

CMP Amendments Proposal

Rule Package #1

Policy & Implementation Committee

November 29, 2023

Amendments in Package #1

- ▶ Application Fees
- ▶ Black Run Watershed Pinelands Management Area Redesignation
- ▶ ROW Vegetation Maintenance
- ▶ Expiration of Waivers, Certificates of Completeness and Certificates of Filing
- ▶ PDC Program clarifications and codifications
- ▶ Minor edits and updates

Fees

- ▶ Additional fees for applications to resolve violations
 - ▶ Normal application fee plus additional fee due to added staff time
 - ▶ Major development = \$1,000
 - ▶ Minor development = \$500
 - ▶ Normal fee caps (\$50,000/\$25,000/\$500) will not apply
- ▶ Additional fee for Waiver of Strict Compliance applications
 - ▶ \$250 (extraordinary hardship waivers only)
 - ▶ No additional fee for Limited Practical Use applications

Fees, cont.

- ▶ Wetlands/wetlands transition area Letter of Interpretation (LOI)
 - ▶ Presence/absence = \$1,000
 - ▶ Location/extent verification = \$1,000 + \$100/acre
- ▶ Increased fee for all other non-PDC LOIs = \$500

Black Run Watershed- Management Area Redesignation

- ▶ Redesignate **2,440 acres** in Evesham Township, Burlington County, from a Pinelands Rural Development Area to a Pinelands Forest Area to provide increased protection to the Black Run Watershed and surrounding lands of highest ecological integrity
- ▶ Planning Background
 - ▶ Southern Medford-Evesham Resource Protection Plan
 - ▶ Ecological Integrity Assessment
- ▶ **1,450 acres (60%)** permanently protected lands, publicly-owned lands, or public right-of-way
- ▶ **1,390 acres (57%)** Pinelands Wetlands

Black Run Watershed- Management Area Redesignation

- ▶ Land Capability Map Amendment

- ▶ Existing Residential Density

- ▶ RD-1: 1 unit/6 acres

- ▶ RD-3: 1 unit/3.2 acres

- ▶ New Residential Density

- ▶ 1 unit/25 acres

- ▶ Potential residential units reduced from **244 units** to **35 units**.

- ▶ The realistic development potential is likely smaller due to environmental constraints like wetlands.

- ▶ Post-adoption follow-up steps by Evesham Township

Electric Utility Right-of-Way (ROW) Vegetation Maintenance

- ▶ Repeal pilot program and make the Electric Transmission Right-of-Way Vegetation Maintenance Plan (“ROW Plan”) permanent
- ▶ Updated definition: Wetland soils
- ▶ New application exemption for qualified vegetation maintenance activities (N.J.A.C. 7:50-4.1(a)24) in existing ROWs

Electric Utility Right-of-Way (ROW) Vegetation Maintenance

- ▶ Standards to qualify for application exemption at N.J.A.C. 7:50-6.28(a), (d), and (e)
 - ▶ Existing ROW and existing access roads
 - ▶ Maintain low-growth vegetation
 - ▶ Different maintenance activities prescribed for uplands & mineral soil wetlands vs. organic soil wetlands (machine maintenance vs. manual)
 - ▶ Utility companies provide annual list identifying locations to be maintained & planned activities
- ▶ Escrow payment required

Expiration of Old Waivers and Certificates of Filing

- ▶ Waivers of Strict Compliance
 - ▶ One-year expiration period established for waivers issued prior to 1992
- ▶ Certificates of Filing, Certificates of Completeness and Certificates of Compliance
 - ▶ Certificates issued prior to January 1, 2004 will be deemed expired
 - ▶ Five-year expiration period established for Certificates issued after January 1, 2004, unless local approvals are in place

Pinelands Development Credit Program: Clarifications

- ▶ Clarify that RGA residential density assignments to municipalities are a minimum zoning obligation, with standards for increases and decreases provided in subsequent sections
- ▶ Simplify requirements for accommodation of PDC opportunities in municipal zoning plans by:
 - ▶ Deleting density range “guidelines”
 - ▶ Deleting vague standard to provide for “reasonable’ PDC use in single family detached housing developments
 - ▶ Clarifying that residential density bonuses require the use of PDCs
 - ▶ Clarifying that PDCs are required when municipalities grant residential density or lot area variances are granted

Pinelands Development Credit Program: Codifications

- ▶ Expressly provide municipalities with the flexibility to:
 - ▶ Shift required opportunities for PDC use from residential to nonresidential development
 - ▶ Exempt certain housing types from PDC requirements, provided PDC use is guaranteed for other housing types and/or in other zoning districts
 - ▶ Increase residential zoning capacity, provided PDC use is required, infrastructure is available and there are no significant environmental limitations
- ▶ Continue to provide municipalities with the flexibility to decrease required residential zoning capacity by 10%
- ▶ Limit use of 30% reduction to those municipal zoning plans previously certified by the Commission

Clarifications & Corrections

- ▶ County Boards of Commissioners – to address statutory name change
- ▶ Military & Federal Installation Areas added to list of management areas where structures may exceed height of 35 feet
- ▶ Clarify that PDC use is permitted for a variety of purposes and in management areas other than the RGA
- ▶ Clarify that all PDC allocations are rounded to the closest increment of 0.25, including fractional allocations
- ▶ Clarify that PDC deed restrictions must specify the number of PDCs allocated to a parcel, not the number of PDCs sold

Recommended Action

Recommendation
to proceed with
rule proposal

Submission to and
approval from
Governor's office

PC meeting
February 2024

New Jersey
Register
publication,
hearing, public
comment period,
etc.