

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

Proposed Rulemaking timeline:

1. Staff discussion/brainstorming session: **January 14** - completed
2. Rulemaking discussion with DAG at 10 am: **February 4** - completed
3. Interviews with identified individuals and group stakeholders: **Mid-February - Ongoing**
4. Inter-agency meeting/discussion: **February 24** - completed
5. PIC Meeting: Present preliminary outline and proposed amendments: **April 21**
6. Further develop and finalize outline and proposed amendments: **May**
7. Prepare Notice for submission: **May**
8. Obtain informal authorization from Gov's Office to pre-authorize submission of notice: **May-June**
9. Obtain resolution from SPC to pre-authorize submission of notice: **May-June**
10. Submit pre-authorization for submission of notice: **June**
11. Publish Notice of pre-proposal in NJ Registry: **June 16** (30-day public notice period)
12. Submit the notice of proposal with finalized doc. to the Governor's Office for review. Submit 1 month prior to submitting the notice of proposal: **July**
13. Submit the notice of proposal with finalized doc. to SPC for review and authorization to submit: **August**
14. Submit/Publish Notice of Proposal in Register (2-week OAL review per.) 60-day comment period if calendar exception used: **Sept. 2**
15. Notice of adoption deadline: **Oct. 7, 20**

Proposed State Planning Rule amendment items/goals:

1. **Reflect consistency with the PE Guidelines update:** Ensure language is consistent with the recent guidelines update approved by the SPC in 2020.
2. **Simplify Cross-Acceptance process:** Increase use of technology for inputting for local and State Agency negotiations), among other opportunities to streamline the process to extent permitted under the State Planning Act.
3. **Plan Endorsement Renewal:** New section. Currently, towns must go through entire endorsement process every ten years. Goal is to streamline the PE renewal process as an added incentive.
4. **Regional PE:** New section to incorporate guidelines updated and approved by the SPC in 2020.
5. **Map amendment process:** Amend existing language to give neighboring towns greater opportunity to weigh-in and have their concerns considered prior to consideration by the PIC/SPC.
6. **Climate Resiliency Planning/GHG requirements:** New section to incorporate EO 89 into the rules, more by reference than great detail. See PE Guidelines update for specifics.
7. **Environmental Justice and Social Equity:** New section to incorporate EO 23 into the rules, more by reference than detail. See PE Guidelines update for specifics.
8. **Benefits/Incentives:** Review and evaluate existing language for opportunities to enhance.
9. **Smart Growth Areas:** Consider adding term to the Definition section of the rules to clarify for State Agencies as there are varying and sometimes conflicting interpretations in use.
10. **Impact Assessment Study & Long-term Infrastructure Needs Assessment:** Evaluate opportunities to increase flexibility to requirements to extent permitted under the State Planning Act.
11. **PE Document requirements:** Evaluate opportunities to reduce unnecessary and burdensome requirements.

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Comments received:

NJ TRANSIT - Michael Swan: Recommended adding language to encourage greater digital engagement of the public, including use social media for the Community Visioning process, other public events, hearings, posting of notices, and encouraging that at least one workshop and one public hearing be held online to enhance and modernize more equitable participation.

NJIB - David Zimmer: Recommended minor additions around the infrastructure needs assessment definition and its inclusion to the report (Section 7.9.2) - to include broadband.

NJDOT - Andrew Swords and Susan Weber: Recommended simplifying and streamlining both the Cross Acceptance process, and the Impact Assessment Studies and Long-term Infrastructure Needs Assessment requirements where feasible. Note: many requirements in the rules relate to what is specifically required in the State Planning Act.

Also shared that there is confusion relating to the definition/perception of what constitutes Smart Growth Areas and the need to define and/or update working interagency definition as suggested in the rulemaking outline.