

MEMORANDUM OF UNDERSTANDING
BETWEEN HOLLAND TOWNSHIP AND THE OFFICE OF SMART GROWTH

WHEREAS, HOLLAND TOWNSHIP (petitioner), has submitted a petition for Initial Plan Endorsement to the State Planning Commission (Commission) pursuant to State Planning Rules N.J.A.C. 5:85-1 *et seq.*, and

WHEREAS, the Office of Smart Growth and relevant State agencies have conducted a substantive review of said petition; and

WHEREAS, findings of the substantive review show that, although significant progress toward comprehensive planning has been made, certain areas of concern need to be addressed before the Office of Smart Growth can make a recommendation to the Commission that the petition be approved and petitioner's plans be found consistent with the State Development and Redevelopment Plan (State Plan); and

WHEREAS, petitioner has stated its desire to undertake the necessary steps required for evaluation of its current planning efforts and to take the necessary steps to achieve Plan Endorsement; and

WHEREAS, properly prepared planning activities require time, must be subject to adequate public input throughout the planning process and should not be unduly rushed due to time constraints; and

WHEREAS, the Commission adopted Resolution 2006-04 at its meeting on October 18, 2006 authorizing the Office of Smart Growth to allow petitioners an extension of the time period(s) contemplated by the State Planning Rules contingent upon execution of a Memorandum of Understanding (MOU) and an agreed upon Action Plan attached thereto, which establishes timelines for completion and evaluation of tasks needed to achieve consistency with the State Plan; and

WHEREAS, the Commission adopted Resolution 2008-07 at its meeting on June 18, 2008, authorizing the Office of Smart Growth to continue to allow petitioners seeking Initial Plan Endorsement an extension of the time periods to continue to seek Plan Endorsement; and

WHEREAS, the extension of time authorized by this MOU shall be contingent on the petitioner's compliance with this MOU and attached Action Plan, as well as petitioner's good faith efforts to progress toward Plan Endorsement, as determined by the Executive Director of the Office of Smart Growth; and

WHEREAS, upon petitioner's adoption of this MOU and attached Action Plan at a public meeting of its governing body, the timelines within the Action Plan shall become binding, non-negotiable and subject only to further extension for good cause at the discretion of the Executive Director of the Office of Smart Growth.

NOW, THEREFORE BE IT RESOLVED, that in recognition of the foregoing, the Office of Smart Growth and petitioner hereby agree as follows:

1. Petitioner acknowledges receipt of a letter dated **October 4, 2007** from the Office of Smart Growth setting forth all current issues concerning the consistency of the petition with the State Plan and the necessary provisions to be made in order for petitioner to achieve Plan Endorsement.
2. Office of Smart Growth grants petitioner an extension of time, as described in detail in the attached Action Plan, to work with petitioner to achieve Plan Endorsement conditioned upon petitioner continuing active participation in the Plan Endorsement process.
3. Petitioner acknowledges that any extension authorized by this MOU is conditioned upon its compliance with the attached Action Plan, and further conditioned upon its continuing active participation in the Plan Endorsement process.
4. Petitioner agrees to continue its efforts to achieve Plan Endorsement and to meet the timelines set forth in the attached Action Plan as well as to exert good faith efforts to work towards achieving Plan Endorsement.
5. Petitioner agrees to provide necessary documentation of its planning efforts and to resolve issues of consistency with the State Plan so as to achieve Plan Endorsement.
6. Petitioner acknowledges that, if it fails to meet the timelines agreed to in the action plan, petitioning municipality will be deemed to have defaulted in its obligations under the terms of this MOU and its petition for Initial Plan Endorsement will be evaluated for consistency with the State Plan as of the date of such default.
7. Petitioning entity acknowledges that it is located within the New Jersey Highlands Region which, pursuant to the Highlands Water Protection and Planning Act ("Highlands Act," N.J.S.A. 13:20-1 et seq.), includes the Preservation Area and the Planning Area. In accordance with the Highlands Act, Plan Conformance with the Highlands Regional Master Plan is required for lands in the Preservation Area and is voluntary for lands in the Planning Area. For lands in the Planning Area OSG and the State Planning Commission shall consult with and consider any recommendation from the Highlands Council

before approving, rejecting, or approving with conditions a petition for Plan Endorsement.

8. Petitioning entity acknowledges that its petition for Plan Endorsement must include a specific policy statement indicating the relationship of the proposed development to the Regional Master Plan and the coordination with the Highlands Council.
9. Petitioning entity acknowledges that should the petitioner seek to reestablish or modify center designation or designate additional centers through Plan Endorsement, the State Planning Commission and OSG shall consult with and consider any recommendation from the Highlands Council before approving, rejecting, or approving with conditions a petition for Plan Endorsement.
10. Petitioning entity acknowledges that Plan Conformance is required for lands in the Preservation Area and is voluntary for lands in the Planning Area. However, OSG and the State Planning Commission shall consult with and consider any recommendation from the Highlands Council before approving, rejecting, or approving with conditions a petition for Plan Endorsement.

BE IT FURTHER RESOLVED, that in the event petitioner fails to meet the timelines, it will be deemed to have defaulted in its obligations under the terms of this MOU and its petition for Plan Endorsement will be evaluated for consistency with the State Plan as of the date of such default.

BE IT FURTHER RESOLVED, that the MOU and attached Action Plan will be posted on the Office of Smart Growth website.

BE IT FURTHER RESOLVED, that notice of this extension will be provided in accordance with the terms of N.J.A.C. 5:85-1.6(b) and will be posted on the Office of Smart Growth's website.

Pursuant to Resolution _____, the terms of this memorandum are hereby agreed to between the Office of Smart Growth and Holland Township.

Holland Township

Attest

Date:

Ben Spinelli, Executive Director
Office of Smart Growth

Attest

Date: