

Plan Endorsement Guidelines

State of New Jersey Department of Community Affairs New Jersey State Planning Commission Office of Smart Growth

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The Legislature found that the public purpose of developing the New Jersey economy while protecting natural resources, providing adequate and diverse housing, and redeveloping cities required coordinated state action to control what is now known as sprawl. To that end the Legislature created a State Planning Commission mandated to create and implement a cooperatively developed state plan that would delineate areas for growth and redevelopment and areas for the protection of natural resources and farming. The plan is the State Development and Redevelopment Plan (State Plan), and an implementing tool is the Plan Endorsement Process described below.

The goals of plan endorsement are to:

1. Encourage municipal, county, regional and state agency plans to be coordinated and support each other to achieve the goals of the State Plan;
2. Encourage municipalities and counties to plan on a regional basis while recognizing the fundamental role of the municipal master plan and development regulations;
3. Consider the entire municipality, including Centers, Cores, Nodes and Environs, within the context of regional systems;
4. Provide an opportunity for all government entities and the public to discuss and resolve common planning issues;
5. Provide a framework to guide and support state investment programs and permitting assistance in the implementation of municipal, county and regional plans that meet statewide objectives; and
6. Learn new planning approaches and techniques from municipal, county and regional governments for dissemination throughout the state and possible incorporation into the State Plan. (The New Jersey State Development and Redevelopment Plan, 2001, page 14).
7. Ensure that petitions for Plan Endorsement are consistent with applicable State land use statutes and regulations.

1.2 PLAN ENDORSEMENT PROCESS

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Stage 1: Initial Plan Endorsement Petition

For the first stage, Initial Plan Endorsement, a petitioner submits the fundamental planning documents, which most municipalities and counties will have already prepared, including the

master plan, to the State Planning Commission. These planning documents will be reviewed by the Office of Smart Growth, which, after consultation with other State agencies, will make a recommendation to the State Planning Commission as to the consistency of the petitioner's plan with the State Plan.

Stage 2: Planning and Implementation Agreement

The purpose of the Planning and Implementation Agreement is to outline the commitments on the part of the State and the petitioner to implement the endorsed plan.

A petitioner can chose to stop at Stage 2, or continue on to Advanced Plan Endorsement via the following stages.

Stage 3: Plan Endorsement Contract

The purpose of the Plan Endorsement Contract is to set forth the requirements that the petitioner must meet in order to achieve Advanced Plan Endorsement, including those requirements that will continue after the plan is endorsed, any assistance that will be provided by state agencies to help the petitioner to meet these requirements, and what the petitioner will receive in State regulatory and financial benefits once the plan has been endorsed.

Stage 4: Advanced Plan Endorsement Petition

Stage 5: Bi-annual Status Reports

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Regional Planning Priority

One of the goals of the State Plan is to *ensure sound and integrated planning and implementation statewide* (The New Jersey State Development and Redevelopment Plan, 2001, Goal 8). As such, the State Planning Commission will give priority to petitions received from counties, regional entities, and urban complexes, as well as to municipalities that submit their master plans as part of a petition from a county, regional entity or urban complex. The State Planning Commission will also give priority consideration to municipal petitions that have the support of counties with endorsed plans and joint petitions from more than one municipality within a region.

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Petition Committees

The State Planning Commission recommends that petitioners create a committee to prepare the initial petition on behalf of the governing body. For a municipal petitioner, the **committee should include a representative from the governing body, the planning board, the board of adjustment, the Board of Education, the sewerage authority, several public members representing diverse interests, such as social, economic, housing, environmental, agricultural, and where applicable, the Environmental and the Historic Preservation Commissions.**

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• Statement of Community Vision and Public Participation

Petitioners are asked to submit a narrative of the visioning and public participation processes that were conducted, demonstrating how the public has been involved in the preparation of the master plan and other documents that shape the community vision.

Page 15 – Materials that must be submitted

The Natural Resource Inventory should generally include, but is not limited to:

- Habitat for threatened, endangered and priority species, including critical habitat as defined under CAFRA; areas identified as necessary to protect, sustain or restore plant or animal populations identified in state or federal recovery or management plans;
- Areas of critical water supply concern including but not limited to important water supply areas, **Category 1 drainage areas, wellhead protection areas**, aquifer recharge areas, source water protection areas and shellfish transition or buffer areas defined under Freshwater Wetlands Protection Act and coastal wetlands act;
- Wetlands defined under Freshwater Wetlands Protection Act and coastal wetlands;
- Open space, public lands, including natural areas and private conservation areas or wildlife refuges, and conservation easements, including those entered pursuant to the farmland preservation program;
- Natural features such as steep slopes (including coastal bluffs), beaches and dunes, geology, soils, forest cover, and hydrography, including Wild and Scenic River data Watershed boundaries (HUC 14);
- Critical Environmental Sites as identified by the State Planning Commission

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C. TIMELINE FOR INITIAL PLAN ENDORSEMENT PETITION REVIEW

The Office of Smart Growth has 30 days to review submitted petitions and assess for completeness. Once the Executive Director has received all of these documents, and the petition has been deemed complete, the State agency staff – coordinated by the Office of Smart Growth – will have 45 days within which to review the petition. The Executive Director may hold a public hearing at the written request of 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 notifying interested parties. Following the review period, the Executive Director of the Office of Smart Growth has 60 days to prepare a report on the consistency or inconsistency of the petitioner's plan and proposed Planning and Implementation Agreement to the State Plan and submit that to the State Planning Commission and the petitioner. The Executive Director may request additional information extending the 60-day review period by an additional 45 days. The State Planning Commission has 60 days within which to recommend endorsing the plan and the Planning and Implementation Agreement.

If the Office of Smart Growth has not made a recommendation to the State Planning Commission within the 60-day time period, the petitioner has the right to submit the petition directly to the Plan Implementation Committee. The State Planning Commission must make a determination on the petition within 90 days after receiving it.

The Executive Director of the Office of Smart Growth shall, within 30 days of the Commission's determination, notify the petitioner of that determination and within 45 days post the public notice.

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2.3 ADVANCED PLAN ENDORSEMENT PETITION REQUIREMENTS

A municipality or county may choose to apply for Initial Plan Endorsement and stop there. However, the State Planning Commission strongly recommends that petitioners take advantage of the additional funding and regulatory benefits available through Advanced Plan Endorsement by either applying for Initial and Advanced Plan Endorsement at the same time, or proceeding on to Advanced Plan Endorsement after receiving Initial Plan Endorsement. **It is through this process that petitioners can designate growth areas (centers);** take a coordinated approach with state agencies to seeking regulatory benefits and plan approvals; and receive the top level of funding priority.

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A. THE PLAN ENDORSEMENT CONTRACT

State agencies will work with the petitioner to identify the specific requirements of the petition. For example, **a center designation for a Planning Area 4 site** and associated regulatory benefits require comprehensive planning for all facets of the community, and therefore the contract will set forth more planning requirements.

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3.1 REGULATORY BENEFITS

Regulatory Coordination

A major benefit of the Plan Endorsement process stems from the integration of land use planning with the regulatory decision-making process. For local governments who achieve Plan Endorsement, the follow regulatory coordination benefits apply:

- After Initial Plan Endorsement, the New Jersey Department of Environmental Protection will provide a coordinated regulatory process for specific projects that are consistent with the State Development and Redevelopment Plan as requested by the local government entity;
- Through Advanced Plan Endorsement, the New Jersey Department of Environmental Protection will provide streamlined regulatory approvals in newly designated growth areas; and
- Various environmental plans (i.e. stormwater, habitat conservation) that are developed and approved by DEP as part of the plan endorsement process will be considered approved for other Department regulatory purposes.

Facilitating utility availability in Smart Growth Areas

The Board of Public Utilities (BPU) has proposed regulations that will reduce the up front money developers have to pay to receive utility service in smart growth areas and ensure that they will be reimbursed more quickly for those up front costs. BPU is also developing regulations that would establish a pilot program that would provide incentives to utilities to guarantee that developers in Smart Growth Areas will have utility service available on time to meet their schedules.