# RECOMMENDATIONS FOR REVIEWING THE COMPREHENSIVE MANAGEMENT PLAN



April 2, 1992

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### INTRODUCTION

### Guiding Principles

The Pinelands Commission is preparing to embark upon its second review of the Pinelands Comprehensive Management Plan.

Based upon the experience with the first plan review and recognizing the resources at the Commission's disposal to conduct this review, several guiding principles were used to structure the upcoming review. These principles were:

### 1) Plan the Process

The first review took 4 1/2 years to complete. To some degree, this extended period resulted from a lack of detailed scheduling and decision-making with respect to how the review should be accomplished at the outset.

### 2) Prepare for the Interrelatedness of Decisions

The more protracted the review period, the more likely it is that policy decisions made early in the review become isolated from those made later in the review, even though the policies are interrelated. Therefore, every effort should be made to organize discussions of policies to reflect their interrelated nature.

### 3) <u>Minimize Revisitation of Issues</u>

The more protracted the review period, the more likely it is that the rationale for early policy decisions becomes less obvious. This tends to result in a revisiting of early decisions which further delays the process.

# 4) <u>Balance the Need for Expeditious Amendments Versus Minimiz-</u>ing Municipal Compliance Effort

In order to lessen the burden on municipalities and others who must deal with CMP regulations on a regular basis, it makes sense to deal with regulatory changes in sets. However, delaying action on some changes while other, more complicated issues are considered, may have the unintended effect of delaying the effective date of important CMP policies.

### 5) Recognize the Limitation on Commission Resources

Commission resources which will be available to support a review of the Plan, both in house and external, will be extremely limited over the next several years.

### 6) Plan for Effective Public Participation

Active public participation in committee meetings before decisions are made should be well managed to avoid confusion and lack of input. This will be done by using known participants in the 1990 process and through focused questions and directions in detailed mailings.

### 7) Broaden the Focus of the Review

Unlike the first review of the CMP which focused primarily on refinements to the regulations, this review should focus more on major issues which face the Pinelands.

# 8) <u>Tap the Creativity and Participation of Committee and Com</u>mission Members

A series of alternative processes were examined and the best components of each were incorporated into the proposed process. Special techniques to broaden the opportunities for creativity and to ensure participation are included, e.g. the use of the small group technique known as "nominal groups."

# 9) <u>Use Both Commission Members and Outside Resources Productively</u>

Special committee and commission retreats have been included to provide focused, intense opportunities for productive work. Use of limited outside technical resources is optimized by technical workshops that emphasize creativity.

### Process Summary

The plan review process that is recommended is based upon 5 steps:

o Prepare and review the data which illustrates the status of the CMP (task 2)

- o Select and prioritize <u>Major Issues</u> affecting the achievement of the goals of the CMP (task 3)
- o Identify and select <u>Approaches</u> to solve the Major Issues (task 4)
- o For those approaches which are ready to be implemented immediately amend the CMP (task 5)
- o For those approaches which are both worthwhile but need to be studied further, conduct the necessary analyses (task 6)

These five tasks, as well as the task of confirming that this is the process that the Plan Review Committee chooses to follow, are summarized on the attached Gantt chart. In addition, the chart shows the overall timing and the scheduling of Plan Review and Commission meetings.

Task 1 (confirm process) approximately 1.5 mos. Task 2 (plan review report) approximately 6 mos. Task 3 (major issue selec-5 months tion and prioritization) Task 4 (issue resolution by 6 months approaches) Task 5 (1st round, CMP 20 months amendments) Task 6 (1st round of 15 months analyses)

Some of the tasks occur concurrently, with the process through the first round of studies taking up to 28 months.

### Key Components

To complete this plan review process, several key components should be noted and focused upon:

- o Tight and specific scheduling
- o Focused and specific public participation
- o Pinelands Commission retreat in February 1992 to select major issues of concern
- o Expert workshops to generate a wide range of approaches to address the major issues

- o Two day Commission retreat in August 1992 to select approaches ready for CMP amendments; and to prioritize the remaining approaches for further analysis
- o The potential for up to three rounds of CMP amendments--the first based upon the August 1992 retreat and the next two based upon in depth studies conducted during FY93 and FY94
- o A maximum three year process

### Terminology

To lessen confusion, certain key words have been selected and used uniformly throughout the process text. In general, their meaning can be gleaned from context. However, it is useful to introduce their use before immersion into the process.

- o <u>Major Issues</u> these are broad issues of concern in the 90's. They will include within their framework many smaller issues. Several will be selected by the Plan Review Committee at a retreat for further analysis.
- o <u>Approaches</u> these represent actual solutions to address the major issues (e.g. regulatory changes) or projects (e.g. studies) which are needed before specific solutions are identified. They will be generated from public input and technical workshops geared towards the generation of a wide range of alternatives.
- o <u>Substantial Regulatory Changes (SRCs)</u> these are solutions that the Commission concludes are ready to be proposed as amendment to the CMP. These SRCs will address the major issues selected for analysis.
- o <u>Projects</u> these are approaches that the Commission concludes need further study before decisions can be made on possible amendments to the CMP.

The following section is a description of the staff recommendations, with six tasks outlined. Following each description is a time chart for each Task. The final section provides a detailed description of topics recommended for the plan review report as outlined in Task 2 of the Process Section.

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**Revised 4/2/92** 

### RECOMMENDED PLAN REVIEW PROCESS DESCRIPTION

### TASK 1 ESTABLISH PROCESS FOR CONDUCTING THE PLAN REVIEW

<u> </u>	STABLISH PROCESS FOR CONDUCTING THE PLAN REVI	<u>. Ew</u>
1.1	Distribute recommendation to the Commission	6/30/91
	Description:	
	A memorandum describing the proposed process to conduct the five year review of the CMP.	
1.2	Brief Plan Review Committee on process	7/19/91 PR Cmte Mtg
1.3	Plan Review Committee discussion of process	7/19/91 PR Cmte Mtg
	Description:	
	The focus will be on the schedule, public participation, method of selecting major issues, method for selecting approaches, and suggestions to facilitate the process.	
1.4	Pinelands Commission discussion of process	8/9/91 PC Mtg
1.5	Revise process if necessary	8/12/91

### Steps:

1.6

o Review of any revisions previously requested.

8/23/91 PR Cmte Mtg

- o Discussion of any suggestions for further changes. Majority Cmte vote on these, if any. o Majority vote on process, as revised.

Plan Review Committee decision on process

6-24-91 PROCESS FOR CONDUCTING PLAN REVIEW 1						
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**Revised 8/23/91** 

# TASK 2 PREPARE PLAN REVIEW REPORT

2.1	Distribute outline of Staff Report to the Commission	6/30/91
	Description:	
	An outline of various data that will be prepared. This data will be compared to that in the 11/21/80 CMP and the 12/83 Progress Report.	
2.2	Begin to compile data for report	7/1/91
2.3	Brief Plan Review Committee on report outline	7/19/91 PR Cmte Mtg
2.4	Brief Pinelands Commission on report outline	8/9/91 PC Mtg
2.5	Begin drafting report	9/1/91
2.6	Brief Plan Review Committee on report contents	10/18/91 PR Cmte Mtg
2.7	Reproduce report	Dec 1991
2.8	Distribute report	12/31/91
2.9	Brief Pinelands Commission on report contents	1/92 PC Mtg

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# TASK 3 SELECT AND PRIORITIZE MAJOR ISSUES

3.1 Staff begin to compile list of possible broad issues of concern in the 90's identified from 1990 Public Participation process and experience gained during the past five years.

10/1/91

### Description:

There are many issues that could be identified, but time and staff resources indicate that the Commission should focus upon those issues of major importance. To the extent possible, issues will be grouped into broader categories that include a range of more specific issues. For example, the "broad issue" of solid waste management could easily include issues such as composting, resource recovery, siting, sources, use of compost, etc.

3.2 Solicit lists of top-rated major issues from the various public interests

10/1/91

### Description:

Seek to determine public interest in their highest priority major issue areas, while informing public of the schedule, process, and the staff limitations on the range of issues that can be addressed.

### Steps:

- o Solicit comments from municipalities, including planning boards and environmental commissions
- o Mail solicitation to groups who responded to the 1990 public participation process and to the others on that mailing list
- o Explain process and Commission resource limitations
- o Note deadline for written input (12/13/91), urging only the most important major issues be identified.
- o Note availability for review of written comments after December 16, 1991.

# 3.3 Distribute possible major issues to the Pinelands Commission

12/16/91

Description:

A document from all researched sources with issues grouped under broad headings, plus any public input received.

NOTE: Public who commented will be given list of commentors and will be notified of the upcoming opportunity for further comment prior to, or at, the January Plan Review Committee meeting.

# 3.4 Brief Plan Review Committee on possible major issues

1/16/92 PR Cmte Mtg

Description:

Describe each major issue and any specific issues identified under the major heading. Review the process for selecting issues to be identified. Additional public comment on major issues, in the form of written comment or oral presentation, will be accepted at this time. NOTE: Commissioners not on the Plan Review Committee are invited to attend.

# 3.5 Pinelands Commission identifies major issues and selects the top 5\* issues for analysis

2/21/92 & 2/22/92 two day special PC Mtg

### Description:

At most, only five major issues can be included for the next year's work due to the extensive commitment of time and resources each issue will require. A modification of the small group technique known as a "nominal group" will be used to optimize creativity and participation in the generation and selection of issues.

\* On April 4, 1992, the Commission approved an additional topic creating a total of 6 topics/issues selected.

### Steps:

- o Consideration of absent members comments, if any.
- o PC, as nominal group, identifies issues.
  This is done by each commissioner offering an issue in round table fashion with all recorded verbatim (no comment allowed at this stage).
- o PC discusses each issue to clarify, understand, & address its importance.
- o PC narrows the list down. This is done by compiling the five most important for each commissioner, and then establishing a new list that includes only those that receive at least three votes.
- o PC ranks the reduced list from first to fifth most important. This is done by each commissioner ranking them and then compiling the votes (e.g. the highest ranked issues will be those that receive the greatest combination of 1st, 2nd, 3rd, etc. place votes from all nine commissioners).

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**Revised 8/23/91** 

# TASK 4 IDENTIFY AND SELECT APPROACHES TO ADDRESS MAJOR ISSUES

4.1 Distribute top 5 major issues\*
to public to solicit possible
approaches for addressing issues

2/28/92

### Description:

The public will be asked to offer specific suggestions on how to deal with the major issues. Approaches can range from studies to determine the nature and seriousness of the issue, to studies to determine how other localities deal with the issue, to specific solutions. Details can be kept to a minimum, with concepts and ideas stressed, i.e. an approach to be studied; or a regulatory solution can be outlined, i.e. an approach possibly ready for CMP amendment. Consistency with the goals and objectives of the CMP will be requested.

### Steps:

- o Distribute top 5 major issues to municipalities, including <u>planning boards and</u> environmental commissions
- o Mail solicitation to groups who responded to the 1990 public participation process and to the others on that mailing list
- o Explain process and goal to obtain a wide range of approaches to the 5 major issues
- o Note deadline for written advance input (4/17/92) for technical workshops to start the following week in April.

\* The sixth topic/issue selected was distributed to the public on April 20, 1992.

4.2 Conduct workshops of staff and other technical agency experts to compile wide range of alternative approaches to address issues

4/30/92

### Description:

Workshops of experts in each of the major issue areas will be held between 4/30 and 6/26 to generate the widest possible range of solutions to the issues. This is an analytical step and does not involve selection of preferred or highest priority alternatives. Rather the workshops will generate a list of alternatives and evaluate how well they work technically to present to the Commission.

### Steps:

- o Convene separate workshop for each issue to identify various approaches
- o Public suggestions disseminated to participants
- o Approaches offered in round table format as a nominal group
- o Group discusses merits of each approach
- 4.3 Begin staff assessment of Commission resources and time available for the coming year to address all approaches selected for analysis

7/1/92

### Description:

Current staffing levels and the availability of consultant and other funding will be matched against mandated, nonplan review work item needs. This will allow a derivation of estimates of remaining resources available to address plan review items.

4.4 Begin staff assessment of resources and time needed to pursue each approach

7/1/92

### Description:

An assignment of work time by various

Page 11

technical staff (PC or other known resources) necessary to address each approach will be made. An assessment of how long it would take to complete the assignment will be made. The need for special resources will also be addressed.

4.5 Distribute to Commission the approaches, 7/15/92 the estimate of resources necessary to address them, and the estimate of available staff resources

4.6 Brief Commission on 4.5 8/92 PC Mtg

4.7 Commission analyzes approaches for 8/20/92 & each issue; categorizes the approaches 3/21/92 into those ready for CMP amendment two day (Part 1) and those to be further special studied (Part 2); and ranks those PC Mtg to be studied by importance (Part 2)

### Description:

The special meeting will deal with each major issue individually by dividing approaches into those ready for CMP amendment and those to be studied further. Approaches to be studied further will then be prioritized for incorporation into the staff FY '93 and '94 work plans.

# Part 1) <u>selection of approaches</u> which are ready for <u>immediate CMP amendment</u>

### Steps:

- o Briefing is conducted on approaches to deal with each major issue.
- o Discussion of each approach, other than studies, is held.
- o PC votes whether to recommend each approach immediately as a CMP amendment. Those that receive a favorable vote go on to <u>TASK 5</u> as <u>substantive</u> regulatory changes (SRCs).

- o When votes on all major issues have been completed, the retreat then moves on to <a href="Part 2">Part 2</a> to consider those approaches that were not voted ready for immediate CMP amendment and those approaches that called for studies.
- Part 2) <u>selection of approaches</u> which require <u>further analysis</u> (i.e. future projects) and <u>ranking</u> their relative <u>importance</u>

### Steps:

- o All approaches that are studies or those in Part 1 that were determined not ready for CMP amendment are listed by the major issue.
- o Discussion of each approach on the list.
- o PC selects approaches (from all the major issues) that it wishes to consider for priority study. This is done by each commissioner ranking the importance of all the approaches (very high, high, moderate, low).
- o The top 25 will be considered further to allow commissioners to focus in on those approaches likely to receive analysis (e.g. Commissioners should consider the limitations on the availability of resources).
- o Assign priorities for the approaches that require further analysis. Each commissioner will rank ten approaches, 1 = highest to 10 = lowest. The approaches that receive the highest combination of 1st, 2nd, etc. place votes will be the highest priority and will become projects for inclusion in FY '93 and FY '94 work plans.
- 4.8 Results of Retreat sent to all Commissioners and public

8/31/92

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# TASK 5 PREPARE AND ADOPT 1st ROUND CMP AMENDMENTS

# 5.1 Staff begins to draft clarifying CMP amend- 2/15/92 ments

Description:

Prior to, and in anticipation of, the selection by the Commission of substantial regulatory changes (SRCs), these clarifications will be prepared. They are items already identified since the last sets of amendments, e.g. through Letters of Interpretation. These will be items that either better explain provisions of the CMP; that place existing, long used policies in writing; or that correct typographical or other errors in the CMP. Provisions not previously included in the CMP or substantial changes to provisions will not be included in this category, as they should only be considered through the "major issues" process outlined above in TASK 4.

5.2	Staff begins to draft CMP amendments from SRCs selected by Commission at 8/92 retreat	8/31/92
5.3	Draft SRC and clarifying CMP amendments submitted to Plan Review Committee	10/15/92
5.4	Plan Review Committee begins to review CMP amendments	10/16/92 PR Cmte

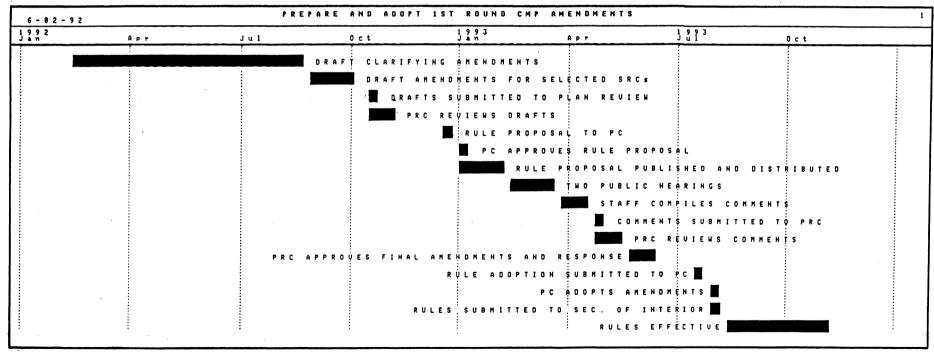
Description:

Wording for those SRCs selected by the Commission at the retreat and for the clarifications will be reviewed.

5.5 Plan Review Committee approves draft CMP 11/20/92 amendments PR Cmte Mtg

Mtg

5.6	Rule proposal submitted to Commission	12/15/92
5.7	Commission authorizes publication of formal rule proposal	1/93 PC Mtg
5.8	Rule proposal published and distributed	Feb 1993
5.9	Two public hearings held	3/31/93
5.10	Staff begins to compile public comments	4/1/93
5.11	Public comment period closes	4/15/93
5.12	Comment compilation submitted to Plan Review Committee	4/28/93
5.13	Plan Review Committee reviews comments	5/19/93 PR Cmte Mtg
5.14	Plan Review Committee approves final amendments and public comment response document	6/16/93 PR Cmte Mtg
5.15	Rule adoption notice submitted to Pinelands Commission	7/15/93
5.16	Pinelands Commission adopts amendments	8/93 PC Mtg
5.17	Rules submitted to Department of the Interior	8/16/93
5.18	Rules published and become effective	Oct 1993



### TASK 6 CONDUCT IN DEPTH ANALYSES OF SELECTED APPROACHES FOR POSSIBLE FUTURE ROUNDS OF CMP AMENDMENTS

6.1	Executive Director presents FY '93	9/92
	Work Plan addressing prioritized	PC Mtg
	projects from the August retreat.	

### 6.2 Begin staff analysis of projects

9/15/92

### Description:

Depending upon staff resources and which projects are to be undertaken, investigations will occur concurrently or sequentially during the year. For example, two science studies might occur sequentially while a planning and a science study could occur concurrently.

- 6.3 Complete analysis of those projects which 6/1/93 can be incorporated into a subsequent, 2nd round of CMP amendments
- 6.4 Present report(s) to the Plan Review 6/15/93 Committee and notify the public of their availability

### Description:

Detailed analyses with specific CMP amendments for a future, 2nd round will be included. Notice will be provided to all those on the CMP public participation mailing list that the reports are available for purchase.

### 6.5 Re-examine remaining approaches 6/16/93 not yet analyzed for possible inclusion in FY '94 work plan

### PR Cmte Mtg

### Description:

The PR Cmte will re-examine the list of important projects that could not be analyzed in FY '93 due to time constraints (e.g., of the 25 approaches designated as most important at the August 1992 retreat,

as many as 20 could remain to be analyzed).

### Steps:

- o Re-examine the projects to ensure that changing conditions in the last year have not caused them to lose importance.
- o If any are found to have lost importance, the Committee could recommend, with the Commission's concurrence at its May meeting, that these be dropped.
- 6.6 Submit recommended staff work plan for 7/15/93
  FY '94 projects to Plan Review Committee
- 6.7 Plan Review Committee begins to evaluate 7/21/93 need for "second" round of CMP amendments PR Cmte from FY '93 projects Mtg

### Steps:

If any CMP amendment programs from the FY '93 studies are selected by the PR Cmte., the standard rule proposal procedure, with many of the steps noted above in the CMP amendment process (TASK 5), would begin for a second round of rule proposals.

- 6.8 Executive Director presents FY '94 8/93
  Work Plan addressing remaining high PC Mtg
  priority projects from the June
  1992 retreat.
- 6.9 Repeat Tasks 6.2, 6.3, 6.4 and 6.8 8/30/94 for FY '94 Projects for possible 3rd round of CMP amendments

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### RECOMMENDED TOPICS FOR PLAN REVIEW REPORT

### I. LAND USE

- A. Management Areas Acreages
  - 1. Certified management area acreages by municipality
  - 2. CMP management area acreages by municipality
  - 3. Summary of management area changes due to conformance and subsequent certification actions
- B. Management Areas Dwelling Unit Capacity Estimates
  - 1. Maximum unit capacity by management area
  - 2. Average gross density by management area

### II. DEVELOPMENT REVIEW

- A. Number of Applications
  - Number of applications filed each year and the number of those approved, and disapproved
- B. Level of Decisionmaking
  - 1. Municipal vs. Pinelands Commission permit decisions
  - 2. Comparison of 1991 and 1983 time frames situation
- C. Location of Development
  - 1. Types of development approved by management area
  - 2. Types of development disapproved by management area
  - Municipalities with highest residential development activity
  - 4. Municipalities with highest commercial/industrial development activity
  - 5. Comparison between 1991 and 1983 time frames
  - 6. Approved public development

### D. Waivers of Strict Compliance

- 1. Waivers of Strict Compliance approved by management area
- 2. Waivers of Strict Compliance disapproved by management area
- Waivered residential units that have received development approvals by management area
- 4. Map of approved waivers

### III. ACQUISITION

### A. Pinelands Projects

- 1. Status of active projects
- 2. Status of pending projects
- 3. Pre-Pinelands, current and pending acquisitions by management area
- 4. Acquisition map
- B. Limited Practical Use Program: Description and Status
- C. Funding: Projected Revenue Sources
- D. Other Federal Acquisition Programs

### IV. PDC PROGRAM

### A. Allocation and Use Potential

- 1. Estimate of total potential PDC allocations
- Acreage remaining available for development in relation to PDC use

### B. Property Owner Interest

- 1. Number of property owners and rights
- 2. Number of rights severed

- 3. Acreage under easement
- 4. Location of protected properties
- C. Developer Interest
  - 1. Number of projects proposing PDC use
  - 2. Number of rights proposed for use
  - 3. Number of PDC units versus total approved dwelling units in the RGAs
- D. PDC Transactions
  - 1. Number of rights sold
  - 2. Purchase prices
- E. Summary of Major Studies Completed

### V. ENFORCEMENT

- A. Investigations: number of confirmed violations 1986-1990
- B. Characteristics of Violations
  - 1. violations by type, 1986-1990
  - 2. Municipalities with the highest and lowest % of violations by type
- C. Enforcement Action
  - 1. Number of confirmed violations resolved and the number still outstanding, 1986-1990
  - 2. Number of confirmed violations corrected through local action and Pinelands Commission action, 1986-1990

### VI. SCIENCE

- A. Summary of Completed Projects & Studies
  - 1. Water resource related
  - 2. Wetlands related
  - 3. Other studies

### VII. <u>INTERGOVERNMENTAL COORDINATION</u>

### A. State Programs

- 1. Joint planning efforts
  - a. Coastal area
  - b. State Development & Redevelopment Plan
  - c. Water quality/wastewater management
  - d. Solid waste management
- 2. Coordinated reviews with NJDEP
- 3. Joint enforcement with NJDEP
- 4. Other coordinating efforts
  - a. NJDEP Forestry Service
  - b. NJDEP Fish, Game & Wildlife
  - c. NJ Expressway Authority
  - d. NJ Highway Authority
  - e. NJ Council on Affordable Housing

### B. Federal Programs

- 1. U.S. Department of the Interior
  - a. Wild and Scenic Rivers Program
  - b. EPA's Superfund Program
  - c. National Park Service and Pinelands Cultural Resource Programs
  - d. National Park Service and PC Interpretive Study of the Pinelands Area
- 2. Other Federal Agency MOAs

### VIII. EDUCATION

- A. Advisory Council Activities and Status
- B. Curriculum Assistance
- C. Development of Visual Aids
- D. Development of Publications
- E. Sponsored Education Events
  - 1. Speaker's Bureau
  - 2. Cook College Short Course
  - 3. Teacher workshops and conferences

### IX. CULTURAL RESOURCES

- A. Cultural Resource Management Plan
  - 1. Historic Plan
  - 2. Predictive Model and Prehistoric Plan status
- B. Designation of Historic Resources
  - 1. Local designation
  - 2. Inventory of Pinelands designations
- C. Development Review: review of 1988 to 1991 data
  - 1. Applications subject to survey
  - 2. Surveys required and results produced
  - 3. Certificates of Appropriateness
- D. Summary of Other Major Analyses

### X. OTHER MAJOR ACTIVITIES

### A. Infrastructure

- 1. Summary of PITF projects and their status
- 2. Funding summary
- 3. Description of "new" bond proposal
- 4. Summary of major analyses

### B. Economics

- 1. Summary of land value studies and conclusions
- 2. Payments by town and year under the Property Tax Stabilization Act
- 3. Pinelands municipalities' share of state and county building permits
- 4. Comparison of 1980 and 1990 population estimates by Pinelands municipality
- 5. Pinelands counties' share of state employment
- 6. Taxes
  - a. Residential average tax bills by Pinelands municipality for 1975, 1980, 1985 and 1990
  - b. Comparison of above with Pinelands county and state trends for 1975, 1980, 1985 and 1990