

**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) Minimize Revisitation of Issues

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) Balance the Need for Expeditious Amendments Versus Minimizing 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) Tap the Creativity and Participation of Committee and Commission 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) Use Both Commission Members and Outside Resources Productively

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 Major Issues affecting the achievement of the goals of the CMP (task 3)
- o Identify and select Approaches 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 selection and prioritization)	5 months
Task 4 (issue resolution by approaches)	6 months
Task 5 (1st round, CMP amendments)	20 months
Task 6 (1st round of analyses)	15 months

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.

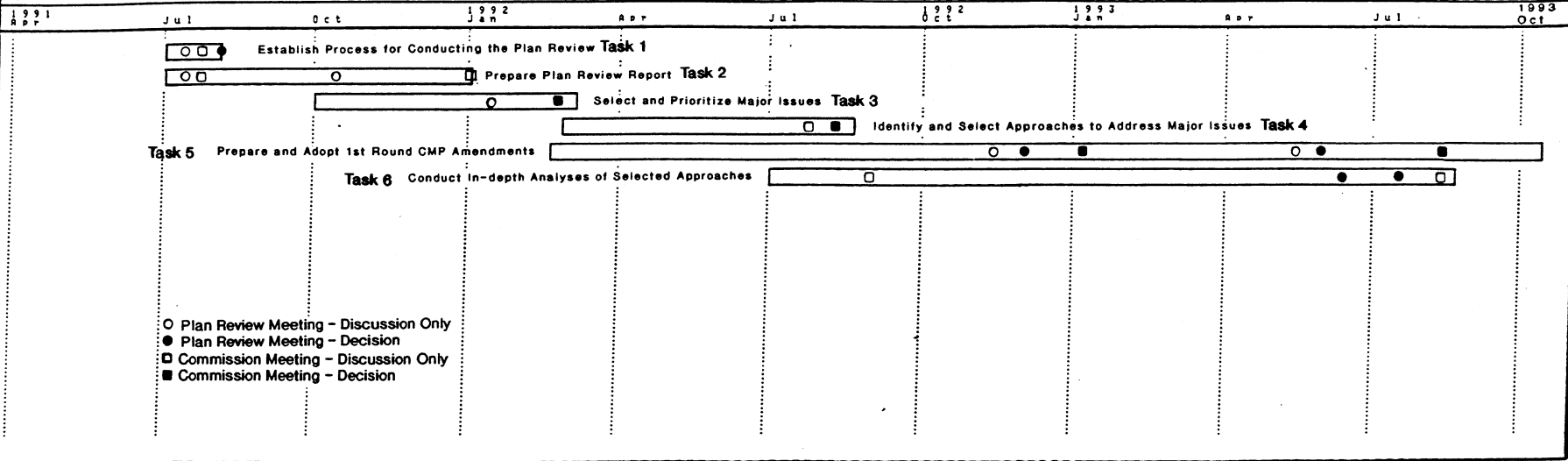
- o Major Issues - these are broad issues of concern in the 90's. They will include within their framework many smaller issues. Several will be selected by the Plan Review Committee at a retreat for further analysis.
- o Approaches - these represent actual solutions to address the major issues (e.g. 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 Substantial Regulatory Changes (SRCs) - 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 Projects - 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.

6-11-92

### Schedule for Plan Review Process

1



Revised 4/2/92





6-24-91

PROCESS FOR CONDUCTING PLAN REVIEW

1

1991  
Jul

Aug

Sep

Oct

Nov

Dec

- D I S T R I B U T E
- B R I E F P R C
- P R C D I S C U S S I O N
- P C D I S C U S S I O N
- R E V I S E P R O C E S S
- P R C A D O P T P R O C E S S

Revised 8/23/91

TASK 2  
PREPARE PLAN REVIEW REPORT

- |            |   |                                     |
|------------|---|-------------------------------------|
| <b>2.1</b> | <b>Distribute outline of Staff Report to the Commission</b>   | <b>6/30/91</b>                      |
|            | 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. |                                     |
| <b>2.2</b> | <b>Begin to compile data for report</b>   | <b>7/1/91</b>                       |
| <b>2.3</b> | <b>Brief Plan Review Committee on report outline</b>  | <b>7/19/91<br/>PR Cmte<br/>Mtg</b>  |
| <b>2.4</b> | <b>Brief Pinelands Commission on report outline</b>   | <b>8/9/91<br/>PC Mtg</b>            |
| <b>2.5</b> | <b>Begin drafting report</b>  | <b>9/1/91</b>                       |
| <b>2.6</b> | <b>Brief Plan Review Committee on report contents</b>   | <b>10/18/91<br/>PR Cmte<br/>Mtg</b> |
| <b>2.7</b> | <b>Reproduce report</b>   | <b>Dec 1991</b>                     |
| <b>2.8</b> | <b>Distribute report</b>  | <b>12/31/91</b>                     |
| <b>2.9</b> | <b>Brief Pinelands Commission on report contents</b>  | <b>1/92<br/>PC Mtg</b>              |

6-24-91

PREPARE PLAN REVIEW REPORT

1

1991  
Jul

Oct

1992  
Jan

Apr

Jul

Oct

■ DISTRIBUTE OUTLINE

■ [REDACTED] COMPILE DATA

■ BRIEF PRC

■ BRIEF PC

■ [REDACTED] DRAFT REPORT

■ BRIEF PRC ON STATUS

■ REPRODUCE REPORT

■ DISTRIBUTE REPORT

■ BRIEF PC





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).









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, the estimate of resources necessary to address them, and the estimate of available staff resources  | 7/15/92  |
| 4.6 | Brief Commission on 4.5  | 8/92<br>PC Mtg                                       |
| 4.7 | Commission analyzes approaches for each issue; categorizes the approaches into those ready for CMP amendment (Part 1) and those to be further studied (Part 2); and ranks those to be studied by importance (Part 2) | 8/20/92 &<br>8/21/92<br>two day<br>special<br>PC Mtg |

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) selection of approaches which are ready for immediate CMP amendment

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 TASK 5 as substantive regulatory changes (SRCs).

- 
- o When votes on all major issues have been completed, the retreat then moves on to Part 2 to consider those approaches that were not voted ready for immediate CMP amendment and those approaches that called for studies.

Part 2) selection of approaches which require further analysis (i.e. future projects) and ranking their relative importance

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**

6-02-92

IDENTIFY AND SELECT APPROACHES TO ADDRESS BROAD ISSUES

1

1992  
Feb

Mar

Apr

May

Jun

Jul

1992  
Aug

			SOLICIT PUBLIC APPROACHES				
CONVENE TECHNICAL WORKSHOPS							
			ASSESS NECESSARY RESOURCES				
			ASSESS AVAILABLE RESOURCES				
			DISTRIBUTE APPROACHES AND RESOURCES TO PC				
			BRIEF COMMISSION ON APPROACHES AND RESOURCES				
			PC RETREAT TO ID CMP AMENDMENTS & FURTHER STUDY AGENDA				

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

Description:

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

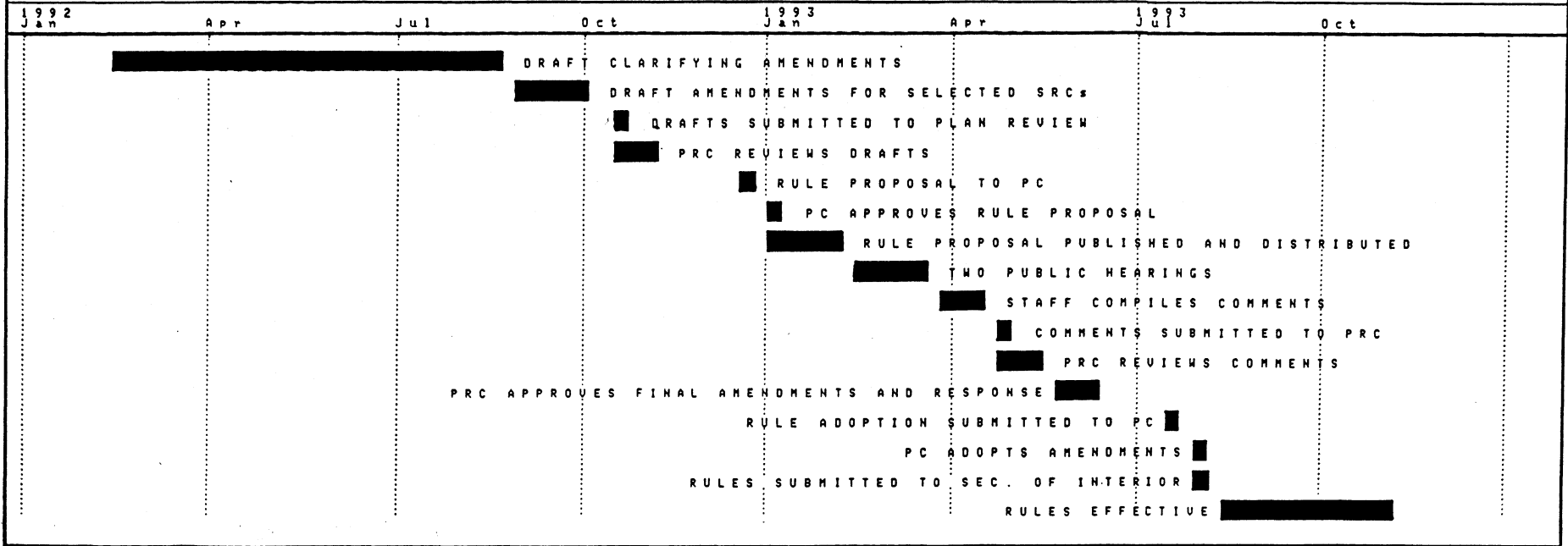
- 5.5 Plan Review Committee approves draft CMP 11/20/92  
amendments PR Cmte  
Mtg**

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

6-02-92

PREPARE AND ADOPT 1ST ROUND CMP AMENDMENTS

1



Revised 4/2/92





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.

- |            |  |                                    |
|------------|--|------------------------------------|
| <b>6.6</b> | <b>Submit recommended staff work plan for FY '94 projects to Plan Review Committee</b>                         | <b>7/15/93</b>                     |
| <b>6.7</b> | <b>Plan Review Committee begins to evaluate need for "second" round of CMP amendments from FY '93 projects</b> | <b>7/21/93<br/>PR Cmte<br/>Mtg</b> |

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.

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



## 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
  - 1. 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
  - 3. 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
3. 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
2. 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. INTERGOVERNMENTAL COORDINATION

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