 days)	No change

State Planning Commission
 Summary of Rule Changes
 6/8/2023

<u>Current Section</u>	<u>Current rules</u>	<u>Previously approved by SPC</u>	<u>Current proposal</u>
5:85-8.4 Procedures	The Office of Smart Growth shall hold a public meeting in the appropriate jurisdiction for a map amendment including for private entities or individuals	All references to Office of Smart Growth changed to Office of Planning Advocacy. Language added as to how amendment will impact local zoning district, infrastructure and capacity, adjacent municipalities, & public sector decisions. For private entities or individuals the appropriate municipality shall hold at its discretion an in person virtual or mixed public hearing as per the Open Public Meetings Act.	Municipalities may no longer hold a mixed mode meeting for private entity or individual

EXHIBIT B

**DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
OFFICE OF PLANNING ADVOCACY
NOTICE OF PROPOSAL
New Jersey State Planning Rules**

Proposed Readoption with Amendments: N.J.A.C. 5:85

**Proposed Repeals and New Rules: N.J.A.C. 5:85-7.15, 7.16, 7.17, 7.18, 7.19,
7.20, 7.21, 7.22, 7.23**

Proposed Repeals: N.J.A.C. 5:85-7.24

Authorized By: State Planning Commission
Donna Rendeiro, Director of the Office for Planning
Advocacy

Authority: N.J.S.A. 52:18A-203(a)

Pre-Proposal Number: PRN 2021-TBD

Calendar Reference: As the State Planning Commission has provided for a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5. (See VII.C.1.g.(1) above.)

Written comments on the proposal for the 60-day comment period, beginning **TBD**, may be submitted electronically or mailed by **XXX X**, 2023 to:

Office for Planning Advocacy, Department of State

33 W. State Street, 4th Floor

P.O. Box 820

Trenton, New Jersey 08625

Or:

Donna.Rendeiro@sos.nj.gov

If you need this document in Braille, large print or audio cassette, contact the Office of Marketing at (609) 292-7832 or NJ Relay (TTY) 1-800-852-7899.

This notice of pre-proposal may be viewed or downloaded from the Office of Planning Advocacy's website at: <https://nj.gov/state/planning/index.shtml>

The agency proposal follows:

Summary

Take notice that pursuant to its authority under N.J.S.A. 52:18A-203, the New Jersey State Planning Commission ("Commission") is soliciting comments regarding proposed readoption with amendments, repeals and new rules to N.J.A.C. 5:85, to update the State Planning Rules ("Rules"). The Rules of the Commission, codified at N.J.A.C. 5:85, were adopted pursuant to the authority of the *New Jersey State Planning Act* ("Act") at N.J.S.A. 52:18A-196 *et seq.*, which was signed into law on January 5, 1986. The Rules were scheduled to expire on July 22, 2023. 55 N.J.R. 1556(a). Pursuant N.J.S.A. 52:15B-5.1(c)(2), with the timely filing of the notice of readoption with substantive changes with the Office of Administrative Law, the expiration date was extended by 180 days.

In the Act, the Legislature declared that the State of New Jersey needs sound and integrated statewide planning to "...conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal." N.J.S.A. 52:18A-196(a).

To accomplish these goals, the Act established the New Jersey State Planning Commission and the Office of State Planning (now the Office of Planning Advocacy), and called for a State Development and Redevelopment Plan ("State Plan"). The Act further authorizes the Commission to adopt formal rules and to establish administrative procedures to govern its actions. The Rules are in Chapter 5:85 of the New Jersey Administrative Code (N.J.A.C.). The Act specifies that the Commission will create rules and regulations to define the process of cross-acceptance and procedures for solicitation and receipt of comments for the State Plan, the official blueprint for which growth and preservation policies are decided on in New Jersey. The Rules also provide for Plan Endorsement, the mechanism to effectively implement the planning policies of the State Plan. Plan Endorsement is a process that considers how to ensure consistency of all local and regional governmental plans with the goals and policies of the State Plan and to ensure a minimum level of state technical assistance along with specified regulatory and funding priority benefits.

The Rules have not been substantially updated in over twenty years. The Commission finds that certain procedural aspects of the Rules are outdated and warrant comprehensive revision (amendment, repeal and new rules) to enhance and match Plan Endorsement planning strategies and future updates to the State Plan with current State

policies, regulations and priorities addressing emerging land use-related issues, such as climate change-related resilience and environmental justice, and to further advance the principles of smart growth, sustainability, and equitable prosperity for all of New Jersey's municipalities and residents.

The proposed amendments are also intended to make better use of new technology to enhance public participation and engagement in both the Plan Endorsement process, and future updates to the State Plan, as well as to streamline the process and procedural aspects of Plan Endorsement, and the future preparation, revision, and re-adoption of the State Plan. The proposed amendments will also provide a basis for future updates to the Plan Endorsement Guidelines and other guidance documents made available by the Office of Planning Advocacy. The proposal also includes proposed new rules that provide for an expedited Plan Endorsement renewal process for eligible petitioners whose planning efforts have remained consistent during their endorsement period, and who comply with any new requirements in the Rules as may be adopted by the Commission in the future.

In addition, the proposed amendments, repeals and new rules will bring the Rules into compliance with Governor Murphy's Executive Orders 89 and 23, as well as recent amendments to the New Jersey Municipal Land Use Law ("MLUL") (P.L. 2021, c. 6), and environmental justice legislation (P.L. 2020, c. 92) signed into law, with respect to incorporating climate resilience and environmental justice considerations into the voluntary local and regional Plan Endorsement process, and future updates to the State Plan and master plan and land use elements. The proposed amendments are also based upon the Scientific Report on Climate Change and Governor Phil Murphy's Interagency

Council on Climate Resilience, Statewide Climate Change Resilience Strategy, and will incorporate climate change considerations.

Proposed Amendments Subchapter 1. General Provisions (1.1 – 1.8)

About two-dozen new, revised or deleted definitions are proposed in section 1.4:

Action Plan – Proposed amendment provides for greater procedural clarity and removes the current reference to “benefits” as these are defined elsewhere and more directly associated with the Plan Implementation Agreement and Plan Endorsement, not the completion of the Action Plan.

Certificate of Eligibility – Proposed for deletion as this step is no longer utilized by the Commission in the Plan Endorsement process.

Critical Environmental Site (CES) – Proposed amendment adds “nodes and cores” to areas that may be subject to a CES. These areas are treated as Centers, which may include a CES per current definition.

Cross–Acceptance Report – Proposed amendment replaces the term Cross-Acceptance Report” with “Cross-Acceptance Response Template” as the Commission’s intent is to develop an online format for this purpose, whereby county and municipal responses can be more easily generated, submitted and analyzed by the Commission and OPA.

Days – Proposed revision provides greater clarity and replaces the term “calendar days” with more standard term of “business” and “week days”, which shall be Monday through Friday, except for federal or state holidays, unless otherwise specified.

Display Ad – Proposed revision replaces the term “Display Ad” with “Legal Advertisement, which is the standard and accepted practice.

Distributed – Proposed new definition resolves confusion and clarifies that the term “Distributed” shall mean any document that is released either electronically, online and/or by first class mail as being acceptable.

Historic and cultural site (HCS) – Proposed amendment removes reference to the mapping of HCS’s in the State Plan Policy Map, which the Commission deems as technically infeasible and duplicative to municipal historic and cultural resources inventories that are a conditional requirement for plan endorsement where warranted.

Impact Assessment – Proposed amendment adds “climate change resilience and mitigation, social justice, quality of life and community livability” to the list of issues to be addressed as part of an Impact Assessment to comply with E.O. 89 and E.O. 23.

Infrastructure Needs Assessment – Proposed amendment adds “broadband” to list of items to be addressed in an Infrastructure Needs Assessment, which is an important aspect of modern communications infrastructure and community equity.

Memorandum of Understanding – Proposed amendment revises the definition to associate with the Plan Implementation Agreement, as stated under proposed amendments to the Action Plan.

Natural system – Proposed amendment removes the definition as this term only appears once in the Rules within the definition section.

Neighborhood Plan – Proposed amendment would remove the term from definitions section as the Commission does not endorse units smaller than local government.

Office of Smart Growth – Proposed amendment replaces the term “Office of Smart Growth” with the “Office of Planning Advocacy”, or “Office” in reference to OPA, or its

successor to comply with a name change effectuated during the Christie Administration through Reorganization Plan, No. 002-2011.

Plan Endorsement Advisory Committee or The Advisory Committee – Proposed amendment changes the role of liaison from required to optional to reflect current practice. With the proposed change, the Advisory Committee’s role would be limited to guide, assist, and increase public awareness of and participation in the plan endorsement process, with an emphasis on participating in visioning, and providing review and comment on the Self-Assessment report.

Plan Endorsement Guidelines – Proposed amendment removes reference to providing standards as only the State Planning Rules do that, and revising the purpose to one of helping petitioners understand and follow the State Planning Rules as they pursue plan endorsement, pursuant to N.J.A.C. 5:85.

Plan endorsement process or plan endorsement – Proposed amendment revises language to reflect that the Plan Endorsement Guidelines were updated by the Commission in 2020.

Plan Endorsement Renewal or Expedited Renewal – Proposed new definition to correspond with proposed new rule at 5:85-7.23, to provide for an expedited process, whereby municipal, county, or regional entities may petition the Commission to renew endorsement at the conclusion of the previous 10-year plan endorsement period, when a petitioner’s previously endorsed plan is brought into consistency with the current State Plan and Planning Rules.

Plan Implementation Mechanisms – Proposed addition of open space and farmland preservation programs to the means relevant to implementing plans.

Plan Implementation Agreement (PIA) – Proposed expanded definition will clarify expectations regarding using the PIA to achieve consistency with the State Plan. The maintenance of an endorsed plan’s status during the 10-year endorsement period will be contingent upon fulfilling the obligations in the PIA as evaluated pursuant to N.J.A.C. 5:85-7.21 and the monitoring of endorsed plans and designated centers.

Plan Implementation Committee (PIC) – Proposed new definition added as the PIC is currently not defined. The PIC means a subcommittee of the Commission authorized to review Plan Endorsement petitions, State Policy Map Amendment petitions and other work products in advance of consideration by the Commission.

Regional Agency – The proposed amended definition more closely matches the Regional/County Plan Endorsement Guidelines created by OPA in 2020.

Smart Growth Areas – Proposed new definition shall correspond with the Commission’s long-established Smart Growth Areas Map as maintained by the Office of Planning Advocacy. The definition is intended to provide a uniform understanding in usage among State agencies and lawmakers.

Written comment – Proposed new definition will reduce confusion and clarify the term “Written Comment” to mean public comment provided either electronically or by first class mail.

In section 1.7, the proposed amendment requires that public notice include adjoining municipalities to enhance inter-municipal transparency and the opportunity for meaningful participation by affected local governments in the map amendment process. Also, the proposed amendments would replace references to “display ads” with “legal advertisement” as designed by a municipality to match standard practice. The

amendment requires that written notice be provided to “each municipality which adjoins the municipality in which the property that is the subject of the petition is located” to enhance transparency and the opportunity for greater public and municipal engagement and involvement regarding petitions to amend State Plan Policy Maps. The amended language would also require a 200-foot notice by a private entity or individual in all cases where petition is for a State Policy Map amendment to enhance transparency and the opportunity for greater public engagement and involvement regarding petitions to amend State Plan Policy Maps. The current language only requires a 200-foot notice “if petition is for a minor map amendment.”

Proposed Amendments Subchapter 2. Preparation of A Preliminary State Development And Redevelopment Plan (2.1 – 2.3).

The proposed amendment at N.J.A.C. 5:85-2.3 replaces the term “Cross-Acceptance Report” with “Cross-Acceptance Response Template” in this subsection and thereafter, as the Commission’s intent is to develop an online format for this purpose, whereby county and municipal responses can be more easily generated, submitted and analyzed by the Commission and OPA.

Proposed Amendments Subchapter 3. Procedures For Comparing State, Regional, County, And Municipal Plans (3.1 – 3.14).

5:85-3.1(c). Commencement of comparing plans: The proposed amendment allows the Commission to conduct the required joint public informational meetings either “in person or virtually upon request,” to provide greater flexibility in recognition of the

increasing use of electronic forms of communication and to accommodate preference where requested. Proposed amendments to 5:85-3.6(a) 1, Municipal participation in the cross-acceptance process, remove the requirement for municipalities to provide certain planning documents for cross-acceptance, finding the current requirement unnecessary and burdensome to both local governments and OPA. 5:85-3.9(c).

Proposed Amendments to Subchapter 4. Procedures for Negotiating Plans (4.1 – 4.7)

5:85-4.5(a) 1. The negotiation process: The proposed amendment provides OPA and authorized representatives of each negotiating entity with the option to meet “in person or virtually upon request,” to provide greater flexibility in recognition of increasing use of electronic forms of communication and to accommodate preference where requested.

Proposed Amendments to Subchapter 5. Procedures For Adopting The Final Plan (5.1 – 5.5).

5:85-5.2. Required public hearings: The proposed amendment permits the Commission to hold up to five of the six currently required public hearings on the draft Final State Plan, to be held virtually, so long as “at least one meeting is held in person in a central location. The proposed changes are intended to provide greater flexibility to all persons in recognition of increasing use of electronic forms of communication preferences, and the desire to ensure meeting attendance and quorum for volunteer members who will be challenged to physically attend all meetings.

5:85-5.3 Municipal and county review and comment before adoption of Final State Development and Redevelopment Plan: The proposed amendments are intended to require greater utilization of online technology to streamline the comment and review process to save time and public resources, while enhancing and modernizing the local governmental comment process. The Commission believes that the development and use of a uniform electronic template will increase participation and simplify the process of completing, collecting and organizing respondent information in a manner that will be more useful to the Commission.

Proposed Amendments to Subchapter 7. Plan Endorsement (7.1 – 7.25)

5:85-7.2 Purpose and scope: The proposed amendment removes reference to a Certificate of Eligibility as the current Plan Endorsement process, as administered by the Commission, no longer utilizes this step, which it deems unnecessary.

5:85-7.3 Applicability: The proposed amendments to 7.3(a) 5-12., provide greater clarity and match various definitions of “Regional Entities” in the Plan Endorsement Guidelines document that was updated by the Commission in 2020. Section 7.3(a) 6, 7, 8 and 12 are proposed for removal and instead addressed in the Definitions section at N.J.A.C.5:85-1.4. Section 7.3(b) is proposed for removal as the date is no longer applicable.

5:85-7.5 State agency responsibilities: The proposed amendment would have the list of State agency benefits “periodically updated by each State agency member of the Commission, and any other relevant State agency or authority, at the request of the Commission or the Executive Director,” in recognition that programs, initiatives and other

benefits made available, are subject to available funding, modification and periodic change.

5:85-7.7 Pre-petition submission requirements, scheduling and meeting: The proposed amendment to 7.7(a) replaces the word “may” with “shall” making it a requirement for a prospective municipal petitioner to request a pre-petition meeting with OPA when considering whether to petition for plan endorsement. This is already a required step in the Plan Endorsement Guidelines as updated by the Commission in 2020. 7.7(a) 2 adds ordinances as delineated in N.J.A.C. 5:85-7.13(d) or outlined in the Plan Endorsement Guidelines update to provide greater specificity as to submission requirements of pre-petition.

5:85-7.8 Advisory committee appointment and membership: The proposed amendments to 5:85-7.8 are to match language from the 2020 Plan Endorsement Guidelines update, regarding greater emphasis on public engagement and the inclusion of historically underserved populations to ensure that committee membership is inclusive of the entire community. The role of the Plan Endorsement Advisory Committee is further clarified to guide and assist in the development and/or review of the Self-Assessment report, and recommendations therein. The PEAC would no longer be required to serve as a liaison with the State, county, regional and local officials throughout the plan endorsement process, unless otherwise provided for upon the consent of the governing body.

5:85-7.9 Self-Assessment Report, form, content, adoption, and submission requirement: The proposed amendments update the list of content comprising the Self-Assessment report submission requirements for consistency with the proposed State

Planning Rule amendments, and to reflect 2020 updates to the Plan Endorsement Guidelines and Municipal Self-Assessment Template. The revisions will enhance State agency review for the purposes of consistency, and the opportunities and constraints analysis. It will also incorporate climate resilience and environmental justice considerations to comply with E.O. 89 and 23, as well as recent changes to the MLUL, regarding climate resilience.

5:85-7.10 State agency Opportunities and Constraints Assessment and Report: The proposed amendment adds language to address climate resilience and environmental justice considerations to comply with E.O. 89 and 23, as well as recent changes to the MLUL.

5:85-7.11 Community visioning process, vision statement development and adoption, and submission requirements: The proposed amendments integrate the 2020 Plan Endorsement Guideline update. It changes the current requirement of three visioning workshops to two, as deemed the minimum necessary for visioning, and requires that at least one of the public visioning meetings and hearings also be held virtually to enhance public engagement. The changes also emphasize the engagement of socially vulnerable populations, and greater use social media and the posting of all workshops and hearings on the municipal website to enhance opportunities for public participation.

5:85-7.13 Consistency review: The proposed amendments to 5:85-7.13(c-e), integrate the 2020 Plan Endorsement Guideline update language as adopted by the Commission to address climate resilience, greenhouse gas emissions reduction, and environmental justice requirements to comply with E.O. 89 and 23, and recent changes to the MLUL. The changes provide greater specificity to required, or conditional planning

actions and ordinances, necessary for a determination of consistency with the State Plan as required for Plan Endorsement.

5:85-7:14 Finding of consistency and recommendation report action plan: The proposed amendments to 7:14, remove “recommendation report” and add action plan to the section title. 7.14(a) removes language referencing a Certification of Eligibility, as the Commission has discontinued use of this step, deeming it unnecessary for the purposes of achieving consistency. All references to the recommendation report are removed, as this step occurs once the Action Plan has been completed. The Recommendation Report is now addressed at 7.15. The proposed amendments to 7.14(b), removes language referencing a Memorandum of Understanding, which in practice, has been replaced by the resolutions adopted by the petitioner and Commission. This change also reflects reduced emphasis on the Action Plan in place of the Plan Endorsement Agreement. Language was added to require the Executive Director to develop an Action Plan within 45 days of the conclusion of the 90-day consistency review period to ensure accountability.

5:85-7.15 Action Plan and Memorandum of Understanding adoption, submission and completion, is reorganized into 7.14. In its place, current section 7.18 Recommendation report, review of petition, and direct petition, is recodified as new 7.15 with amendments (excluding subsection (f) which is addressed in new 5:85-7.16). The proposed recodification follows proposed amendments to 7:14 that change the order of steps in the Plan Endorsement process so that development and completion of any Action Plan comes before the development and completion of the Plan Implementation Agreement. As currently practiced, the Commission places greater emphasis on the Plan

Implementation Agreement, which occurs after completion of the Action Plan. In addition, all references to a memorandum of understanding are removed from new 7.15, as the Commission currently utilizes the adoption of resolutions for this purpose. New 7.15 also integrates the Plan Implementation Agreement and State Planning Areas Map.

5:85-7.16 Certificate of Eligibility: is proposed for repeal because this step is no longer used by the Commission or applicable to the current process of Plan Endorsement as it is practiced. In its place, current section 7.18 Plan Implementation Agreement submission and completion (Subsection (f)), is recodified as new 7.16. New 7.16(b) provides the Commission with discretion to remand the PIA, with its written recommendations, to the Petitioner, OPA and State Agencies for any necessary revision/s, if it determines the draft is not sufficient or that the terms and conditions are not appropriate to achieve consistency.

5:85-7.17 Draft Plan Implementation Agreement: The proposed repeal is made as the procedures associated with this step have been integrated as amendments to 7:14. In its place, current 7.17 is replaced with Plan Endorsement by State Planning Commission, which is recodified from 7.19.

5:85-7.18 Recommendation report, review of petition, and direct petition, is recodified at 5:85-15 and 5:85-16. In its place, current section 7.20 Extension of time requirements, is recodified as 7.18, with no amendments.

5:85-7.19 Plan Endorsement by State Planning Commission, is recodified at 7.17. The proposed amendments to new 7.17, clarify Plan Endorsement as being based on a determination of consistency, which may be subject to a PIA that outlines actions necessary to achieve and maintain consistency during the 10-year endorsement period.

In its place, current 7.21 Period of endorsement, is recodified as 7.19. Proposed amendments to new 7.19, require (b), the Executive Director to provide written notice within 45-days of expiration of endorsement, advising to the Commission, State agencies, municipal or regional agency, to provide timely notice and accountability. The proposed deletion of (c) – (e) removes references to Centers and plans whose circumstances and dates are no longer relevant. 7.19(c) is replaced with new language addressing the Highlands Region eligibility for endorsement and to receiving the same benefits for plan conformance communities are addressed to comply with SPC Resolution #2020-12, adopted on November 4, 2020, which endorsed the Highlands Regional Master Plan (RMP). In addition, 7.19(d) now references the MOU adopted on June 1, 1999, between the Pinelands Commission and SPC.

5:85.7.20 Extension of time requirements, is recodified at 7.18 with no amendments. In its place, current section 7.22 Monitoring of endorsed plans and designated centers, is recodified as 7.20. Amendments to new 7.20 (a-k), update and expand upon the monitoring process and procedures. In section 7.20(b), language is added to clarify that to be accepted by the Executive Director, the annual or biennial report must be submitted within the year and month in which it is required, unless previously negotiated. This change is intended to ensure timely submission and accountability by the endorsed entity. Section 7.20(c) is moved to (d). Proposed new language at (c) would require the Executive Director to submit a letter to the endorsed entity within 45-days of receipt of the monitoring report, to outline the extent to which the terms of the PIA are being met. The proposed change is meant to prepare the endorsed entity for the final 8-year biennial

review where a determination of eligibility to pursue expedited plan endorsement renewal is made. Section (d) is moved to (j). The proposed new language to (d) would permit requests for minor revisions to the PIA as part of biennial review at discretion of the Executive Director in consultation with the PIC, where unrelated to mapping changes. The change is meant to provide the endorsed entity with flexibility to update the PIA as new tools and programs become available that are better-suited to the particular circumstances of the endorsed entity. The proposed new section at 7.20(e) requires OPA to provide a letter to the endorsed entity at least 45-days prior to the final 8-year monitoring review, outlining any remaining incomplete tasks identified for completion under the PIA, as well as advise as to the extent to which the endorsed plan is presently eligible for plan endorsement renewal, based on the status of previous biennial submissions, overall performance and good faith efforts to date in completing tasks and meeting completion timelines as specified under the PIA. The proposed section is meant to provide timely feedback to give the endorsed entity every opportunity to attain eligibility to pursue expedited Plan Endorsement Renewal as proposed at 5:85-7.20. The proposed new language at 7.20(f) provides the endorsed entity with the opportunity to address remaining incomplete PIA items in the final 8-year biennial report in order to receive a determination of eligibility to pursue expedited plan endorsement renewal.

5:85-7.21 Period of endorsement, is recodified to 7.19. Current section 7.21 is replaced with a new section, titled: Renewal of endorsed plans and designated centers. New 7.21, provides for an expedited Plan Endorsement renewal process for endorsed plans and designated centers as an incentive to petitioner's who have maintained consistency with

their plans, as well as the satisfactory completion of the their PIA, as previously endorsed by the SPC. Section 7.21(a) discusses how the renewal process shall build on a petitioner's previous plan endorsement and be brought into consistency with the most current State Plan and State Planning Rules. Section 7.21(b) provides authority to the Executive Director to certify whether a Petitioner is eligible to pursue the expedited Plan Endorsement Renewal as determined upon the extent to which the terms of the previous PIA have been satisfied. It further discusses how departure from consistency or failure to meet the timelines and requirements of the previous PIA without sufficient cause would make the Petitioner ineligible to pursue Plan Endorsement Renewal. In which case, the standard Plan Endorsement process would be made available. Section 7.21(c) requires the Executive Director to send notice to the Petitioner within twelve (12) months prior to the expiration of endorsement, advising whether terms of their previous PIA have been satisfied, and certify their eligibility to pursue expedited plan endorsement renewal. The section also permits the Executive Director to condition certification on the completion of any outstanding or incomplete actions required under the previous PIA as necessary to achieve consistency prior to expiration of the current endorsement. This is meant to provide the previously endorsed entity with timely feedback and to encourage compliance with the remaining PIA items as necessary to pursue expedited Plan Endorsement Renewal.

Section 7.21(d) outlines the process by which the PIC renders a determination that the terms and conditions of the previous PIA have not been satisfied, whereby it shall advise the Executive Director to send notice to the Petitioner twelve (12) months prior to the expiration of endorsement, stating the reasons why their petition has been deemed

ineligible for the expedited plan endorsement renewal process. This step ensures accountability.

Section 7.21(e) requires the Mayor or governing body of endorsed entities deemed eligible to pursue expedited renewal to submit a letter within eight (8) months prior to the expiration of Endorsement, to the Executive Director, along with a certified copy of a resolution adopted by the governing body, petitioning the Commission to renew their Endorsement. This step is ensure the petitioner has the support of the governing body to pursue renewal. The letter shall state why the municipality is seeking renewal, outline assistance and benefits they seek from the State and include requests for map amendments (if any). Section 7.21(f) 1, requires the letter be accompanied by an official comprehensive endorsement renewal statement that includes an overview of the previous (ten) 10 years' activities and how the municipality remains consistent with each of the State Plan goals by addressing major planning areas and accomplishments as listed at 7.21(f) 1-2. This step is similar to the Self-Assessment Report, but to be provided in an updated fashion to avoid making a petitioner provide redundant information as provided in the previous Self-Assessment. At the same time, the statement items lists in (f) 1-2, provide the SPC, OPA, and PIC with information necessary to evaluate the extent to which the current petition is consistent with the most current State Planning Rules and State Plan. Section 7.21(f) 3, requires the Executive Director, within 30 days of receiving the letter requesting to renew the Plan Endorsement Petition, to schedule an endorsement renewal meeting with the petitioner and PIC to discuss the Petitioner's submission at the Plan Endorsement Renewal Meeting. Section 7.21(g), requires OPA to prepare a memo in consultation with Petitioner, PIC and other relevant entities of

additional required material. In section 7.21(h), OPA, with assistance from the PIC, will work with the petitioner to identify and agree to Action Plan and Plan Implementation Agreement items, along with necessary timelines in order to achieve and maintain consistency with the most current State Plan and State Planning Rules. The Action Plan and PIC must address inconsistencies. Any requested mapping change will be addressed as part of the Action Plan to ensure agreement prior to renewal. In section 7.21(i), the Executive Director will present the staff recommendation to either support or deny the request for Plan Endorsement Renewal to the PIC. After PIC's final review and comment, OPA staff will report to the Commission and request approval of the recommended action. In section 7.21(j), Plan Endorsement Renewal will be applicable for 10 years and subject to biennial reviews.

5:85-7.22 Monitoring of endorsed plans and designated centers, is recodified at 7.20. In its place, section 7.23 Revocation of plan endorsement or prior center designation is recodified at 7.22 with no amendments.

5:85-7.23 Revocation of Plan Endorsement or prior center designation, is recodified as N.J.A.C. 5:85-7.22. In its place, section 7.24 Petitions to amend endorsed plans, previously designated centers, Planning and Implementation Agreements is recodified at 7.23, with amendments. Under new 7.23 (b)1, a justification statement replaces the current requirement for a self-assessment report, to provide greater flexibility and avoid reproduction of unnecessary information deemed non-essential to reviewing a petition for an amendment. New 7.23(b)7 updates the mapping accuracy standards of 1:24,000, to

USGS National Map Accuracy Standards for 1:6,000 with 90% vertices within 16.66 feet of intended location, regarding petitioner-proposed changes to the State Plan Policy Map. Under new 7.23(b)11.ii, adjacent municipalities are added to the required statement addressing how the proposed amendment helps host and other entities in achieving consistency, in order to consider impacts to affected adjacent communities. Under new 7.23(j)2, the Executive Director prepares a report containing findings and conclusions concerning consistency.

5:85-7.24 Petitions to amend endorsed plans, previously designated centers, Planning and Implementation Agreements, is recodified as N.J.A.C. 5:85-7.23. Current N.J.A.C. 5:85-7.24 is reserved.

Proposed Amendments to Subchapter 8. The State Plan Policy Map (5:85-8.1 – 8.10)

5:85-8.4 Procedures: Section 8.4(a), Submission of ten paper copies of a proposed map amendment petition, is changed to one electronic copy. Section 8.4(b)(3)ii, adds language having petitioner explain how amendment will impact the local zoning district in which the State Plan Policy Map Amendment is proposed. Section 8.4(b)(3)iii, adds language on how the amendment will impact infrastructure and associated capacity in the municipality in which the amendment is proposed. Section 8.4(b)(3)iv requires a description of how the amendment will impact adjacent municipalities; v. how the amendment will impact adjoining zoning districts of adjacent municipalities; vi. how the amendment will impact public sector decisions; and vii. the reason(s) why the amendment cannot await the next

revision of the State Development and Redevelopment Plan if the petitioner is an individual or private entity.

Section 8.4(b)5., revises the depiction of current and proposed State Plan Policy Map Boundaries from depiction on drafting film at a scale of 1:24,000, to digital files, at minimum, conforming to USGS National Map Accuracy Standards for 1:6,000 with 90% vertices within 16.66 feet of intended location. Section 8.4(c), adds language requiring the Executive Director to include a cover letter with petition for proposed map amendment, detailing the respective roles of the appropriate governing bodies, planning boards, Petitioner, State Planning Commission, and Office of Planning Advocacy, along with any other pertinent procedural information associated with the proposed map amendment process. Section 8.4(e), revises language giving OPA option to hold an in-person, virtual or mixed public hearing, regarding a proposed map amendment. Section 8.4(f) provides the hosting municipality with the option to hold a public hearing to receive testimony on the proposed map amendment. Section 8.4(f)1-4, sets forth public notice requirements, proof of notice, adoption of a certified resolution regarding support or opposition to the map amendment petition, and submission of the resolution and meeting minutes to the Executive Director.

In addition to the changes enumerated above, the Department proposes the following general amendments throughout the chapter:

1. All references to “board of chosen freeholders” have been amended to “board of county commissioners”.
2. All references to “Office of Smart Growth” have been amended to “Office of Planning Advocacy” or “The Office.”

3. All references to “Cross-Acceptance Report” have been amended to “Cross-Acceptance Response Template” or “Response Template”.

Social Impact

The proposed amendments at N.J.A.C. 5:85 are intended to have a positive social impact for New Jersey municipalities and residents. Through the incorporation of climate resilience and mitigation, and environmental justice considerations into the State Planning Rules, the Plan Endorsement process and future updates to the State Plan, participating municipalities and regional entities will take meaningful steps towards comprehensively addressing the above issues, which will substantially advance public health and safety goals and create more resilient, innovative and sustainable communities that will in-turn enhance quality of life and community livability. Proposed amendments to the Plan Endorsement process at N.J.A.C. 5:85-7.21-7.25 provide new requirements for the integration of environmental justice and equity principles into municipal and regional programs and activities for addressing environmental and social disparities, particularly in overburdened communities and for under-represented groups who will benefit from enhanced public participation and engagement in land use planning efforts. The amendments at N.J.A.C. 5:85-7.23 also benefit municipalities by establishing an expedited plan endorsement renewal process at the end of the previous ten (10) year endorsement period; avoiding the more costly expense of re-establishing plan endorsements and center designations through the standard process. With an expedited renewal process in place, more municipalities may choose to participate in pursuing and maintaining plan endorsement; making more geographic areas eligible for a myriad economic incentives and benefits while emphasizing center-based development, smart

growth and urban renewal, which will enhance economic activity and job creation. In incorporating new state energy efficiency greenhouse gas emission reduction targets into the Plan Endorsement process, the proposed amendments will help to reduce pollution, and create thousands of new jobs while preventing higher power costs.

Economic Impact

The proposed amendments at N.J.A.C. 5:85 should have a positive economic impact, as streamlining and eliminating certain unnecessary and burdensome procedural requirements with respect to Plan Endorsement and future updates to the State Plan will reduce costs to participating municipalities and regional planning entities. Short and long-term economic benefits will also result from the adoption and implementation of updated planning strategies and standards that are designed to encourage more sustainable land use practices, smart growth and energy efficiency, including climate resilience and mitigation measures that will minimize and avoid the increasing costs and risks associated with climate change-induced natural hazards. In addition, the Office of Planning Advocacy and other relevant State agencies will provide guidance and technical assistance to petitioners in bringing their planning and zoning into consistency with the State Plan goals, including incorporating new requirements under the MLUL and N.J.S.A. 13:1D-157 (“EJ Law”) with respect to addressing climate resilience and environmental justice; actions that will likewise help save petitioners time and money on compliance, while revitalizing urban areas and making climate-vulnerable communities more resilient. The enhanced and updated smart growth approaches also will strengthen the link between economic development efforts, real estate and public infrastructure investments

that create more economically sustainable and equitable places, attractive to businesses and people. Studies have documented that smart growth strategies such as compact and climate resilient development, among other center-based planning techniques espoused under Plan Endorsement, can provide economic advantages for businesses, households, and local governments.

In addition, the proposed amendments at N.J.A.C. 5:85-7.23 provide for an expedited Plan Endorsement Renewal process that should reduce costs to eligible participating petitioners. With an expedited Renewal process in place, it is hoped that more municipalities will choose to participate in pursuing and maintaining plan endorsement; allowing the continued focus of state economic incentives on areas slated for redevelopment and development.

Federal Standards Statement

There are no Federal standards or requirements applicable to the proposed amendments. As a result, a Federal standards analysis is not required.

Jobs Impact

Through Plan Endorsement, the proposed amendments at N.J.A.C. 5:85 emphasize local and statewide implementation of climate resilience and mitigation measures that will minimize climate change-induced natural hazard, which may lead to job creation. By advancing innovative sustainability and climate solutions that will transform our communities, cities, and factories, New Jersey should become an even more attractive place to live, work, innovate and grow, thus becoming a more

economically sustainable, competitive and desirable place for businesses and the workforce that companies seek to attract..

Agriculture Industry Impact

By streamlining and simplifying the Plan Endorsement process and procedural framework for future updates to the State Plan, the proposed amendments at N.J.A.C. 5:85-7.1-7.25 should make the pursuit of Plan Endorsement more attractive to municipal and regional petitioners, resulting in more jurisdictions engaging in comprehensive planning in support of agricultural development and preservation goals, benefiting the agricultural industry as a whole.

Regulatory Flexibility Statement

The proposed amendments at N.J.A.C. 5:85- impose no reporting, recordkeeping, or other compliance requirements on small businesses. The basis for this finding is that plan endorsement and center designations are sought by municipalities – not businesses - as part of a voluntary process. The current Rules at N.J.A.C. 5:85 permit private entities to petition the Commission for map amendments to the State Plan, which are typically pursued for the purposes of placing a property or area within a Center or growth area to support a project or higher intensity of development. Therefore, this rulemaking does not impose any mandatory compliance requirements on small businesses.

Housing Affordability Impact Statement

The proposed amendments at N.J.A.C. 5:85 are by themselves unlikely to create major changes in the average costs associated with housing, though a robust planning process does play a role in access to affordable housing. Through Plan Endorsement, participating petitioners must demonstrate consistency with Goal #6 of the State Plan to “Provide Adequate Housing at a Reasonable Cost.” By streamlining the Plan Endorsement process, including providing for an expedited plan endorsement renewal process for eligible petitioners at N.J.A.C. 5:85-7.23, it is anticipated that the proposed amendments will result in greater participation in the Plan Endorsement. Substantively, such increased participation should lead to more petitioners demonstrating how planning and zoning factors can provide a reasonable opportunity for affordable, adequate market rate and variety of housing types, including an emphasis on center-based, compact mixed use development, and urban revitalization and redevelopment, which all serve to increase the amount and locations of housing stock and rental homes for New Jersey’s current and future residents. Insofar as the state planning process directly and indirectly touches every municipality in the state and local plans are still driven at the municipal level, it is not feasible to estimate the types and number of housing units to which this rulemaking applies.

Smart Growth Development Impact Analysis

The proposed amendments at N.J.A.C. 5:85 will have a positive impact on designated Smart Growth Areas in the State through the maintenance of existing Planning Areas 1 or 2 and Centers, and continued emphasis on walkable, center-based mixed-use development and redevelopment, thus encouraging additional housing

production and economic investment into these areas and related smart growth design standards and principles. The proposed amendments revise and update the following Plan Endorsement Consistency Standards that directly address smart growth development: Land Use, Sustainability, Conservation, Energy, Environmental Justice, Transportation and Climate Resilience Planning. Together, new and updated requirements under these consistency headings provide a greater emphasis on sustainable development (design, materials, and location), protection of environmentally sensitive habitat, renewable energy and greenhouse gas reduction, complete streets and making communities more resilient to climate change. In addition, the proposed amendments to the Rules at N.J.A.C. 5:85, subchapters 2.1 through 5.5, will ensure that future updates to the State Plan consider current smart growth priorities and understanding, as the field and the needs of New Jersey have evolved since it was adopted over twenty years ago. Insofar as the state planning process directly and indirectly touches every municipality in the state and local plans are still driven at the municipal level, it is not feasible to estimate the types and number of housing units to which this rulemaking applies.

Full Text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:85.

Full Text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 5:85-7.15, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22, 7.23, and 7.24.

Full text of the proposed amendments and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

TABLE OF CONTENTS

5:85-7.15 **Recommendation report, review of petition, and direct petition** [Draft Action Plan and Memorandum of Understanding, adoption, submission, and completion]

5:85-7.16 **Plan Implementation Agreement submission and completion** [Certificate of Eligibility]

5:85-7.17 **Plan endorsement by State Planning Commission** [Draft Planning and Implementation Agreement and Memorandum of Understanding adoption, submission and completion]

5:85-7.18 **Extension of time requirements** [Recommendation report, review of petition, and direct petition]

5:85-7.19 **Period of endorsement** [Plan endorsement by State Planning Commission]

5:85-7.20 **Monitoring of endorsed plans and designated centers** [Extension of time requirements]

5.85-7.21 **Renewal of endorsed plans and designated centers** [Period of endorsement]

5:85-7.22 **Revocation of plan endorsement or prior center designation**
[Monitoring of endorsed plans and designated centers]

5:85-7.23 **Petitions to amend endorsed plans, previously designated centers, Planning and Implementation Agreements** [Revocation of plan endorsement or prior center designation]

5:85-7.24 [Petitions to amend endorsed plans, previously designated centers, Planning and Implementation Agreements]

...

SUBCHAPTER 1. GENERAL PROVISIONS. . .

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.-3. (No Change.)

(b) No change.

....

5:85-1.4 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Action Plan” means an outline of the **additional actions that must be taken by the petitioner as determined by the Executive Director in consultation with the Plan Implementation Committee, to complete the self-assessment, visioning or other items** [steps] necessary for a petitioner to achieve consistency with the State Development and Redevelopment Plan and endorsement by the State Planning Commission. An Action Plan will provide timelines for the petitioner and relevant State agencies to complete required tasks; **and** the relevant State agencies to review and evaluate petitioner submissions [; and the relevant State agencies to provide or make available benefits that shall accrue to petitioner upon endorsement of the petition as well as any conditions imposed on petitioner for obtaining said benefits].

...

[“Certificate of eligibility” is a document issued by the Executive Director indicating that a petitioner has taken necessary preliminary steps to prepare for plan endorsement, entered into a Memorandum of Understanding and Action Plan with the State Planning Commission and has agreed to develop, adopt and implement plans that are consistent with the State Plan.]

...

"Consistency" or "consistent" means that the State Planning Commission determines that a municipal, county, regional, neighborhood or special resource area plan, or an amendment thereto, submitted for plan endorsement pursuant to N.J.A.C. 5:85-7 and endorsed by the State Planning Commission pursuant to N.J.A.C. 5:85-7.[19]17, or a map amendment submitted for approval pursuant to N.J.A.C. 5:85-8 and endorsed by the State Planning Commission pursuant to N.J.A.C. 5:85-8.6 is the same as or has the same effect as the State Development and Redevelopment Plan.

"Critical Environmental Site" (CES) means an area generally greater than two acres and less than a square mile depicted on the State Plan Policy Map, which includes one or more critical environmentally sensitive features located either outside of a planning area classified as environmentally sensitive by the State Development and Redevelopment Plan or within designated [c]Centers, **Nodes, and Cores** [located within such planning areas].

...

"Cross-Acceptance **Response Template**" or "**Response Template**" [Report] means [a written statement submitted by] **an online format provided by the State Planning Commission to the negotiating entity for the purpose of submitting comment 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 **Response Template** [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 **business or week** [calendar] days, **which shall be Monday through Friday, except for federal or state holidays** unless otherwise specified.

...

["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.]

...

“Distributed” means any document that is released either electronically, online or by regular first-class mail, or certified mail.

...

"Executive Director" means the Executive Director of the Office of [Smart Growth] **Planning Advocacy.**

...

“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, **climate mitigation and resilience**, infrastructure, **quality of** [community] life, **social equity**, 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, **broadband**, 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.

...

“Memorandum of Understanding” means a contract between the State Planning Commission and a petitioner to enter into a **Plan Implementation Agreement** [Action Plan in order] for the petitioner to take the steps needed to achieve consistency with the State Plan, in collaboration with the Office of [Smart Growth] **Planning Advocacy** and the relevant State agencies.

...

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

...

["Neighborhood Plan" means a plan submitted by an Urban Center municipality for plan endorsement that pertains specifically to a specific section of the municipality that has been identified as part of an overall strategy by the municipality for eventual endorsement of the municipal master plan and supporting plan elements for the entire municipality.]

...

"Office of **Planning Advocacy** [Smart Growth]" or "**The Office**" or **its successor** means the Office in the Department of **State** [Community Affairs] that staffs the State Planning Commission and provides planning and technical assistance as requested. The Office of **Planning Advocacy** [Smart Growth] serves the same functions as, and is the successor to, the Office of State Planning (N.J.S.A. 52:18A-201). The Office of [Smart Growth] **Planning Advocacy** web site is <https://nj.gov/state/planning/index.shtml> [www.njsmartgrowth.com].

...

"Petition to amend" means a petition to amend either an endorsed plan, a Plan [ning and] Implementation Agreement, or [a prior center designation] **the State Development and Redevelopment Plan Map**.

...

"Plan Endorsement Advisory Committee" or "**The Advisory Committee**" means a [citizen-based] committee appointed by the mayor or governing body to [to serve as liaison with the State, county, regional agencies and local officials throughout the process, to] increase public awareness of and participation in the plan endorsement process, and to guide and assist **in the development and review of the self-assessment report, and**

recommendations therein. Upon the consent of the governing body, the Advisory Committee may also serve as liaison with the State, county, regional and local officials throughout the plan endorsement process, [including participating] and participate in meetings [at the Office of Smart Growth] between the petitioner, the Office of Planning Advocacy and [the] other relevant State agencies.

“Plan Endorsement Guidelines” means a document issued by the State Planning Commission for the purpose of **helping petitioners understand and follow the State Planning Rules as they pursue plan endorsement, pursuant to N.J.A.C. 5:85** [guiding petitioners through the plan endorsement process].

“Plan endorsement process” or “plan endorsement” or “endorsement” means the process undertaken by a municipality, county, regional or other relevant planning entity 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 and wherein upon successful completion of any requirements as may be outlined in an Action Plan, **and/or conditioned in a Plan Implementation Agreement** and Memorandum of Understanding, the State Planning Commission shall make a determination that the submitted plan is consistent with the State Development and Redevelopment Plan, taking into account pertinent State agency statutes, rules, regulations, policies, and programs, and approve a petition for plan endorsement, wherein said plan shall then be considered endorsed.

“Plan Endorsement Renewal” or “Expedited Renewal” means the process undertaken by a municipality, county, or regional entity to petition the State Planning Commission to renew its endorsement at the conclusion of the previous 10-year plan endorsement period, when a petitioner’s previously endorsed plan is brought into consistency with the current State Plan and any additional procedures from the current State Plan Endorsement Guidelines and related support materials.

“Plan implementation mechanisms” means zoning and land use ordinances, maps and schedules, **open space and farmland preservation programs**, natural resource inventories, capital improvement programs and any other relevant means used to implement plans.

...

“Plan [ning] Implementation Agreement” (**PIA**) means an agreement between the State Planning Commission and the petitioner that **sets forth the planning implementation measures and a schedule thereof, for the petitioner to undertake during the 10-year endorsement period so that the petitioner will achieve the goals and vision described in the endorsed plan, and will attain State agency benefits such as technical and financial assistance that will be provided by State agencies to help advance the implementation of the plan. The PIA ensures implementation of the plan is consistent with State Plan goals, policies and strategies. The maintenance of an endorsed plan’s status during the 10-year endorsement period will be contingent upon fulfilling the obligations in the PIA as evaluated pursuant to N.J.A.C. 5:85-7.20 and the monitoring of endorsed plans and designated centers.**

[outlines how the petitioner proposes to achieve the goals and visions described in the endorsed plan and a schedule therefore and specifies benefits, such as technical and financial assistance that will be provided by State agencies to help advance the implementation of the plan.]

“Plan Implementation Committee” (PIC) means a subcommittee of the State Planning Commission authorized to review Plan Endorsement petitions, State Policy Map Amendment petitions and other work products in advance of consideration by the State Planning Commission.

...

“Regional agency” and “regional entity” means an agency [which] **working with one or more counties or municipalities, counties working with each other or one or more municipalities, or multiple municipalities working together for the purposes of plan endorsement or to** perform[s] planning for land development, infrastructure or capital investment planning for a region.

“Self-assessment” or “self-assessment report” **or “municipal self-assessment (MSA)”** means the report prepared by a petitioner to provide an overview and analysis of existing conditions of the petitioner, as well a review of existing plans, and an assessment of the consistency of a petitioner’s plans and implementation mechanisms with the goals, policies and strategies of the State Development and Redevelopment Plan.

“Smart Growth Areas” means Metropolitan (PA1) and Suburban Planning Areas (PA2), Designated Centers, Cores and Nodes, Highlands Centers, Meadowlands Smart Growth Areas, Pinelands Growth Areas, Villages and Towns, and other designated growth areas as determined by the State Planning Commission and depicted on the New Jersey State Plan Policy Map.

...

“State agency benefit” means any benefit, such as technical assistance, financial assistance, priority consideration for grant awards, special grant funding, or other programs, provided by a relevant State agency, that is afforded to any petitioner granted a State Planning Commission determination of consistency of its petition for plan endorsement [or issued a Certificate of Eligibility by the Executive Director].

...

"State Opportunities and Constraints Assessment" means a preliminary written assessment of existing land use patterns, infrastructure availability and natural resources provided by the Office of [Smart Growth] **Planning Advocacy** to a petitioner that has submitted a municipal self-assessment report, based on input from relevant State agencies, and used to inform community visioning.

“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” [the] a 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.

...

“Written comment” means public comment provided either electronically or by first class mail.

...

5:85-1.5 Technical assistance from the Office of [Smart Growth] **Planning Advocacy**

(a) The Office of [Smart Growth] **Planning Advocacy** 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] **Planning Advocacy**.

5:85-1.6 Public Participation

(a) (No Change.)

(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] **Planning Advocacy** pursuant to these rules by registering with the Office of [Smart Growth] **Planning Advocacy** in the following manner:

1.–2. (No Change.)

(c)–(d) (No Change.)

(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) – (2) (No Change.)

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

5:85-1.7 Public notice requirements, form content and timing

(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] **Planning Advocacy** 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] **Planning Advocacy** website;

2. By providing written notice to all persons or organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** 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] **county commissioners** and planning boards and appropriate regional, State and Federal agencies.

(b) Public notice requirements for the State Planning Commission or the Executive Director pursuant to N.J.A.C. 5:85-3, 4, 7 and 8 are as follows:

(1-2 no changes)

3. Public notice of meetings or hearings shall be provided as follows:

i. By posting on the Office of [Smart Growth] **Planning Advocacy** website;

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

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

iv. (No Change)

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

(1)-(2) (No Change.)

(3) By written notice to the board of [chosen freeholders] **county commissioners**, county executive or administrator, if any, county clerk and county planning board if the county is not the negotiating entity;

vi. 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:

(1)-(2) (No Change.)

(3) By written notice to the board of [chosen freeholders] **county commissioners**, 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

vii. 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 **or area** 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]

published at least 30 days in advance of the hearing **on the municipality and county's website, and** in [display adds] **a legal advertisement in** at least two **newspapers designated by the municipality for publication of public notices**, 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) Public notice requirements for a municipality or county pursuant to N.J.A.C. 5:85-3 and 4 are as follows:

1.-2. (No Change.)

3. In addition, all public notice of meetings or hearings shall be further provided as follows:

i.-ii. (No Change.)

iii. By written notice to the board of [chosen freeholders] **county commissioners**, 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;

iv.-vi (No Change.)

(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.-2. (No Change.)

3. By notifying the board of [chosen freeholders] **county commissioners**, 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. (No Change.)

5. By notifying the Executive Director of the Office of [Smart Growth]

Planning Advocacy;

6. (No Change.)

7. By providing written notice to the board of [chosen freeholders] **county commissioners**, 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) Public notice requirements for a petitioner for a plan endorsement pursuant to N.J.A.C. 5:85-7 are as follows:

1.-4. (No Change.)

5. Additional public notice to local governmental entities and neighboring municipalities or counties shall be performed as follows:

i. (No Change.)

ii. For county, regional and special resource area petitioners, by written notice to the board of [chosen freeholders] **county commissioners**, county executive or administrator, if any, and county planning board and to the county clerk of any county that adjoins the county, region or special resource area for dissemination to the mayor, governing body and each authority, board, commission and department

involved in economic development, land use, infrastructure or resource protection in that county; and

6. (No Change.)

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

1. (No change)

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 **municipality** [property] **in which the property** that is the subject of the petition **is located**;

3. By providing written notice to the board of [chosen freeholders] **county commissioners**, 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 **or area** that is subject of the petition;

5. (No Change.)

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

Planning Advocacy.

(h) Within five days of the Office of [Smart Growth] **Planning Advocacy** 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; the issuance of the Executive

Director's monitoring report pursuant to N.J.A.C. 5:85-7.[23]22, or the issuance of the Executive Director's report on a petition submitted pursuant to N.J.A.C. 5:85-8, the Office of [Smart Growth] **Planning Advocacy** shall:

1. Post information concerning said notice, petition, or report on the Office of [Smart Growth] **Planning Advocacy** 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] **Planning Advocacy** to receive public notice concerning a particular matter pursuant to N.J.A.C. 5:85-1.6(b); and

3. (No Change)

- (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] **Planning Advocacy** shall provide notice of that action:

1. By posting information concerning said notice on the Office of [Smart Growth] **Planning Advocacy** website;

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

- 3.- 5. (No Change.)

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

- i. (No Change.)

ii. By providing written notice to the board of [chosen freeholders] **county commissioners**, 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) (No changes.)

...

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

...

5.85-2.2 Approval of the Preliminary State Development and Redevelopment Plan

(a) – (No change)

(b) The State Planning Commission shall, after due consideration of any public comments and recommendations, including those from municipal, county, regional, State and Federal governmental agencies, regarding the current State Development and Redevelopment Plan, approve a Preliminary State Development and Redevelopment Plan, with the Cross-Acceptance Manual, to commence cross-acceptance and authorize its transmittal to each county and municipal planning board, governing body and chief executive, clerk and to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** in accordance with N.J.A.C. 5:85-1.6(b).

5:85-2.3 Cross-Acceptance Manual

(a) The State Planning Commission's Cross-Acceptance Manual, adopted by resolution, shall include, at a minimum, a draft work program, a draft schedule, a sample negotiation agenda, and a sample **online Cross-Acceptance Response Template [Report]** for participating negotiating **municipal, county and regional** entities to complete the cross-acceptance process. The Cross-Acceptance Manual shall provide adequate measures to ensure a timely and thorough comparison of the Preliminary State Development and Redevelopment Plan with plans of municipalities, counties, regional and State agencies.

(b) Within 45 days of receipt of the Preliminary State Development and Redevelopment Plan and the Cross-Acceptance Manual, the negotiating entity shall either accept the included draft work plan and schedule or propose revisions to the draft work program and schedule to the Office of [Smart Growth] **Planning Advocacy**.

(c) In the event of the proposed changes to the draft work program and schedule are determined **by the State Planning Commission** to be inadequate in any way, the Office of [Smart Growth] **Planning Advocacy** shall specify necessary changes to ensure an effective and efficient cross-acceptance process with adequate opportunity for public participation.

SUBCHAPTER 3. PROCEDURES FOR COMPARING STATE, REGIONAL, COUNTY, AND MUNICIPAL PLANS5:85-3.1 Commencement of comparing plans

(a) – (b) (No change)

(c) The State Planning Commission shall conduct a joint public informational meeting **in person or virtually upon request**, with each county planning board in each county for the purpose of providing information on the Preliminary State Development

and Redevelopment Plan not less than 45 nor more than 90 days after the release of the Preliminary State Development and Redevelopment Plan. The State Planning Commission shall provide notice of those meetings pursuant to N.J.A.C. 5:85-1.7(b).

5:85-3.2 Negotiating entities for cross-acceptance

(a) – (b) (No change)

(c) Notices of Participation or Waiver shall be transmitted by each county to the Office of [Smart Growth] **Planning Advocacy** no later than 45 days after the official release of the Preliminary State Development and Redevelopment Plan. Notice of that decision shall be provided in accordance with N.J.A.C. 5:85-1.7(d).

1. – 2. (No Change)

(d) (No Change)...

...

5:85-3.6 Municipal participation in the cross-acceptance process

(a) Each municipality in the State shall participate in cross-acceptance by:

[1. Providing to the negotiating entity the most up-to-date copies of the municipal master plans and other information and materials, such as master plan reexamination reports, land use ordinances and capital improvement programs, requested by the negotiating entity as necessary for an effective comparison of the State Development and Redevelopment Plan with the planning policies of the municipality and identifying infrastructure needs that should be included in the Infrastructure Needs Assessment; and

2] 1. Participating through official representation at cross-acceptance meetings convened by the negotiating entity.

(b) (No change.)

(c) If a municipality is not satisfied with the Cross-Acceptance [Report] **Response Template**, in whole or in part, prepared by the negotiating entity pursuant to N.J.A.C. 5:85-3.9(a) or if the negotiating entity does not file a Cross-Acceptance [Report] **Response Template**, the municipality may file a separate report with the State Planning Commission, after holding a public meeting or hearing with notice provided pursuant to N.J.A.C. 5:85-1.7(d). The municipal Cross- Acceptance [Report] **Response Template** shall be submitted to the State Planning Commission within 45 days of either the negotiating entity filing its Cross-Acceptance [Report] **Response Template** or of the date the Cross-Acceptance [Report] **Response Template** was due to be filed if no such [Report] **Response Template** is filed by the negotiating entity and shall be in the form specified by the Office of [Smart Growth] **Planning Advocacy** in the Cross- Acceptance Manual. The [Report] **Response Template** shall outline the degree to which the municipality's planning is consistent with the Preliminary State Development and Redevelopment Plan, the degree to which its planning conflicts with the Preliminary State Development and Redevelopment Plan and any proposed modification to the Preliminary State Development and Redevelopment Plan or its plan and any **critical** infrastructure needs that should be addressed in the Infrastructure Needs Assessment. The individual municipal Cross-Acceptance [Report] **Response Template** shall also be filed with the negotiating entity and planning board of adjoining municipalities at the same time as it is filed with the State Planning Commission.

(d) If a municipality does not file a municipal Cross-Acceptance [Report] **Response Template** within 45 days of the filing of the Cross-Acceptance [Report] **Response Template** by the negotiating entity for the county that includes that municipality, then the municipality shall be deemed to have concurred and agreed with the Cross-Acceptance [Report] **Response Template** filed by the negotiating entity. If the negotiating entity for a county fails to file a Cross-Acceptance [Report] **Response Template** and any municipality within that county fails to file a municipal Cross-Acceptance [Report] **Response Template** within 45 days of the date by which the negotiating entity was due to file its Cross-Acceptance [Report] **Response Template**, then each such municipality shall be deemed to have concurred and agreed with the provisions of the Preliminary State Development and Redevelopment Plan.

5:85-3.7 Regional and State agency participation in the cross-acceptance process

(a) (No Change.)

(b) The Office of [Smart Growth] **Planning Advocacy** shall provide each regional and State agency contacted pursuant to (a) above, notice of all public meetings and hearings conducted pursuant to these rules within their respective areas of jurisdiction.

...

5:85-3.9 Comparison of the Preliminary State Development and Redevelopment Plan with local and county plans and **submission** [preparation] of a Cross-Acceptance [Report] **Response Template**

(a) The negotiating entity shall, after holding cross-acceptance meetings with the official representatives designated by the municipalities, compare municipal and

county plans with the Preliminary State Development and Redevelopment Plan and [prepare] **complete the online** Cross-Acceptance [Report] **Response Template provided by the State Planning Commission**, in accordance with the Cross-Acceptance Manual. The Cross-Acceptance [Report] **Response Template** shall **enable the negotiating entity to** outline the degree to which the planning in the county and each municipality is consistent with the Preliminary State Development and Redevelopment Plan and the degree to which those plans conflict with the provisions of the Preliminary State Development and Redevelopment Plan, and any proposed modifications to the Preliminary State Development and Redevelopment Plan, or the municipal plans or county plan and any **critical** infrastructure needs that should be addressed in the Infrastructure Needs Assessment; and submit the Cross-Acceptance [Report] **Response Template** to the State Planning Commission and to municipal planning boards in that county, to the board of [chosen freeholders] **county commissioners** and county executive, if any, in that county, to the county planning board if the county is not the negotiating entity, and to the planning boards of adjoining counties.

(b) Should a negotiating entity fail to file a Cross-Acceptance [Report] **Response Template**, or any part thereof, in substantial compliance with this chapter, the negotiating entity shall be deemed to be in agreement with the provisions of the Preliminary State Development and Redevelopment Plan as they pertain to those parts of the [report] **response template** not filed or deemed not to be in substantial compliance.

(c) The Cross-Acceptance [Report] **Response Template** of each negotiating entity shall not be filed with the State Planning Commission until the governing body of each such county, or the designated negotiating entity, shall have authorized the

transmittal of the Cross-Acceptance [Report] **Response Template** at a public meeting or hearing for which notice was given pursuant to N.J.A.C. 5:85-1.7(d) or (e).

5:85-3.10 Distribution of Cross-Acceptance [Report] **Response Templates** by the Office of [Smart Growth] **Planning Advocacy**

The Office of [Smart Growth] **Planning Advocacy** shall provide copies of all Cross-Acceptance [Reports] **Response Templates** received by the State Planning Commission to each negotiating entity and to all appropriate State agencies. Those Reports shall be available to the general public at the Office of [Smart Growth] **Planning Advocacy** and on the Office of [Smart Growth] **Planning Advocacy** website.

SUBCHAPTER 4. PROCEDURES FOR NEGOTIATING PLANS

...

5.85-4.1 Commencement of negotiating plans

(a) (No Change.)

(b) The State Planning Commission shall provide each negotiating entity and municipality that has submitted a Cross-Acceptance [Report] **Response Template** pursuant to N.J.A.C. 5:85-3, an opportunity for a sufficient number of negotiating sessions as determined by the State Planning Commission's negotiating committee and shall provide notice of those negotiating sessions pursuant to N.J.A.C. 5:85-1.7(b).

...

5.85-4.5 The negotiation process

(a) Negotiation sessions shall be conducted as follows:

1. **At the discretion of the Executive Director**, the staff of the Office of [Smart Growth] **Planning Advocacy** will meet **either in person or virtually upon request** with the authorized representatives of each negotiating entity, to reach agreement on issues raised in the Cross-Acceptance [Reports] **Response Templates** and from the public comments and to identify those issues requiring negotiation between the negotiating committee of the State Planning Commission and the authorized representatives of the negotiating entities.

2. Each municipality that submits an individual municipal Cross-Acceptance [Report] **Response Template**, pursuant to N.J.A.C. 5:85-3.6(c), may choose to discuss and negotiate the issues presented in its [Report] **Response Template** with the Commission's negotiating committee, with the appropriate negotiating entity represented if the negotiating entity has filed a Cross-Acceptance [Report] **Response Template**. Prior to such discussion and negotiations, the committee designated by the municipality pursuant to N.J.A.C. 5:85-4.4 shall meet with the staff of the Office of [Smart Growth] **Planning Advocacy** to reach agreement on those issues raised in the municipal Cross-Acceptance [Report] **Response Template** and from the public comments requiring negotiation between the negotiating committee and the authorized representatives of the municipality.

(3) (No change.)

(b) Agreements reached during negotiation sessions and any remaining disagreements shall be published by the Office of [Smart Growth] **Planning Advocacy** in periodic reports which shall be available to the general public at the Office of [Smart Growth] **Planning Advocacy** and on the Office of [Smart Growth] **Planning Advocacy**

website, county offices and State depository libraries. Further distribution shall be made to the State Planning Commission and the parties involved and to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** pursuant to N.J.A.C. 5:85-1.6(b).

5:85-4.6 Completion of cross-acceptance

(a) When the State Planning Commission's negotiating committee believes that the negotiations have produced the highest degree of agreement **feasible** among the negotiating entities, the committee shall submit a report containing a summary of its findings, including a draft Statement of Agreements and Disagreements [resulting from each] **summarizing the** negotiation sessions, to the State Planning Commission, the negotiating entities, and each municipality and county and to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** pursuant to N.J.A.C. 5:85-1.6(b). The draft Statement of Agreements and Disagreements shall also be available at the Office of [Smart Growth] **Planning Advocacy** and on the Office of [Smart Growth's] **Planning Advocacy's** website.

(b) (No changes.)

(c) The State Planning Commission's negotiating committee shall forward to the State Planning Commission, for its consideration and approval, a draft Final State Development and Redevelopment Plan, reflecting recommended changes to the Preliminary State Development and Redevelopment Plan resulting from cross-acceptance. The State Planning Commission's negotiating committee shall also forward to the State Planning Commission for its consideration and approval a draft Infrastructure

Needs Assessment. The draft Infrastructure Needs Assessment shall be distributed to the negotiating entities, and each municipality and county and to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** pursuant to N.J.A.C. 5:85-1.6(b). The draft Statement of Agreements and Disagreements shall also be available at the Office of [Smart Growth] **Planning Advocacy** and on the Office of [Smart Growth's] **Planning Advocacy's** website.

...

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 commissioners**, 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] **Planning Advocacy** 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] **Planning Advocacy** and on the Office of [Smart Growth's] **Planning Advocacy's** website.

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 **or held virtually. At least one meeting will be held in person in a central location. Public** [with] notice **shall be** provided pursuant to N.J.A.C. 5:85-1.7(b) and (c).

(b) (No change)

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. **The State Planning Commission shall provide an electronic format for providing written comments for this purpose. Municipalities and counties shall utilize the technology and instructions as provided by the State Planning Commission.**

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] **Planning Advocacy** shall provide notice of said adoption pursuant to N.J.A.C. 5:85-1.7(i).

...

SUBCHAPTER 7. PLAN ENDORSEMENT

5:85-7.1 Introduction

(a) The State Planning Act includes the legislative finding that significant economies, efficiencies and savings in the development process would be realized by private sector enterprise and by public sector development agencies if the several levels of government would cooperate in preparing and adhering to sound and integrated plans. The Legislature further observed that a State Development and Redevelopment Plan needed to be designed for use as a tool for assessing suitable locations for infrastructure, housing, economic growth and conservation. The Legislature emphasized the importance of providing local governments in this State with the technical resources and guidance necessary to assist them in developing land use plans and procedures, which are based on sound planning information and practice, and to facilitate the development of local plans, which are consistent with State and regional plans and programs. To achieve the desired sound planning, the State Planning Act mandates that the Office of State Planning (predecessor to the Office of [Smart Growth] **Planning Advocacy**) provide advice and assistance to regional, county and local planning units.

(b)-(d) (No Change.)

(e) This Plan Endorsement subchapter delineates the process developed by the Office of [Smart Growth] **Planning Advocacy** (successor to Office of State Planning) to

increase the degree of consistency among municipal, county, regional and State agency plans and the State Plan and to facilitate implementation of these plans.

5:85-7.2 Purpose and scope

(a) The purpose of this subchapter is to delineate procedural and substantive requirements of plan endorsement, including minimum submission requirements petitioner must meet in order to achieve plan endorsement and qualify for associated benefits; responsibilities of relevant State agencies in participating in plan endorsement; and responsibilities of the Office of [Smart Growth] **Planning Advocacy** in administering the plan endorsement process. The Office of [Smart Growth] **Planning Advocacy** shall prepare Guidelines for petitioners seeking to pursue plan endorsement. The Guidelines shall be posted on the Office of [Smart Growth] **Planning Advocacy** website at: <http://www.njsmartgrowth.com> <https://nj.gov/state/planning/index.shtml> and shall be periodically updated.

(b) (No Change.)

(c) The State Planning Commission may approve a petition for plan endorsement submitted by a petitioner based upon recommendations of the Office of [Smart Growth] **Planning Advocacy**, in consultation with relevant regional, State and Federal agencies and after consideration of public comment.

(d) State agencies shall provide State agency benefits upon an approval of plan endorsement as described in the document entitled "Plan Endorsement Benefits" and posted on the Office of [Smart Growth] **Planning Advocacy** website at: <http://www.njsmartgrowth.com> <https://nj.gov/state/planning/index.shtml>.

Additional State agency benefits, as appropriate and feasible, shall be added to said document as they become available.

[(e) State agencies shall make available certain State agency benefits, and planning assistance, agreed upon by the petitioner and relevant State agencies during the plan endorsement process, once the Office of Smart Growth has issued a Certificate of Eligibility.]

5:85-7.3 Applicability

(a) Plans to which this subchapter applies and that may be considered for plan endorsement are:

1.-4. (No change.)

5. A regional entity or county working with one or more municipalities as partners, whereby the municipalities pursue plan endorsement independently, but rely on one or more regional or county planning elements towards fulfilling their respective plan endorsement submission requirements where consistent with the State Plan and plan endorsement guidelines;

6. Special resource area plans as defined in the State Development and Redevelopment Plan submitted by the relevant regional planning entity;

[6. Neighborhood plans in municipalities designated as Urban Centers by the State Planning Commission, submitted by the municipal governing body, provided that endorsement of any neighborhood plan is part of an identified overall strategy for eventual endorsement of the master plan and supporting plan elements for the entire municipality;] and

7. (No change.)

[(b) Plans submitted in connection with a petition for initial plan endorsement that have been deemed complete by the Office of Smart Growth prior to April 20, 2009 shall, upon petitioner's request, be considered for initial plan endorsement under the prior State Planning Rules governing plan endorsement.]

5:85-7.4 Posting and New Jersey Register publication requirements for the Office of [Smart Growth] **Planning Advocacy**

(a) Within five days of the Office of [Smart Growth] **Planning Advocacy** either receiving or issuing documents relating to plan endorsement pursuant to this subchapter, notice shall be posted and made by the Office of [Smart Growth] **Planning Advocacy** by:

1. Posting information concerning said documents on the Office of [Smart Growth] **Planning Advocacy** website;

2. Written notice concerning said documents to all persons or organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** to receive public notice concerning a particular matter pursuant to N.J.A.C. 5:85-1.6(b); and

3. (No Change.)

(b) Within 45 day of a State Planning Commission decision on a petition for plan endorsement pursuant to N.J.A.C. 5:85-7.[19]**17**, a decision on revocation of a plan endorsement or of a previously designated center pursuant to N.J.A.C. 5:85-7.[23]**22** or a petition to amend pursuant to N.J.A.C. 5:85-7.[24]**23**, the Office of [Smart Growth] **Planning Advocacy** shall publish notice of the decision in the New Jersey Register.

5:85-7.5 State agency responsibilities

(a) (No change)

(b) Each State agency member of the State Planning Commission, and any other relevant State agency or authority, at the request of the State Planning Commission or the Executive Director, shall prepare **and periodically update** a list of State agency benefits available for endorsed plans that shall be designed to encourage participation in plan endorsement, promote implementation of an endorsed plan and promote the policies and goals of the State Development and Redevelopment Plan. These benefits shall be made available only in an area that is the subject of a petition for plan endorsement, provided that the plan has been endorsed by the State Planning Commission. Each list of benefits, funding grants or other programs shall specify:

1. The benefits that will take effect once a petition for plan endorsement has been approved by the State Planning Commission pursuant to N.J.A.C. 5:85-7.[19]17;

2.- 3. (No Change.)

(c) (No change.)

(d) Each State agency member of the Commission, and any other relevant State agency or authority, at the request of the Commission or the Executive Director, shall share the following responsibilities:

1.-2. (No Change.)

3. Prepare a list of plan implementation mechanisms that may be required for a petitioner to implement an endorsed plan to effectuate land use patterns that are consistent with the State Plan and provide adequate and appropriate examples of each such mechanism. In the event that an appropriate example of a required plan

implementation mechanism does not exist, the relevant State agency will work with the Office of [Smart Growth] **Planning Advocacy** and the petitioner to develop same, which can later be used as an example;

4.-5. (No Change.)

(e) The Office of [Smart Growth] **Planning Advocacy** has prepared a list of available State agency benefits entitled “Plan Endorsement Benefits,” which **shall be periodically updated and posted on the Office of Planning Advocacy’s website at: <https://nj.gov/state/planning>**. [was approved by the State Planning Commission on October 17, 2007 and is presently posted on the Office of Smart Growth website at: <http://www.nj.smartgrowth.com>.] The Office of [Smart Growth] **Planning Advocacy** shall, on an ongoing basis, compile and maintain an updated list of all State agency benefits and requirements and make the list available to prospective petitioners and post the updated list on the Office of [Smart Growth] **Planning Advocacy** website.

5:85-7.6 Waivers

(a) (No Change.)

(b) A waiver may be granted pursuant to (a) above, provided the Executive Director determines that a petitioner has previously satisfactorily completed the requirement, or has substantially complied with the intent of the requirement. The determination will be based on a consideration of whether standards for plan endorsement as delineated in this subchapter and, if appropriate, whether additional relevant requirements based on guidance provided by the Office of [Smart Growth] **Planning Advocacy** in plan

endorsement guidelines and related guidance documents and as agreed upon between the Office of [Smart Growth] **Planning Advocacy** and petitioner, have been met.

(c)-(e) (No Change.)

(f) Any of the requirements of plan endorsement, **including procedural requirements**, other than N.J.A.C.-7.8, 7.9 and 7.11 may be waived at the discretion of the State Planning Commission, based on a written request by petitioner and a written recommendation by the Executive Director in consultation with any relevant State agencies. The recommendation shall be based on a determination of whether intended comprehensive planning goals have been achieved using alternative implementation mechanisms or whether a requirement of plan endorsement is determined to be inappropriate or unnecessary to achieve intended comprehensive planning goals, based on a petitioner's unique circumstances.

5:85-7.7 Pre-petition submission requirements, scheduling and meeting

(a) A prospective municipal petitioner **shall** [may] request a meeting with the Office of [Smart Growth] **Planning Advocacy** when considering whether to petition for plan endorsement and is required to make the request in writing in order to initiate plan endorsement. Submission requirements for the request include [one] **an** electronic [and one hard] color copy of the following:

1. A cover letter from the mayor to the Office of [Smart Growth] **Planning Advocacy** requesting a pre-petition meeting and stating the goals and intent of the prospective petitioner in seeking plan endorsement;

2. All planning documents **and ordinances**, as delineated in N.J.A.C. 5:85-7.13(d), **or outlined in the plan endorsement guidelines and related support materials**, to the extent that they already exist; and

3. (No Change.)

(b) The Office of [Smart Growth] **Planning Advocacy** shall schedule a pre-petition meeting within 30 days after a prospective petitioner satisfies the submission requirements.

(c) The Office of [Smart Growth] **Planning Advocacy**, members of relevant State agencies, and representatives for the petitioner, including at least one elected official, shall attend a pre-petition meeting to discuss the plan endorsement process, goals and intent of a prospective petitioner in seeking plan endorsement, and the preliminary findings of State agency review of submitted planning documents.

(d) (No change.)

5:85-7.8 Advisory committee appointment and membership

(a) Petitioner shall appoint an advisory committee to **help guide and actively participate in the plan endorsement process, increase public awareness of, and maximum participation by the community in, planning its future, and to guide and assist in the development and review of the self-assessment report, and recommendations therein. Upon the consent of the governing body, the Advisory Committee may also** serve as a liaison with the State, county, regional agencies and local officials throughout the **plan endorsement** process, and [increase public awareness of and participation in the plan endorsement process] **participate in**

meetings between the petitioner, the Office of Planning Advocacy, and other relevant State agencies. Appointments shall be made in accordance with any relevant local government ethics law and be designed to avoid any appearance of impropriety. **Petitioner shall ensure that committee membership is representative of the whole community, including participation from historically underserved populations, without bias toward any one or more interest groups.**

1. For a municipal petitioner [or a neighborhood petitioner], the advisory committee shall be appointed by the mayor with the advice and consent of the governing body, at a public meeting for which adequate notice has been provided. The appointment shall take effect by approval of a resolution of the governing body. The advisory committee shall **seek to include representation from underserved populations or representative organizations and** consist of between five and 10 people including at least one representative of the governing body, of which the mayor is considered a member, for this purpose, at least one Class IV member of the planning board, at least one member of another local board, commission or committee[;], and at least two representatives of the public who reside within the jurisdiction of the petitioner and are not elected or appointed to any public position within said jurisdiction.

2. For a county petitioner, the advisory committee shall be appointed by the board of [chosen freeholders] **county commissioners** at a public meeting for which adequate notice has been provided and the appointment shall take effect by approval of a resolution of the board of [chosen freeholders] **county commissioners**. The advisory committee shall consist of between five and 10 people including at least one representative of the board of [chosen freeholders] **county commissioners**, at least one

member of the county planning board, at least one member of another countywide board, commission or committee, and at least two representatives of the public who reside within the jurisdiction of the petitioner and are not elected or appointed to any public position within said jurisdiction.

3. For a [special resource area] **regional** petitioner, the advisory committee shall be appointed by the relevant planning entity or by the governing body of each affected municipality, depending on the nature of the area, at a public meeting for which adequate notice has been provided. The appointment shall take effect upon approval of a resolution of the relevant planning entity. The advisory committee shall consist of between five and 10 members, including at least one member of a relevant planning entity, at least one member of a relevant board of [chosen freeholders] **county commissioners**, one member of a relevant county planning board, at least two representatives of the public who reside within the area and are not elected or appointed to any public position within said area and at least one additional elected official, such that each political jurisdiction in the area is represented by an elected official at either the local, county or regional level. Membership [in] **on** the advisory committee shall be subject to the approval of the Executive Director. The public members may not hold an appointed or elected position within the municipality or be employed by said relevant planning entity.

5:85-7.9 Self-Assessment Report, form, content, adoption and submission requirements

(a) Petitioner shall prepare a Self-Assessment Report. Municipal petitioners may use the document entitled “Municipal **Self-Assessment Guidelines** [Template Report],”

as posted on the Office of [Smart Growth] **Planning Advocacy's** website as a template for the report. The municipal self-assessment report shall include, as a minimum:

1. An introductory section that describes the petitioner's goals and objectives, planning issues, assistance sought from state agencies, including a list of benefits sought as a result of plan endorsement, any requests for mapping amendments to the State Plan, such as planning areas and centers in GIS format, and any requests for waivers pursuant to N.J.A.C. 5:85-7.6(a), including a justification for same [An analysis of existing conditions of the area, a review of existing plans, and an assessment of the consistency of a petitioner's plans and implementation mechanisms with the goals and policies of the State Plan];

2. An analysis of existing conditions, opportunities, challenges, and key characteristics of the area, and a review of planning activities and existing plans. If known, include any other pertinent data to ensure accurate mapping of centers and other features [An inventory of key characteristics of the relevant area, including: current population and trends, housing and economy trends, available public facilities and services, transportation, water and sewer infrastructure, and natural, cultural and recreational resources];

3. Zoning map in digital form or high-resolution scanned copy if GIS is unavailable, including a zoning schedule [Any requests for mapping amendments to the State Plan, such as planning areas and centers, in digital GIS format];

4. A community vision and public participation section addressing how any existing community vision supports the State Plan vision and visioning requirements that will or have been completed [Findings and conclusions regarding

consistency with the State Plan, including an assessment of actions needed to achieve consistency, benefits petitioner seeks as a result of plan endorsement];

5. An inventory of recent and upcoming major development activities that addresses all major development and redevelopment activities that have occurred recently or are in the planning or approval process or under construction [Any requests for waivers pursuant to N.J.A.C. 5:85-7.6(a), including a justification for same];

6. An inventory of State, Federal & other programs, grants and capital projects that lists and briefly describes all relevant projects or funding, involving state resources within the past three years [A list of benefits petitioner seeks as a result of plan endorsement];

7. An inventory and copies annual Board of Adjustment and Environmental Commission reports for each of the past 3 years [For petitioners representing a county, specific reference shall be made to identify and evaluate countywide efforts to provide for efficient use of natural and capital resources and to address planning for conditions for which a map change was requested in the latest round of cross acceptance];

8. An inventory of Known Contaminated Sites as identified by NJDEP pursuant to N.J.S.A. 58:10-23.16-17, if not already provided in the Natural Resource Inventory [For petitioners representing a special resource area, specific reference shall be made to identify and evaluate planning efforts made specifically to provide for protection of the special resource area; [and]

9. An inventory of any enforcement actions taken by the New Jersey Department of Environmental Protection, and any other known or pending State Agency actions for each of the past 3 years; [Data on square footage of commercial properties, number of households, acreage of vacant lands per municipal tax assessment, GIS parcels, and any other pertinent data mapping, to the extent that these files exist, to ensure accurate mapping of centers and other features.]

10. A statement of planning coordination with state, regional and county agencies; adjacent municipalities and others in its planning efforts; including any inter-municipal initiatives for regional planning, shared services, emergency planning, resiliency to climate change, and to what extent land use and zoning impact all neighboring municipalities;

11. A sustainability statement that addresses the objectives of the New Jersey Energy Master Plan including how planning and regulations support the goals of clean energy, climate mitigation and resiliency, social and environmental sustainability, energy efficiency, land and water conservation, agricultural systems, waste management, toxins reduction, environmental justice, and availability of community-wide multi-modal transportation opportunities;

12. An assessment of vulnerable areas, critical assets and infrastructure using guidance outlined in the Plan Endorsement Guidelines or provided by the Department of Environmental Protection;

13. A statement that addresses consistency between population and trend data, community vision, local planning, zoning and land use regulations;

14. A statement of findings and conclusions regarding consistency with each Goal and Strategy of the State Plan, including an assessment of actions needed to achieve consistency;

15. A conclusion summarizing the argument for plan endorsement and proposed centers;

16. For petitioners representing a county or regional petition, specific reference shall be made to identify and evaluate countywide and regional efforts to provide for efficient use of natural and capital resources and to address planning for conditions for which a map change was requested in the latest round of cross acceptance;

17. For petitioners representing a Special Resource Area, specific reference shall be made to identify and evaluate planning efforts made specifically to provide for protection of the special resource area;

18. If any portion of a municipality is subject to the jurisdiction of the New Jersey Highlands Council Preservation Area, the New Jersey Pinelands Commission or New Jersey Sports and Exposition Authority (Meadowlands), their MSA should only contain data for that area within the jurisdiction of the State Planning Commission.

(b) Petitioner shall hold a public meeting in which the **petitioner** [advisory committee] presents the findings and conclusions of the Self-Assessment Report to the relevant governing body or planning entity.

(c) Petitioner shall consider a resolution to pursue plan endorsement and authorize submission of the Self-Assessment Report to the Office of [Smart Growth] **Planning Advocacy** at a public meeting of the relevant governing body or planning entity.

(d) Submission of the Self-Assessment Report to the Office of [Smart Growth] **Planning Advocacy** as part of a petition for plan endorsement shall include the following:

1. (No change)

2. A certified **copy of the** resolution from the governing body, or the relevant planning entity for a regional plan or special resource area plan, approving the Self-Assessment Report; and

3. (No Change.)

5:85-7.10 State agency Opportunities and Constraints Assessment and Report

(a) After receipt of a complete Self-Assessment Report and supporting documentation, the relevant State agencies shall compare the findings and conclusions of the petitioner's Self-Assessment Report with the most up-to-date regional and Statewide data, evaluate the report with regard to development, infrastructure, natural resources, **climate resilience, environmental justice and social equity**, and make an assessment as to whether trend growth apparent in petitioner's report is sustainable based on the resources and infrastructure available in the municipality, region and State. The report shall be made in accordance with this section and any additional agreed upon standards as described in the plan endorsement guidelines and shall be provided to the Office of [Smart Growth] **Planning Advocacy**.

(b) Within 45 days of receipt of the complete Self-Assessment Report, the Office of [Smart Growth] **Planning Advocacy** shall include the **comments** [assessments] provided by the relevant State agencies in an Opportunities and Constraints Report to the petitioner, summarizing the findings and conclusions of the opportunities and constraints assessment.

(c) (No Change.)

(d) The Office of [Smart Growth] **Planning Advocacy** may require a site visit in order to better understand the dynamics of a community, county or region, and to enable the Office of [Smart Growth] **Planning Advocacy** and the State agencies to visualize the attributes and challenges of the area based on first-hand knowledge.

5:85-7.11 Community visioning process, vision statement development and adoption, and submission requirements

(a) Petitioner shall perform a community visioning process designed to maximize involvement of the community and structured so as to encourage consensus. **The petitioner shall take efforts to engage socially vulnerable populations who have historically been underrepresented in these processes.** Petitioner shall meet minimum requirements for conducting visioning sessions as set forth below and any additional agreed upon standards from **the** plan endorsement guidelines and related support materials, which may be called for depending on individual circumstances. Community visioning shall engage the public [in many ways] through a variety of [tools] **interactive technologies and media, including online means, social media and posting of all workshops and hearings on the municipal website.** Each step in which

the public is invited to participate shall be widely promoted using each of the following promotional efforts, if available: notice on the official municipal, county or regional entity website; **official social media page** [notice on locally broadcast cable TV stations(s)]; articles in local newspapers and written materials posted in municipal buildings, schools and local businesses; and by notice to the Office of [Smart Growth] **Planning Advocacy**. Findings of the visioning process shall be used to develop a vision statement for inclusion in the master plan. Minimum requirements for conducting a visioning process include:

1. At least **two** [three] facilitated workshops consisting of interactive discussions with residents and other community stakeholders to identify the community's purpose, core values and vision for a **minimum** 20-year horizon. **At least one of the in-person workshops shall also be held virtually online to enhance and modernize more equitable public participation.** The workshops shall be noticed in a legal advertisement, which satisfies the requirements at N.J.A.C. 5:85-1.7(j). At these workshops, a variety of materials relating to the community, such as maps, photos and resource inventories, shall be made available for review and discussion. The **petitioner or its** advisory committee shall provide further notice of the workshops according to N.J.A.C. 5:85- 1.7(f)3, and shall provide the following additional notice, to the extent available, at least 10 days in advance of the workshops: issuing a press release to local newspapers promoting the workshops, posting notice of the workshops on the official municipal website and posting notice of the workshops in a conspicuous public place; and
2. At least two public hearings during the course of the visioning process in which a preliminary vision statement is vetted and discussed. **At least one of the in-person public hearings shall also be accessible virtually to enhance and modernize**

more equitable public participation. The **petitioner or** advisory committee shall, at least 10 days in advance of said public hearings, issue a press release to local newspapers [regarding the vetting] of the preliminary vision statement and post notice of the hearing on the official municipal website, if available, and in a conspicuous public place. The vision statement may be adopted as a part of the master plan. In this case, the hearings for such adoption shall be consistent with N.J.S.A. 40:55D-1 et seq., regarding adoption, revision or amendment of a master plan.

(b) – (c) (No change)

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

1. Proof of public notice pursuant to N.J.A.C. 5:85-1.7(f) for all required public meetings and hearings in the form of an affidavit of publication **and copies of electronic postings;**

2. A certified resolution from the governing body, approving submission of the vision statement to the Office of [Smart Growth] **Planning Advocacy;**

3.-6. (No change.)

...

5:85-7.13 Consistency review

(a) (No change)

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

goals, policies and strategies of the State Plan, **which shall conclude with issuance of a consistency review report to the petitioner.**

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

1.-5. (No change.)

6. The delineation criteria and intent for critical environmental sites, [and historic and cultural sites] **areas vulnerable to flooding and climate change-related hazards, and with special consideration of equity and environmental justice issues;**

7.-8. (No change.)

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

1. (No change)

2. The following mandatory planning documents **as further outlined in the plan endorsement guidelines and related support materials:**

i.-iv. (No change.)

v. **Redevelopment or rehabilitation plans adopted or proposed pursuant to the Local Redevelopment and Housing Law;**

vi. Documents detailing recent or upcoming **major** developments as defined by the MLUL;

[vi. A circulation element];

vii. **A housing element** [A municipal stormwater management plan and ordinance];

viii. **A petition for substantive certification filed with the Court, compliance with a court-ordered housing plan, or satisfactorily evidence of adequate affordable housing accommodations** [A wastewater management plan];

ix. **A fair share plan and implementing documents/ordinances** [A housing element];

x. **A conservation plan and natural resource protection ordinances, including:** [A petition for substantive certification filed with COAH or compliance with court-ordered housing;]

(1) **Water conservation;**

(2) **Wellhead protection;**

(3) **Stream corridor protection;**

(4) **Floodplain protection;**

(5) **Stormwater protection;**

(6) **Forest and street tree protection;**

(7) **Community tree save, landscaping limits;**

(8) **Steep slope protection;**

(9) **Recycling;**

- xi. **A natural resource inventory** [A draft fair share plan and implementing documents/ordinances];
- xii. **An environmental justice and social equity action plan** [A community facilities plan, inventory and map];
- xiii. **A climate action plan that addresses mitigation and resiliency** [A board of education five-year facilities plan];
- xiv. **A Greenhouse Gas emissions reduction action plan and implementation Ordinances** [An open space and recreation plan];
- xv. **Master Plan Circulation Element and Complete Streets Policy and implementation plan** [A natural resource inventory];
- xvi. **A wastewater management plan** [A conservation plan and implementing ordinances];
- xvii. **A municipal stormwater management plan/MS4 Permit in compliance** [Recycling Statement of Consistency];
- xviii. **A capital improvement program** [A municipal recycling ordinance];
- xix. **A community facilities plan, inventory and map** [A New Jersey State Police letter approving the local emergency operating plan]; [and]
- xx. **An open space and recreation plan** [A capital improvement program]; [and]
- xxi. **A recycling statement of consistency;**
- xxii. **Incorporation of hazard mitigation measures into relevant planning documents;**

xxiii. A letter from the Municipal or State Police Chief approving the local emergency operating plan; and

xxiv. A board of education five-year facilities plan if one exists; and

3. The following conditional items **as outlined in the plan endorsement guidelines**, which may be required depending on local circumstances;

i.-ii. (No change.)

iii. **A water supply plan;**

[iii.] **iv.** A recreation and open space inventory;

[iv.] **v.** An economic development plan;

[v.] **vi.** An agricultural retention plan/farmland preservation plan, agricultural advisory committee, right-to-farm ordinance, and implementation program;

[vi] **vii.** A historic and cultural resources inventory, historic preservation plan, and implementation documents and mechanisms;

[vii. Incorporation of hazard mitigation measures into relevant planning documents;]

viii. - ix. (No change.)

(e) During the consistency review period, the Office of [Smart Growth] **Planning Advocacy**, at the discretion of the Executive Director, may hold a public hearing in an appropriate jurisdiction to receive testimony on the petition. The Office of [Smart Growth] **Planning Advocacy** shall hold a public hearing in an appropriate jurisdiction to receive

public comment on the petition if the Executive Director receives a written request for such a hearing within 10 days of posting notice pursuant to N.J.A.C. 5:85-7.12 from:

1.-3. (No Change.)

5:85-7.14 Finding of consistency and [recommendation report] **action plan**

(a) After receipt of items submitted pursuant to N.J.A.C. 5:85-7.12, the Executive Director shall make a determination as to whether or not a plan that is the subject of a petition for plan endorsement is consistent with the State Plan as described in N.J.A.C. 5:85-7.13 and the petitioner has fulfilled all requirements for plan endorsement as described in this chapter and relevant parts of the Plan Endorsement Guidelines **and other support materials**. [In the event the Executive Director determines the plan is consistent with the State Plan, then the Executive Director shall prepare a recommendation report to the Commission for its consideration, within 60 days of the conclusion of the 90-day consistency review period, containing detailed findings and conclusions to support the determination. The Executive Director may then issue a Certificate of Eligibility to petitioner pursuant N.J.A.C. 5:85-7.16. The Commission shall then consider the petition pursuant to N.J.A.C. 5:85-7.19.]

(b) If the Executive Director determines that additional actions must be taken to complete the self-assessment, visioning or other actions necessary to achieve **initial consistency with these steps**, the Executive Director shall, in consultation with the [relevant State Agencies] **Plan Implementation Committee** and petitioner, develop a draft Memorandum of Understanding and draft **an Action Plan within 45 days of the conclusion of the 90-day consistency review period** [pursuant to this subchapter. The

Action Plan may include designation of an interim center, including a map depicting same. The Executive Director shall submit the drafts to the Commission for its consideration at a public hearing and petitioner shall continue to pursue plan endorsement as described in further detail below].

[1. If the State Planning Commission determines that the self-assessment and visioning process steps have been performed, or that a waiver of these requirements has been properly granted, and the terms and conditions of the draft Action Plan and draft Memorandum of Understanding are appropriate to achieve consistency, then the Commission shall execute the Memorandum of Understanding and direct the Executive Director to issue a Certificate of Eligibility pursuant to N.J.A.C. 5:85-7.16.]

[2. If the State Planning Commission determines that the self-assessment and visioning are not acceptable or that the terms and conditions of the draft Action Plan and draft Memorandum of Understanding are not appropriate to achieve consistency, then it shall revise the draft Action Plan so that it is appropriate to achieve consistency, execute the Memorandum of Understanding and direct the Executive Director to issue a Certificate of Eligibility pursuant to N.J.A.C. 5:85-7.16.]

[3. If the Executive Director fails to provide a draft Action Plan and draft Memorandum of Understanding to the State Planning Commission and petitioner within the 90-day consistency review period, then petitioner may directly petition the State Planning Commission for plan endorsement, pursuant to N.J.A.C. 5:85-7.18.]

(c) If the Executive Director, in consultation with the Plan Implementation Committee, determines that the self-assessment and visioning process steps have been performed, or that a waiver of these requirements has been properly granted,

and the terms and conditions of the Action Plan have been met to achieve initial consistency with these steps, then the petitioner shall work with the Office of Planning Advocacy in coordination with the Plan Implementation Committee to develop a draft Plan Implementation Agreement that outlines longer-term planning implementation mechanisms for the petitioner to undertake during the 10-year endorsement period to achieve and maintain consistency with the goals and vision described in the endorsement plan, the State Plan, and any additional procedures from the Plan Endorsement Guidelines and other support materials.

(d) If the Executive Director determines that the self-assessment and visioning are not acceptable or that the terms and conditions of the Action Plan items have not been met as necessary to achieve initial consistency, then it shall advise the petitioner in writing of the items required in the Action Plan to achieve initial consistency.

(e) If petitioner fails to achieve initial consistency or meet the conditions and requirements of the Action Plan within 90 days or within a reasonable period of time as agreed to by the Executive Director, in consultation with Plan Implementation Committee, the petition will be considered to have been withdrawn without prejudice and the petitioner so notified. Notice of any such withdrawal shall be provided by the Office of Planning Advocacy to the petitioner, and the State Planning Commission pursuant to N.J.A.C. 5:85-1.7(h) and 7.4(b).

5:85-7.15 Recommendation report, review of petition, and direct petition

(a) Within 60 days of satisfaction of action items in an Action Plan by the petitioner, and development of a draft Plan Implementation Agreement and associated State Planning Areas Map, the Executive Director shall prepare a recommendation report to the Plan Implementation Committee. The report shall either determine that the plan is consistent or not consistent with the State Plan.

(b) Within 45 days of receipt of the Executive Director's recommendation report on consistency pursuant to N.J.A.C. 5:85-7.14(a) or 7.14(c), or a direct petition pursuant to N.J.A.C. 5:85-7.15(d) or 7.23(d), the Plan Implementation Committee will consider the recommendation report at a regularly-scheduled meeting, occurring no sooner than ten (10) days following the provision of public notice of same.

(c) If the Plan Implementation Committee requests additional information from petitioner to make its determination, it may add an additional 45 days after receipt of the requested information, before making a recommendation on the petition. The Plan Implementation Committee will recommend to the State Planning Commission that the petition be: considered for approval, considered for approval with revisions, or denied.

(d) A petitioner may directly petition the State Planning Commission for plan endorsement under the following circumstances:

1. If the Plan Implementation Committee fails to make a recommendation on the petition within 45 days of receipt of the Executive Director's Report or within 45 days of receipt of the requested additional

information, or if the petitioner disagrees with the recommendation of the Plan Implementation Committee; or

2. If the Office of Planning Advocacy fails to prepare a draft Plan Implementation Agreement and State Planning Area Map pursuant to N.J.A.C. 5:85-7.14(a).

(e) Within 60 days of achieving initial consistency with the State Plan, completion of the items outlined in the Action Plan, and successful negotiation of the draft Plan Implementation Agreement and State Planning Areas Map with the petitioner, the Executive Director shall submit a recommendation report along with the draft Plan Implementation Agreement and proposed State Planning Area Map to the State Planning Commission for its consideration, within 60 days of the conclusion of the 90-day consistency review period. The recommendation report shall contain findings and conclusions to support the determination that the petition, completed Action Plan and draft Plan Implementation Agreement and State Planning Areas Map are adequate to achieve and maintain consistency with the State Plan.

(f) Within 45 days of receiving the draft Plan Implementation Agreement and State Planning Areas Map, the State Planning Commission shall determine whether the draft Plan Implementation Agreement and State Planning Areas Map are appropriate to achieve and maintain consistency with the State Plan and any additional procedures from the State Plan Endorsement Guidelines and related support materials.

(g) If the State Planning Commission determines that the terms and conditions of the draft Plan Implementation Agreement and State Planning Areas Map are not appropriate to achieve consistency, then it shall revise the draft Plan Implementation Agreement as necessary so that they are appropriate to achieve consistency.

(h) If the Executive Director fails to provide a draft Plan Implementation Agreement and State Planning Areas Map to the State Planning Commission and petitioner within the 90-day consistency review period, then petitioner may directly petition the State Planning Commission for plan endorsement, pursuant to N.J.A.C. 5:85-7.15(d).

5:85-7.16 Plan Implementation Agreement Submission and Completion

(a) If the Planning Commission determines that the draft Plan Implementation Agreement and associated State Planning Areas Map are appropriate to achieve consistency with the State Plan and any additional procedures from the State Plan Endorsement Guidelines, then the Executive Director shall submit the Plan Implementation Agreement to the Petitioner for official consideration and execution.

1. Petitioner shall consider adoption of the Plan Implementation Agreement at a public hearing of the relevant governing body or relevant planning entity.

2. Municipal petitioners shall present the proposed Plan Implementation Agreement to both the planning board and governing body which

can be at the same or separate public hearings. The planning board and governing body may choose to hold a joint public hearing to consider adoption of the resolution accepting the Plan Implementation Agreement and State Planning Areas Map.

3. Petitioner shall submit the fully executed resolution accepting and authorizing the Plan Implementation Agreement and State Planning Areas Map to the Executive Director. Submission of the executed resolution shall include the following:

i. Proof of public notice pursuant to N.J.A.C. 5:85-1.7 for all required public meetings and hearings in the form of an affidavit of publication;

ii. A certified resolution from the governing body, or the relevant planning entity for a regional plan or Special Resource Area plan, approving execution of the Plan Implementation Agreement and State Planning Areas Map;

iii. A copy of the meeting minutes of each public meeting and hearing at which the Plan Implementation Agreement and State Planning Areas Map were reviewed. The minutes shall include a summary of public comments and copies of written comments filed before or during the public hearing(s); and

iv. A copy of the certified resolution authorizing execution of the Plan Implementation Agreement and State Planning Areas Map.

4. If petitioner fails to execute the resolution to enter into the Plan Implementation Agreement and become endorsed by the State Planning Commission within 60 days of receiving the Plan Implementation Agreement and State Planning Areas Map, or within a reasonable period of time as agreed to by

the Executive Director, in consultation with relevant State agencies, the petition will be considered to have been withdrawn without prejudice and the petitioner so notified. Notice of any such withdrawal shall be provided by the Office of Planning Advocacy to the petitioner, and the Commission pursuant to N.J.A.C. 5:85-1.7(h) and 7.4(b).

5. An approved Plan Implementation Agreement may only be amended for good cause shown at the discretion of the Executive Director. Any amendments to a Plan Implementation Agreement shall be provided to the Commission and the public pursuant to N.J.A.C. 5:85-1.7(h) and 7.4(b), unless undertaken pursuant to N.J.A.C. 5:85-7.20(d).

(b) If the State Planning Commission determines that the draft Plan Implementation Agreement is not sufficient or that the terms and conditions are not appropriate to achieve consistency, the State Planning Commission shall remand the document, with its written recommendations, to the Petitioner, Office of Planning Advocacy and State Agencies for any necessary revision/s.

5:85-7.17 Plan Endorsement by State Planning Commission

(a) Within 45 days after receipt of the recommendation report and a fully executed resolution accepting and authorizing the Plan Implementation Agreement and State Planning Areas Map to the Executive Director pursuant to N.J.A.C. 5:85-7.15 and 7.16, the Commission shall conduct a hearing to consider the petition and Executive Director's report and affirm, revise or reverse the Executive Director's recommendation on the petition or the petitioner's direct petition for endorsement

based on its determination of consistency. If the Commission determines that the plan that is the subject of the petition along with any Plan Implementation Agreement and State Planning Areas Map, is consistent with the State Plan, it shall approve the petition for plan endorsement. If the Commission determines the plan that is the subject of the petition along with any Plan Implementation Agreement and State Planning Areas Map, is inconsistent with the State Plan, the Commission shall either request the petitioner to make necessary changes to address requirements that must be met in order to achieve consistency with the State Plan, or deny the petition. The Commission's approval or denial of a petition is a final agency action.

(b) Endorsed plans and Centers may be revoked by the Commission in the event petitioner fails to satisfy Plan Implementation Agreement deadlines, based on a recommendation by the Executive Director, in consultation with the Plan Implementation Committee.

5:85-7.18 Extension of time requirements

(a) The Executive Director may extend, up to 90 days, the time allowed for State actions under this subchapter, in the event that the number of requests for plan endorsement or amendments thereto exceeds the resources of the Office of Planning Advocacy to process those requests.

(b) The Executive Director may extend any time period in this subchapter up to an additional 90 days for the purpose of requesting additional information necessary to adequately and appropriately evaluate a petition for plan

endorsement, an amendment to a previously endorsed plan or center designation. The period of review shall be extended 30 days after the receipt of the requested additional information by the Office of Planning Advocacy.

(c) Public notice of any extensions shall be provided pursuant to N.J.A.C. 5:85-7.4.

5:85-7.19 Period of endorsement

(a) Endorsement of any plan shall be valid for 10 years.

(b) Within 45-days of expiration of endorsement, the Executive Director shall advise the State Planning Commission of the expiration and provide written notice to the appropriate State agencies, municipal and county governing bodies, or regional agency, advising them of same.

(c) In the Highlands Region, as defined by N.J.S.A. 13:20-7, the Highlands Council's certification of a municipality or county in the Highlands Region whose master plan and associated regulations have been approved by the Highlands Council pursuant to N.J.S.A. 13:20-18.a, as in conformance with the Highlands Regional Master Plan, is deemed equivalent to endorsement from the State Planning Commission for purposes of qualifying for State aid, planning assistance, technical assistance, and other benefits and incentives that may be awarded or provided by the State to municipalities and counties which have received plan endorsement by the State Planning Commission, provided the municipality's master plan and land use ordinances remains certified.

(d) In the Pinelands, as defined by N.J.A.C. 7:50-2.11, the Pinelands Commission's certification of a municipality's master plan and land use ordinances pursuant to N.J.A.C. 7:50-3.31 et seq., is deemed equivalent to endorsement by the Commission for the purposes of qualifying municipalities for benefits of plan endorsement, provided the municipality's master plan and land use ordinances remains certified. Pinelands Regional Growth Areas, Pinelands Towns and Pinelands Villages within the municipalities having Pinelands Commission certified plans and implementing land use ordinances are deemed equivalent to designated regional centers, town centers and village centers, respectively, as defined in the State Planning Rules and State Plan, for the purposes of determining eligibility for State agency benefits of plan endorsement.

5:85.7.20 Monitoring of endorsed plans and designated centers

(a) The Executive Director shall periodically monitor the status and progress of endorsed plans and associated Planning and Implementation Agreements and previously designated centers, during the term of plan endorsement or prior center designation and shall forward all reports to the Commission.

(b) Within one year from the date of endorsement, municipalities, counties or other relevant planning entities having endorsed plans or previously designated centers shall provide an annual report (also known as a monitoring report) to the Executive Director on the status of their Plan Implementation Agreement efforts, with biennial reports due thereafter. In order to be accepted by the Office of Planning Advocacy, the annual or biennial report must be submitted within the year

and month in which it is required, unless previously negotiated with the Executive Director prior to the submission deadline as determined in consultation with the Plan Implementation Committee. The annual and biennial reports shall state how the endorsed entity is meeting the Plan Implementation Agreement timelines and requirements, both due and upcoming. In order to be accepted by the Office of Planning Advocacy, the annual or biennial report must be submitted within the year and month in which it is required, unless previously negotiated with the Executive Director prior to the submission deadline as determined in consultation with the Plan Implementation Committee. The annual and biennial reports shall state how the endorsed entity is meeting the Plan Implementation Agreement timelines and requirements, both due and upcoming. It shall include any Board of Adjustment Annual Report on Variances pursuant to N.J.S.A. 40:55D-70.1, planning board reports, and significant updates to other planning materials submitted as part of the petition for plan endorsement, including zoning ordinances or other implementation measures, adopted since plan endorsement, or prior center designation and submission of the last annual report. The report shall state how these items are consistent with the State Plan, the endorsed plan and the terms of the Plan Implementation Agreement.

(c) Within 45-days of receipt of each monitoring report pursuant to subsection (b) of this section, the Executive Director shall submit a letter to the endorsed entity indicating the extent to which the terms of the Plan Implementation Agreement are being met. The letter shall include any concerns or corrective

actions to be addressed towards the Plan Implementation Agreement's successful completion.

(d) A monitoring report may include written requests to revise certain requirements of the Plan Implementation Agreement that are unrelated to the State Plan Policy Map. Such requests shall be considered on a case-by-case basis at the discretion of the Executive Director in consultation with the Plan Implementation Committee based on a determination of whether the item that is proposed to be changed remains applicable or feasible given current circumstances, and whether the proposed modification or replacement item would achieve the same level of consistency with the State Plan. If the Executive Director determines that the subject of the request is not consistent with the State Plan, or is significant enough to warrant consideration by the State Planning Commission, the Executive Director will deny the request in writing, in which case, a petitioner may submit a petition for an amendment to the Plan Implementation Agreement pursuant to 5:85-7.23.

(e) At least 45 days prior to the beginning of the calendar year in which a municipality, county, or other relevant planning entity's final, year-9 biennial report is due for submission to the Office of Planning Advocacy, the Executive Director shall submit an electronic letter to the endorsed entity, outlining any remaining incomplete tasks identified for completion under the Plan Implementation Agreement as adopted or amended by the State Planning Commission, or through subsequent petitioner-requested changes, as approved by the Executive Director pursuant to 5:85-7.20(d). The letter shall advise as to the extent to which the endorsed plan is presently eligible for the expedited Plan Endorsement Renewal

process pursuant to 5:85-7.21(c), based on the status of previous monitoring submissions, overall performance and good faith efforts to date in completing required tasks and completion timelines as specified under the Plan Implementation Agreement. The letter shall include a copy of the Plan Endorsement Renewal Guidelines, and any other pertinent information to assist the endorsed entity in proactively working towards obtaining Plan Endorsement Renewal before expiration when Endorsement ends.

(f) Any remaining incomplete Plan Implementation Agreement tasks shall be addressed in the final 9-year biennial report. The report shall provide supporting documentation and a responsive narrative discussion outlining the extent to which all tasks have been completed in accordance with the Plan Implementation Agreement, and address any issues raised in the letter from the Executive Director pursuant to 5:85-7.20(e). It shall likewise indicate whether the endorsed entity intends to pursue the expedited Plan Endorsement Renewal process, and if so, how the Plan Implementation efforts to date, demonstrate consistency with the terms of the Plan Implementation Agreement and petition as endorsed by the State Planning Commission. The extent to which the Plan Implementation Agreement tasks have been completed to the satisfaction of the Executive Director, in consultation with the Plan Implementation Committee, shall determine whether the endorsed entity shall be granted the opportunity to pursue Plan Endorsement Renewal in accordance with 5:85-7.21 or go through the standard Plan Endorsement process pursuant to 5:85-7.1-7.19. The required tasks outlined in the Plan Implementation Agreement shall be completed within timelines provided

unless otherwise negotiated in advance of expiration in accordance with 5:85-7.20(d), or as amended pursuant to 5:85-7.23. Any discrepancies shall be justified with supporting evidence in the monitoring report within which the required action and timeline for completion is required.

(g) At least 30 days prior to adoption of a new or significantly revised plan by municipalities, counties, regional agencies or planning authorities with endorsed plans or previously designated centers, copies of said new or significantly revised plans shall be provided to the Executive Director. Within 30 days after adoption of said new or significantly revised plans identified above, copies shall be provided to the Executive Director. The impacts of the new or significantly revised plan on the endorsed plan shall also be addressed in the next regularly scheduled annual report.

(h) If a complaint is received by the Office of Planning Advocacy or the Commission of failure to comply with the terms of an endorsed plan or the Planning and Implementation Agreement or a Planning Implementation Agenda prepared in connection with a prior center designation, within 45 days of receipt of said complaint, the Executive Director shall investigate and report to the Commission. Public notice of any such complaint and any report by the Executive Director shall be provided in accord with N.J.A.C. 5:85-7.4.

5:85-7.21 Renewal of endorsed plans and designated centers

(a) The Plan Endorsement Renewal process shall build on a petitioner's previous plan endorsement received from the State Planning Commission and brought into consistency with the current State Plan and State Planning Rules.

(b) Upon the consent of the Plan Implementation Committee, the Executive Director shall have authority to certify whether a Petitioner is eligible to pursue the expedited Plan Endorsement Renewal process as determined upon the extent to which the terms of the previous Plan Implementation Agreement have been satisfied, consistent with the petition as endorsed by the State Planning Commission. Departure from consistency or failure to meet the timelines and requirements of the previous Plan Implementation Agreement without sufficient cause would make the Petitioner ineligible to pursue Plan Endorsement Renewal.

(c) Twelve (12) months prior to the expiration of endorsement, the Executive Director shall send notice advising the Petitioner whether the terms of their previous Plan Implementation Agreement have been satisfied consistent with the petition as endorsed by the State Planning Commission. For petitioners that have demonstrated substantial progress towards the completion of tasks outlined under the Plan Implementation Agreement and sustained engagement with the Office of Planning Advocacy as evidenced by the submission of compliant monitoring reports received when due, the letter will certify their eligibility to pursue the expedited Plan Endorsement Renewal process. The Executive Director may condition certification on the completion of any outstanding or incomplete actions required under the Plan Implementation Agreement as necessary to achieve consistency prior to expiration of the current endorsement.

(d) If the Plan Implementation Committee determines that the terms and conditions of the Plan Implementation Agreement have not been satisfied to the extent necessary to achieve consistency with the petition as approved by the State Planning Commission, then it shall advise the Executive Director to send notice to the Petitioner twelve (12) months prior to the expiration of endorsement, stating the reasons why their petition has been deemed ineligible for the expedited Plan Endorsement Renewal process, including an outline of outstanding consistency items to complete in order to be considered eligible to pursue the standard Plan Endorsement process in accordance with N.J.A.C. 5:85-7.1-7.19.

(e) If eligible, within eight (8) months prior to the expiration of Endorsement, the mayor, or representative of the endorsed entity shall submit a letter to the Executive Director, along with a certified copy of a resolution adopted by the governing body at a public meeting, petitioning the State Planning Commission to renew their Endorsement. The letter shall state why the municipality is seeking renewal, outline assistance and benefits they seek from the State and include requests for map amendments (if any). The letter shall request a Plan Endorsement Renewal meeting and will be accompanied by:

1. An official Plan Endorsement Renewal Report that includes a recap and overview of the previous (ten) 10 years' planning activities and accomplishments, and how the municipality or regional entity remains consistent with and advances each of the State Plan goals, including:

i. Statement of actions taken to promote beneficial economic growth, development and redevelopment, and overall revitalization of suburban and urban areas;

ii. Statement of actions and planning activities taken to provide adequate public infrastructure, community facilities, services, and capital improvements at a reasonable cost;

iii. Statement of actions taken to address major transportation needs and the implementation of adequate Complete Streets;

iv. Statement of actions taken to promote and implement municipal or regional sustainability actions and planning activities;

v. Statement of actions and planning activities taken to implement the community vision, sound and integrated planning, center-based , and mixed-use development;

vi. Statement of actions and planning activities taken toward demonstrating affordable housing compliance and actions taken towards addressing overall housing needs, opportunities and choices at a reasonable cost;

vii. Statement of actions and planning activities taken toward addressing and promoting climate change resilience, mitigation, and greenhouse gas emissions reduction;

viii. Statement of actions and planning activities taken toward addressing and promoting environmental justice and social equity;

ix. Statement of actions and planning activities taken to protect, preserve and enhance environmentally sensitive areas, natural systems, and sites of historic and cultural significance;

x. Statement of actions and planning activities taken to protect farmland and open space, and to provide adequate active and passive recreational facilities;

xi. Statement of coordination with county or regional plans, where applicable;

xii. Proposed Map Amendments (in GIS format), including new or modifications to Planning Areas, Centers, Cores or Nodes, along with justification for the requested change;

xiii. Overview of current and future needs, technical assistance, or State agency benefits to help implement the endorsed plan.

2. The following documentation or links separately provided via email:

i. Current Master Plan;

ii. Last Master Plan Reexamination Report;

iii. Current Recreation Open Space Inventory;

iv. Copy of most recent Plan Implementation Agreement, along with status of each item; and

v. Current Zoning Map, Ordinance and Schedules in PDF & GIS format

(f) Within 30 days after receiving the letter requesting to renew the Plan Endorsement Petition, the Executive Director shall schedule an Endorsement Renewal meeting with the petitioner and relevant State Agency partners to discuss the Petitioner's submission at the Plan Endorsement Renewal Meeting. Discussion topics will include:

- 1. Municipal submission and expectation;**
- 2. State Agency initial response and provide details on new PE Guideline requirements; and**
- 3. Additional requirements that were not previously discussed or required.**

(g) Within two weeks after the meeting, the Office of Planning Advocacy shall draft a memorandum stating any additional required material for Plan Endorsement to be agreed to by Petitioner, State Agencies, County and relevant others (New Jersey Highlands Water Protection and Planning Council, New Jersey Pinelands Commission for example) of additional required material.

(h) The Office of Planning Advocacy, with assistance from State Agency partners, will work with the petitioner to identify and agree to an Action Plan and Plan Implementation Agreement, along with the necessary timelines in order to maintain consistency with the State Plan and the State Planning Rules. The Action Plan and Plan Implementation Agreement must address inconsistencies as well as update incomplete items from the previous endorsement period. Any requested mapping change will be addressed as part of the Action Plan and will comply with existing mapping protocols.

(i) The Executive Director will present the staff recommendation to either support or deny the request for Plan Endorsement Renewal to the Plan Implementation Committee. After the Plan Implementation Committee's final review and comment, the Office of Planning Advocacy staff will report to the State Planning Commission and will request State Planning Commission approval of the recommended action. The recommendation will include the results of the Plan Endorsement Renewal process, the Implementation Agreement, the Memorandum of Understanding, past performance, current status and the action items the petitioner has agreed to implement.

(j) If approved by the State Planning Commission the Plan Endorsement Renewal will be applicable for 10 years and subject to biennial reviews.

5:85-7.22 Revocation of plan endorsement or prior center designation

(a) If 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, so that its endorsed plan or previously designated center are inconsistent with the State Plan, the Executive Director shall:

1. Direct the Office of Planning Advocacy to conduct a public hearing in the affected jurisdiction to receive public comment on the status and progress of the jurisdiction's implementation of the endorsed plan or previously designated center. 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;

2. Prepare and forward a monitoring report to the Commission recommending that plan endorsement or prior center designation be revoked;

3. Inform the petitioner, county representatives and the Commission in writing of the reasons therefore; and

4. Provide written notice of said recommendation to the relevant planning entity pursuant to N.J.A.C. 5:85-1.7(h) and post notice pursuant to N.J.A.C. 5:85-7.4.

(b) Within 45 days of the issuance of the monitoring report by the Executive Director, the Commission or its duly authorized subcommittee shall review the recommendation report of the Executive Director and the Commission shall affirm, revise, or reverse the recommendation based on its determination of whether the endorsed plan or prior center designation remains consistent with the State Development and Redevelopment Plan. Except for a revision of the recommendation, the Commission determination regarding revocation shall be a final agency action.

(c) Within 45 days after Commission action, as set forth in (b) above, the Executive Director shall provide notice of the decision to the petitioner, pursuant to N.J.A.C. 5:85-1.7(i) and post notice pursuant to N.J.A.C. 5:85-7.4.

(d) Upon revocation by the Commission of an endorsed plan or previously designated center, all benefits and incentives made available to a petitioner shall be rendered null and void.

5:85-7.23 Petitions to amend endorsed plans, previously designated centers, Plan Implementation Agreements

(a) Petitions to amend endorsed plans, previously designated centers or Planning and Implementation Agreements may be submitted by the original petitioner, in its annual or biennial report, unless either the endorsement period will end in less than two years or it can be demonstrated that, for special reasons, the proposed amendment cannot wait until the next biennial report is due.

(b) A petition to amend shall include, at a minimum:

1. A detailed justification statement outlining the reasons why the proposed amendment is necessary and consistent with both the plan endorsement petition as approved by the State Planning Commission, and each of the State Plan goals as applicable;

2. A statement updating the petitioner's latest monitoring report, if the petition amendment is not being proposed as part of an annual or biennial report;

3. A list of the documents being submitted;

4. Proof that notice of submission of the petition to amend to the Executive Director has been provided pursuant to N.J.A.C. 5:85-1.7(f) in the form of an affidavit of publication;

5. A certified resolution from the governing body for a municipal petitioner or the relevant planning entity for a county plan, regional plan or special resource area plan, that is impacted by the petition to amend, approving the petition to amend, wherein said certified resolution authorizes the official of the

municipality or the relevant planning entity to submit the petition and execute any requested or required amendment;

6. A copy of the meeting minutes of each public meeting or hearing at which the petition to amend was reviewed, and of the hearing during which the resolution approving the petition to amend 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, both the proposed and current State Plan Policy Map boundaries shall be depicted in digital files conforming to USGS National Map Accuracy Standards for 1:6,000 with 90% vertices within 16.66 feet of intended location and as provided in the Plan Endorsements Guidelines;

8. One hard copy in color 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 petition to amend;

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 wait until the next revision of the State 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; and

11. A statement describing

i. How the proposed amendment is consistent with the State Plan; and

ii. How the amendment helps the municipality, adjacent municipalities, county, regional and State agencies achieve consistency with the State Plan and the endorsed plan or previously designated centers; or

iii. Why the current planning and implementation agreement item that is proposed to be changed cannot be implemented and why the proposed change will accomplish the same purpose as well or better as the original agreement.

(c) Within 60 days of the receipt of a petition to amend, the Executive Director shall provide written notice to the petitioner and the Commission, as to whether the petition complies with this subchapter.

(d) In cases where the Executive Director finds that the petition to amend 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 petition to amend, of the deficiencies of the petition. If a revised petition to amend is not resubmitted within 90 days after receipt of the Executive Director's notice, or as otherwise agreed, or is submitted incorrectly, it will be considered withdrawn without prejudice and the petitioner so notified. The Executive Director shall provide notice of any such withdrawal to those interested persons and

organizations who have registered with the Office of Planning Advocacy in accordance with N.J.A.C. 5:85-1.6(b) and post such information on the Office of Planning Advocacy website.

(e) In cases where the Executive Director finds that the petition to amend is submitted in accordance with this subchapter, or is resubmitted correctly pursuant to (a) and (b) above, the Executive Director shall provide public notice in accordance with N.J.A.C. 5:85-1.7(b) and send copies of the petition, plan and supporting documents to the State agencies represented on the Commission and any other relevant State or Federal agency.

(f) The relevant State and Federal agencies receiving copies of a petition to amend pursuant to (e) above shall provide comments to the Executive Director within 60 days.

(g) Within the State and Federal agency 60-day review period, the Office of Planning Advocacy may hold a public hearing in an appropriate jurisdiction to receive public comment on the petition with public notice provided pursuant to N.J.A.C. 5:85-1.7(b).

(h) The Office of Planning Advocacy shall hold a public hearing if the Executive Director 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 Planning Advocacy providing notice public notice pursuant to (e) above that a petition to amend has been submitted in accordance with this subchapter.

(i) In cases where the Executive Director determines that a petition to amend is submitted in accordance with this section, the Executive Director shall determine within 90 days after the conclusion of the State and Federal agency review period whether the subject of the petition to amend is consistent with the State Plan.

(j) The Executive Director shall prepare a report containing detailed findings and conclusions concerning the consistency of the subject of the petition to amend with the State Plan. The Executive Director shall provide notice of the report pursuant to N.J.A.C. 5:85-1.7(b) and forward the report to the Commission, the petitioner, and post the report on the Office of Planning Advocacy website.

1. If the Executive Director determines that the subject of the petition to amend is consistent with the State Plan, the Executive Director shall recommend that the petition to amend be approved by the Commission.

2. If the Executive Director determines that the subject of the petition to amend is not consistent with the State Plan, the Executive Director shall either recommend the necessary State Plan Policy Map, local planning, and/or local regulatory changes that should be required by the Commission to make the subject of the petition to amend consistent with the State Plan, or recommend that the petition to amend be denied by the Commission.

3. If the Executive Director fails to submit a recommendation to the Commission concerning a petition to amend 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 Commission take direct action on the petition.

(k) The Commission and Plan Implementation Committee shall review the recommendation of the Executive Director, that the petition to amend was submitted in accordance with this subchapter, and the determination as to whether the subject of the petition to amend is consistent with the State Plan.

(l) Within 45 days after receipt of the recommendation, the Commission shall conduct a hearing on the petition to amend and affirm, revise or reverse the Executive Director's recommendation, based on its determination of whether the subject of the petition is consistent with the State Plan. The Commission determination on the petition to amend shall be a final agency action.

(m) The Executive Director shall, within 30 days after Commission action as set forth in (l) above, notify the petitioner in writing of the Commission's determination, findings and recommendations regarding the petition to amend.

(n) Within 45 days of the Commission determining whether the petition to amend was submitted in accordance with this section, and is consistent with the State Plan, the Executive Director shall post notice of said determination pursuant to N.J.A.C. 5:85-7.4.

5:85-7.24 (RESERVED)

...

SUBCHAPTER 8. THE STATE PLAN POLICY MAP

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] **Planning Advocacy**, who shall serve

as agent for the State Planning Commission in the administration of this subchapter. **A petitioner shall submit a written** [Ten copies and one electronic] copy of the proposed map amendment petition documentation required under (b)1 and 8 [below shall be submitted] **of this section.**

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

1. (No change.)

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. (no change.)

ii. For an **individual or private** entity [or an individual], [his, her] **their** or its financial, ownership, or contractual interests and a description of any pertinent regulatory actions occurring during the immediate past five years or **any** planned[/] **or** anticipated in the next three years regarding the use of the property;

3. A statement describing:

i. (No change)

ii. [How the amendment will impact public sector decisions; and] **How the amendment will impact the local zoning district in which the State Plan Policy Map amendment is proposed;**

iii. [The reason(s) why the amendment cannot await the next revision of the State Development and Redevelopment Plan;] **How the amendment will impact infrastructure and associated capacity in the municipality in which the State Policy Map amendment is proposed;**

iv. **How the amendment will impact adjacent municipalities;**

v. How the amendment will impact adjoining zoning districts of adjacent municipalities;

vi. How the amendment will impact public sector decisions; and

vii. The reason(s) why the amendment cannot await the next revision of the State Development and Redevelopment Plan if the petitioner is an individual or private entity;

4. (No change.)

5. **If any changes to the State Plan Policy Map are proposed, the proposed State Plan Policy Map boundaries shall be depicted in digital files at minimum, conforming to USGS National Map Accuracy Standards for 1:6,000 with 90% vertices within 16.66 feet of intended location** [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;

6. Proper authorization and endorsement are as follows:

i. (No Change.)

ii. For **an individual or [a] private entity**, the petition shall include a certified copy of the authorization to submit the petition; and

iii. For an individual **or private entity**, at the discretion of the petitioner, the petition may include endorsements of the amendment by public and private organizations;

7. Documentation that the public notice requirements at N.J.A.C. 5:85-1.7(g) have been met for the proposed map amendment; and

8. (No change)

(c) The Executive Director of the Office of [Smart Growth] **Planning Advocacy** shall forward one copy of the **petition** proposed map amendment, **along with a cover letter**, to the appropriate municipal and county governing bodies and planning boards for their review and comment. **The cover letter shall include a general outline detailing the respective roles of the appropriate governing bodies, planning boards, Petitioner, State Planning Commission, and Office of Planning Advocacy, along with any other pertinent procedural information associated with the proposed map amendment process pursuant to N.J.A.C. 5:85-1.7(g) and as set forth at subsection (b) of this section.** If no comment is received within 90 days after mailing said petition, the municipality or county shall be deemed to have no comment on the proposed map amendment.

(d) If the State Planning Commission initiates a map amendment, the Executive Director of the Office of [Smart Growth] **Planning Advocacy** shall notify the appropriate municipal and county governing bodies and planning boards for their review and comment. If no comment is received within 90 days after mailing said notice, the municipality or county shall be deemed to have no comment on the proposed map amendment.

(e) The Office of [Smart Growth] **Planning Advocacy** shall **hold [a] an in-person, virtual or mixed mode** public hearing in an appropriate **municipal, county, or regional** jurisdiction to receive testimony [on the] **when a petition [or] for the** map amendment is

initiated by the State Planning Commission. Notice of this hearing shall be provided pursuant to N.J.A.C. 5:85-1.7(b).

(f) The State Planning Commission may, at its discretion, [appoint a subcommittee] **request the Plan Implementation Committee** to hear and review proposed map amendments, including those initiated by the State Planning Commission. Only the State Planning Commission may act on a proposed map amendment petition.

(g) If an individual or private entity initiates a map amendment, the appropriate municipality within which the amendment is proposed, may, at its discretion, hold an in-person or virtual public hearing to receive testimony on the map amendment in accordance with the Open Public Meetings Act, N.J.S.A 10:4-6 et seq;

1. At least 10 days prior to the public hearing date, the individual or private entity initiating the map amendment, shall provide notice in accordance with N.J.A.C. 5:85-1.7(g);

2. The municipality shall provide the Executive Director with proof that notice of the hearing on the map amendment has been provided pursuant to N.J.A.C. 5:85-1.7(g) in the form of an affidavit of publication;

3. At the conclusion of the public hearing, the municipality shall consider adopting a certified resolution expressing either support or opposition to the map amendment petition;

4. Within 30 days, a copy of the resolution and meeting minutes at which the hearing on the map amendment petition was held, shall be transmitted

to the Executive Director. The minutes shall include a summary of public comments and copies of written comments filed before or at the public meeting.

...

5:85-8.5 Determination of completeness and period of review

(a) Within 60 days of the receipt of a petition for a proposed map amendment, the Executive Director of the Office of [Smart Growth] **Planning Advocacy** shall inform the petitioner, any municipality and county impacted by the proposed map amendments, and the State Planning Commission, in writing, whether the proposed map amendment petition is complete and complies with this subchapter.

(b) In cases where the Executive Director of the Office of [Smart Growth] **Planning Advocacy** finds that the petition for a proposed map amendment 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 petition for a proposed map amendment of the deficiencies in the petition. If a corrected petition for a proposed map amendment is not resubmitted within 90 days after receipt of the Executive Director's notice, or is resubmitted incorrectly, the petition for a proposed map amendment 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 for a proposed map amendment is submitted in accordance with N.J.A.C. 5:85-8.4. The petitioner shall provide notice of any such withdrawal in accordance with N.J.A.C. 5:85-1.7(g). Notice of any such withdrawal shall be provided by the Office of [Smart Growth] **Planning Advocacy** to those interested persons and organizations who have registered with the Office of [Smart Growth] **Planning Advocacy** in accordance with N.J.A.C. 5:85-1.6(b).

(c) In cases where the Executive Director of the Office of [Smart Growth] **Planning Advocacy** finds that the petition for a proposed map amendment 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 petition for a proposed map amendment, plan(s) and supporting documents to the State agencies represented on the State Planning Commission and any other relevant State or Federal agency.

(d) (No Change.)

(e) Within the State and Federal agency 45-day review period, the Office of [Smart Growth] **Planning Advocacy** may hold a public hearing in an appropriate jurisdiction to receive testimony on the petition for a proposed map amendment with public notice provided pursuant to N.J.A.C. 5:85-1.7(b). The Office of [Smart Growth] **Planning Advocacy** shall hold a public hearing in an appropriate jurisdiction to receive testimony on the map 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 governing body of any municipality or county with areas impacted by the petition or a total of at least 10 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] **Planning Advocacy** providing public notice pursuant to (c) above that a completed map amendment petition has been submitted.

(f) The Executive Director of the Office of [Smart Growth] **Planning Advocacy** may request additional information and, at the discretion of the Executive Director, the 90-day review period set forth in N.J.A.C. 5:85-8.6(a) 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] **Planning Advocacy** in accordance with N.J.A.C. 5:85-1.6(b) and posted on the Office of [Smart Growth] **Planning Advocacy** website.

5:85-8.6 Determination of the Executive Director and State Planning Commission

(a) In cases where the Executive Director determines that the petition for the proposed map amendment 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 petition for the proposed map amendment is consistent with the State Development and Redevelopment Plan. The Executive Director shall prepare a report containing detailed findings and conclusions concerning the petition for the proposed map amendment. 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, any municipality and county impacted by the petition for the proposed map amendment, and the State Planning Commission and post the report on the Office of [Smart Growth] **Planning Advocacy** website. If the Executive Director determines that the petition for the proposed map amendments is consistent with the State Development and Redevelopment Plan, the Executive Director shall recommend that the map amendment petition be approved by the State Planning Commission. If the Executive Director determines that the petition for a proposed map amendment 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 proposed map amendment consistent with the State Development and Redevelopment Plan or recommend that the proposed map amendment petition be denied by the State Planning Commission.

(b) (No Change.)

(c) The Executive Director of the Office of [Smart Growth] **Planning Advocacy** shall, within 30 days after State Planning Commission action as set forth in (b) above, notify the petitioner in writing of the State Planning Commission's determination, findings and recommendations regarding the petition for the proposed map amendment.

(d) Within 45 days of the State Planning Commission determining whether the petition for the proposed map amendment is complete and consistent with the State Development and Redevelopment Plan, the Executive Director of the Office of [Smart Growth] **Planning Advocacy** shall place notice of said determination in the New Jersey Register and provide notice pursuant to N.J.A.C. 5:85-1.7(i).

5:85-8.7 Extension of time requirements

The Executive Director of the Office of [Smart Growth] **Planning Advocacy** 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 State Plan Policy Map amendments exceeds the resources of the Office of [Smart Growth] **Planning Advocacy** 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] **Planning Advocacy** in accordance

with N.J.A.C. 5:85-1.6(b) and posted on the Office of [Smart Growth] **Planning Advocacy** website.