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2016 Highlands Region Land Preservation Status Report

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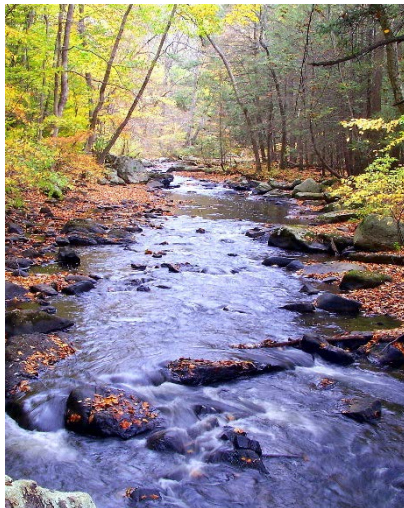


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Introduction

When the 2004 Highlands Water Protection and Planning Act (Highlands Act) was adopted, the Legislature declared “that there are approximately 110,000 acres of agricultural lands in active production in the New Jersey Highlands; that these lands are important resources of the State that should be preserved”... and that the Act should be followed by “by a strong and significant commitment by the State to fund the acquisition of exceptional natural resource value lands.” (N.J.S.A. 13:20-2.) The Act also specified several goals to be addressed in the Highlands Regional Master Plan (RMP). Among them was the preservation of farmland and open space throughout the Region to help ensure the protection of natural, scenic, historic and other resources, and provide opportunities for recreation on publically owned lands. (N.J.S.A. 13:20-10)

Accordingly, the 2008 RMP and the “Highlands Land Preservation and Stewardship” technical report identified 273,457 acres of preserved land, representing nearly one-third of the 859,358 acres in the Highlands Region. These preserved lands include public parks, wildlife management areas, reservoir watershed lands, and conservation and agricultural easement holdings, with ownership representing federal, state, county, municipal, nonprofit and private entities. In 2010, the Highlands Council released a “Land Preservation Report,” updating the RMP figure to a revised total of 290,214 acres, or 34% of the Highlands Region. As with those lands previously identified, this additional acreage was preserved through a variety of channels. Of the additional acres identified in the 2010 report, 5,694 acres had been identified in the RMP for priority acquisition as representing “exceptional natural resource value lands” targeted for preservation by the Highlands Act. The 2010 report also noted the possibility that additional acreage had been preserved, but not yet reported through available data sources.

As the Plan Conformance process progressed, additional data regarding the nature and extent of preserved land became available. This additional data, combined with the most recent updates from state, county, municipal and private sources, including the Highlands Transfer of Development Rights program, provides the foundation for this **Highlands Region 2016 Land Preservation Status Report**. It is important to note that, due to improved tracking and updated source data, the analysis presented in this report is not intended to be a linear extension of prior reports, but rather a current accounting of preserved lands based on best available data as of the release of this report.

Analysis Approach

This report provides a current status of land preservation in the Highlands Region, examining preserved land and potentially developable land. Data was collected through December 2015.

For the purposes of this report, “preserved land” refers to land that is protected from development through deed restriction, easement, or other conservation or preservation means. Additional detail regarding the types of preservation programs and open space classes that were considered for this analysis are provided in a later section. “Potentially developable land” in this report refers to land that has not been preserved within the parameters just mentioned, and is either completely undeveloped or underdeveloped in accordance with local land use conditions.

In addition to providing a simple accounting of the acreage that falls into these two categories, this report includes an evaluation of the nature and extent of these lands related to parcel size and Priority Areas as identified in the Highlands Regional Master Plan (RMP). Lands classified in the RMP as “High Agricultural Priority” and “High Conservation Priority” have been identified as in need of protection in order to preserve their ecological and water supply value. The “Highlands Land Preservation and Stewardship” Technical Report (2008) provides comprehensive details regarding the identification and classification of these high priority areas.

Summary of Findings

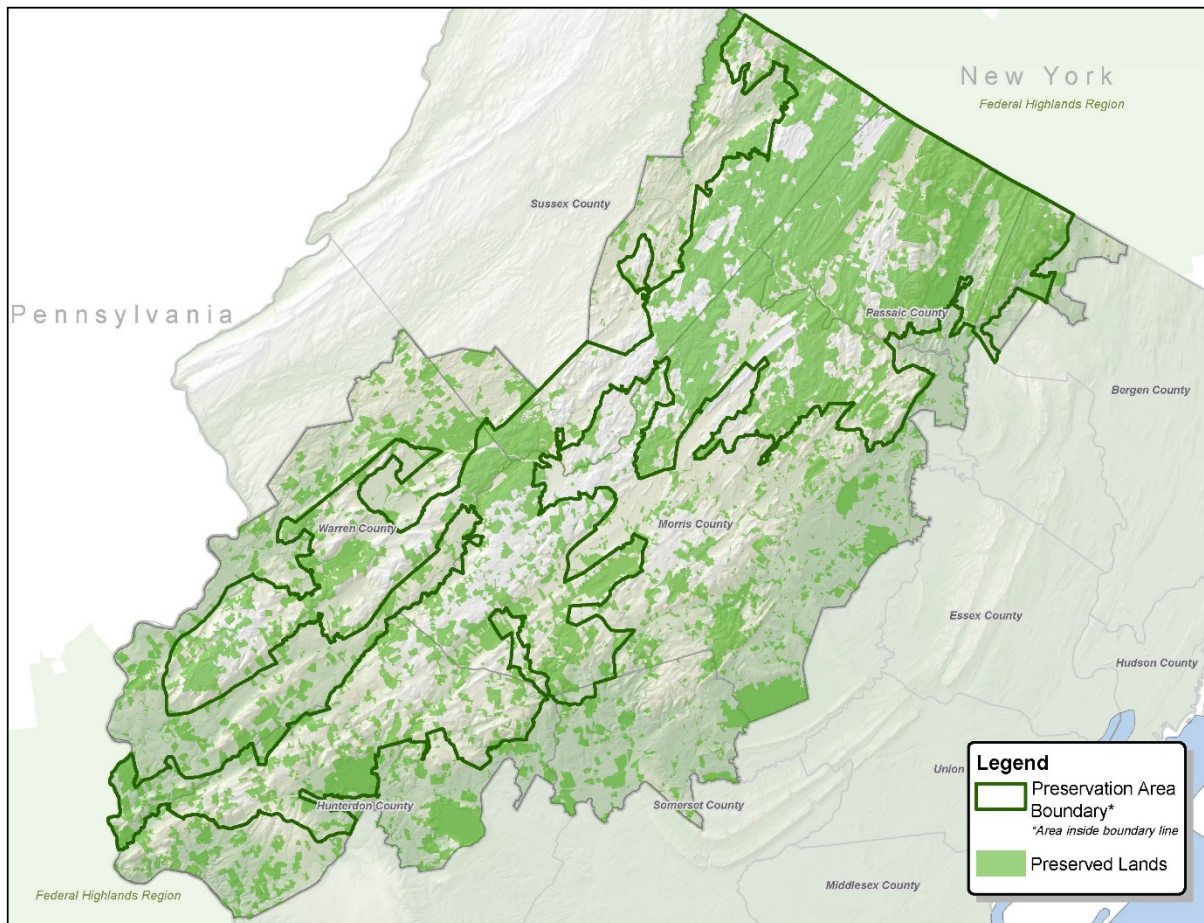
This most recent analysis finds that approximately 312,217 acres of the Highlands Region, or 36%, is currently preserved (9,441 parcels). This includes 207,200 acres (4,432 parcels) in the Preservation Area, and 105,017 acres (5,009 parcels) in the Planning Area. This is an increase of 22,002 acres compared with the total known preserved lands described in the prior report. However, as a result of improved and corrected data sources and analysis methodology, this analysis indicates that the actual increase in preserved lands since 2010 is 37,551 acres.

This review of preserved lands also revealed a total of 153,509 potentially developable acres – lands currently not fully developed and not preserved, and therefore available for development (18% of the region). This potentially developable land is divided among 21,837 parcels.

A parcel-size analysis reveals that the majority of preserved land in the Region (208,110 acres, or 67% of preserved acres) is contained within large parcels of 75 acres or more, while the majority of potentially developable parcels (16,686 parcels, or 76% of parcels) are relatively small lots of 5 acres or smaller.

Lands identified in the RMP for priority acquisition — either High Agricultural or High Conservation Priority Area — represent less than 10% of lands that have been preserved to date (29,702 acres). In contrast, nearly one-third (31%, 47,227 acres) of the potentially developable lands lie within those Priority Areas.

Figure 1: Total Preserved Lands within the Highlands Region



Overview of Land Preservation Programs & Open Space Classes

The evaluation of land preservation conditions in the Highlands Region requires coordination with the numerous nonprofit organizations and government entities that track preservation information at the state, county, and municipal level. Although the Highlands Council does not purchase land for preservation purposes, it is incumbent upon the agency to promote the protection of water supply lands and serve as a regional clearinghouse for a Highlands-specific database of preservation land conditions. For this reason, the analysis that follows draws from a number of sources. To provide context for this data, the following brief summaries are provided.

Green Acres

The Green Acres Program was created in 1961 to meet New Jersey's growing recreation and conservation needs. Green Acres works with public and nonprofit partners to preserve and enhance New Jersey's natural environment and its historic, scenic, and recreational resources for public use and enjoyment. (Source: Green Acres website) Preservation occurs via fee-simple acquisition.

The State Agriculture Development Committee (SADC)

SADC leads in the preservation of New Jersey's farmland and promotes innovative approaches to maintaining the viability of agriculture. The SADC administers the Farmland Preservation Program, providing grants to counties, municipalities and nonprofit groups to fund the purchase of development easements on farmland; directly purchasing farms and development easements from landowners; and offering grants to landowners in the program to fund up to 50% of the cost of soil and water conservation projects. It also administers the Right to Farm Program, oversees the Transfer of Development Rights Bank, and operates the Farm Link Program, which helps connect farm owners with farmers seeking access to farmland and farming opportunities. (Source: SADC website) Preservation occurs via deed restriction/development easements.

Highlands TDR Program

Transfer of Development Rights (TDR) is a land use tool that allows a community to use market forces to encourage the transfer of development potential from areas that the community wants to preserve (called sending zones) to areas that are more appropriate to accommodate increased growth (called receiving zones). The Highlands TDR Program allocates TDR credits, called Highlands Development Credits or HDCs, to property owners in sending zones. HDCs may be sold to developers for use in appropriate voluntary receiving zones. Use of HDCs by developers in established receiving zones will permit developers to increase the density or intensity of proposed projects in those zones. While voluntary receiving zones are still being established in the Highlands TDR Program, the Highlands Development Credit Bank has served as the purchaser of HDCs. This program serves as one mechanism to address some of the equity concerns of property owners in the Preservation Area of the Highlands Region that have been affected by implementation of the

Highlands Act. Preservation occurs via deed restriction/development easements. To date, the Highlands TDR program has preserved 639 acres.

Open Space Classes

In the following sections, an analysis of Land Preservation will be presented referring to the following Open Space Classes.

- **State** – Includes state parks, camps, conservations areas, and other open spaces, *excluding farmland*. Primarily fee simple ownership. Includes Green Acres lands. Also includes lands preserved through the Highlands Council TDR program, which preserves parcels through deed restriction.
- **Water Supply Watershed Lands** – Includes areas that are owned by water supply authorities or parties in the interest of protecting the water supply. Some of these lands have Green Acres funding and are preserved; others have been purchased by an entity to prevent development.
- **Farmland** – Includes farmland that has been preserved through the State Agricultural Development Committee (SADC) and County Agricultural Development Boards (CADBs). Preserved through deed restriction/development easements.
- **Municipal** – Includes municipal parks, trails, and other open space. Primarily fee simple ownership.
- **County** – Includes county parks, camps, and other open spaces, *excluding farmland*. Largely fee simple ownership; some easements.
- **Nonprofit**– Includes lands preserved through nonprofit entities. Because funding comes through a variety of sources and scenarios, ownership structures vary.
- **Federal** – Includes national parks, historic sites, recreation areas, etc. Largely fee simple ownership; some easements.
- **Private** – Includes open space that has been preserved through deed restrictions/development easements on property owned by individuals or private companies (such as homeowners associations). It is important to note that this category is not explicitly tracked and thus this is not a comprehensive accounting of all privately held lands in the region.

Preserved Land

Of the 312,217 acres of preserved land in the Highlands Region, there are 207,200 preserved acres in the Preservation Area and 105,017 acres in the Planning Area.

Open Space Class Analysis

The chart and table below provide details regarding preserved lands in the Highlands Region by Open Space Class. The single largest increase in land preservation since 2010 has been in agricultural lands, with more than 9,000 acres of farmland preserved either through the SADC or CADBs. State preservation programs are the next largest contributor, having preserved 8,500 additional acres since 2010. The Highlands TDR program is included in this total, contributing 639 acres. Private and nonprofit entities contributed 9,600 acres.

Chart 1: Preserved Land by Open Space Class (over time)*

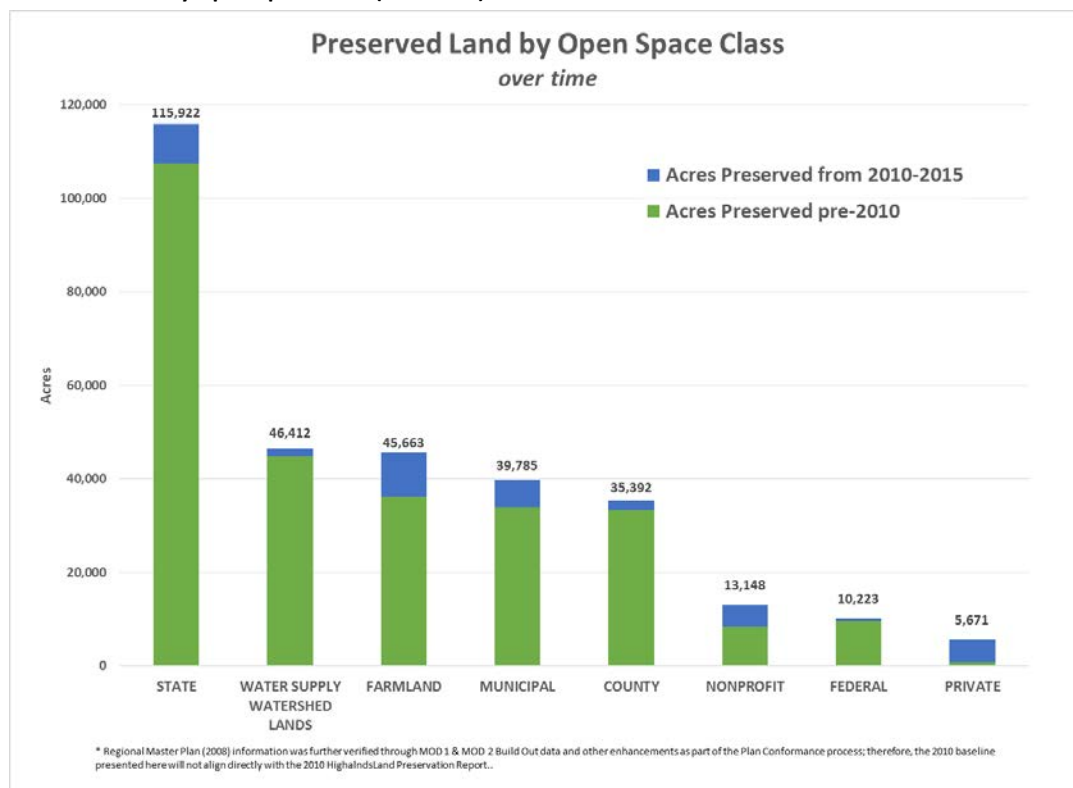


Table 1: Additional Acres Preserved Since 2010 by Open Space Class*

Water Supply								
State	Watershed Lands	Farmland	Municipal	County	Nonprofit	Federal	Private	TOTAL
8,500	1,530	9,435	5,882	2,097	4,699	505	4,902	37,551

* 2008 Regional Master Plan information was further verified through MOD 1 & MOD 2 Build Out data and other enhancements as part of the Plan Conformance process; therefore, the 2010 baseline presented here is not an appropriate comparison to the 2010 Highlands Land Preservation report.

Parcel-Size Analysis

Three-quarters of all preserved land in the Highlands Region (239,269 acres) is represented by parcels that are 50 acres or larger in size. In the Preservation Area, 73% of preserved lands represent parcels that are 75 acres or larger. In the Planning Area, 54% of the preserved lands are represented by parcels that are 75 acres or larger.

Chart 2: Preserved Land by Parcel Size (as % of total acres preserved)

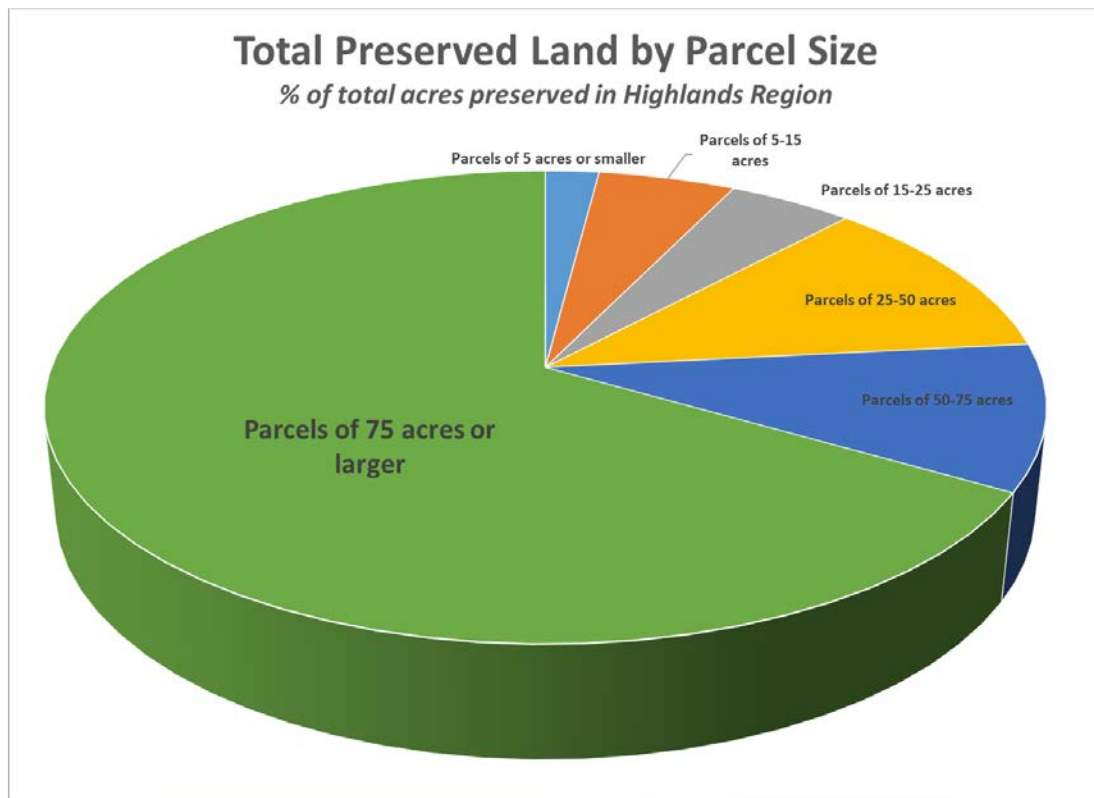


Table 2: Preserved Land by Parcel Size (as % of total acres preserved)

	Parcels of 5 acres or smaller	Parcels of 5-15 acres	Parcels of 15-25 acres	Parcels of 25-50 acres	Parcels of 50-75 acres	Parcels of 75 acres or larger
Planning Area	3.5%	8.3%	6.7%	14.6%	13.3%	53.7%
Preservation Area	1.3%	3.7%	3.8%	9.8%	8.3%	73.2%
TOTAL	2.0%	5.2%	4.7%	11.4%	10.0%	66.7%

Highlands RMP Priority Area Analysis

Of the more than 312,000 acres preserved in the Region, only 10% (29,702 acres) of those acres lie within lands designated in the RMP as High Agricultural Priority or High Conservation Priority.

Chart 3: Preserved Land in RMP Priority Areas (acres)

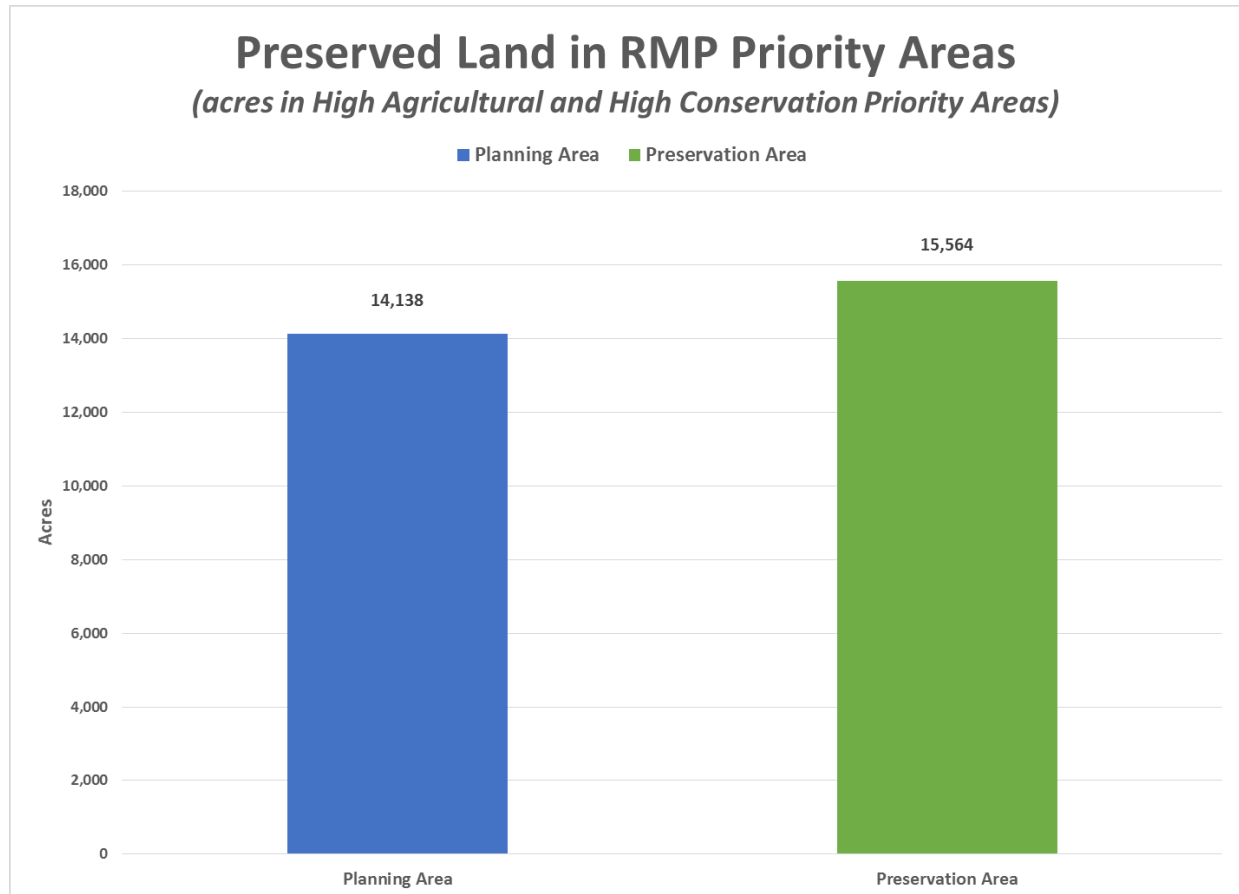


Table 3: Preserved Land in RMP Priority Areas (acres)

	High Agricultural and High Conservation Priority Areas
Planning Area	14,138
Preservation Area	15,564
TOTAL	29,702

Potentially Developable Land

Of the 153,509 acres of potentially developable land in the Highlands Region, 66,791 acres are in the Preservation Area and 86,718 acres are in the Planning Area.

Parcel-Size Analysis

There are 21,837 parcels in the Region that remain potentially developable, meaning in accordance with local land use they have been neither fully developed nor preserved. This total represents 9,358 parcels in the Preservation Area, and 12,479 parcels in the Planning Area.

The majority of potentially developable parcels are small in size. Specifically, 74% of parcels in the Preservation Area and 78% of parcels in the Planning Area are five (5) acres or smaller. Across the Region, 90% of potentially developable parcels are smaller than 15 acres.

Chart 4: Potentially Developable Parcels by Parcel Size (as % of total potentially developable parcels)

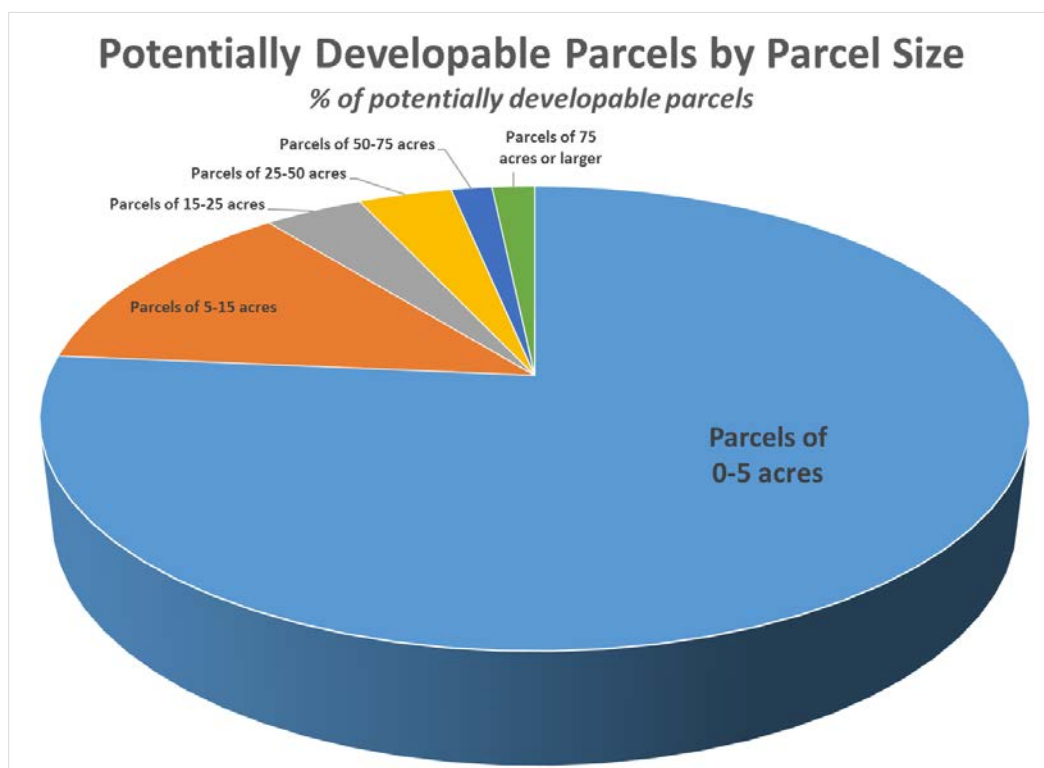


Table 4: Potentially Developable Parcels by Parcel Size (as % of total potentially developable parcels)

	Parcels of 0-5 acres	Parcels of 5-15 acres	Parcels of 15-25 acres	Parcels of 25-50 acres	Parcels of 50-75 acres	Parcels of 75 acres or larger
Planning Area	77.9%	11.4%	3.6%	3.6%	1.7%	1.8%
Preservation Area	74.5%	14.6%	4.2%	3.8%	1.4%	1.5%
TOTAL	76.4%	12.8%	3.9%	3.7%	1.6%	1.7%

Highlands RMP Priority Area Analysis

Among the potentially developable lands in the Region, 47,227 acres have been identified as Highlands RMP priority acquisition lands, either as High Agricultural Priority or High Conservation Priority areas. This represents 31% of all potentially developable lands in the Highlands Region.

Chart 5: Potentially Developable Land in RMP Priority Areas (acres)

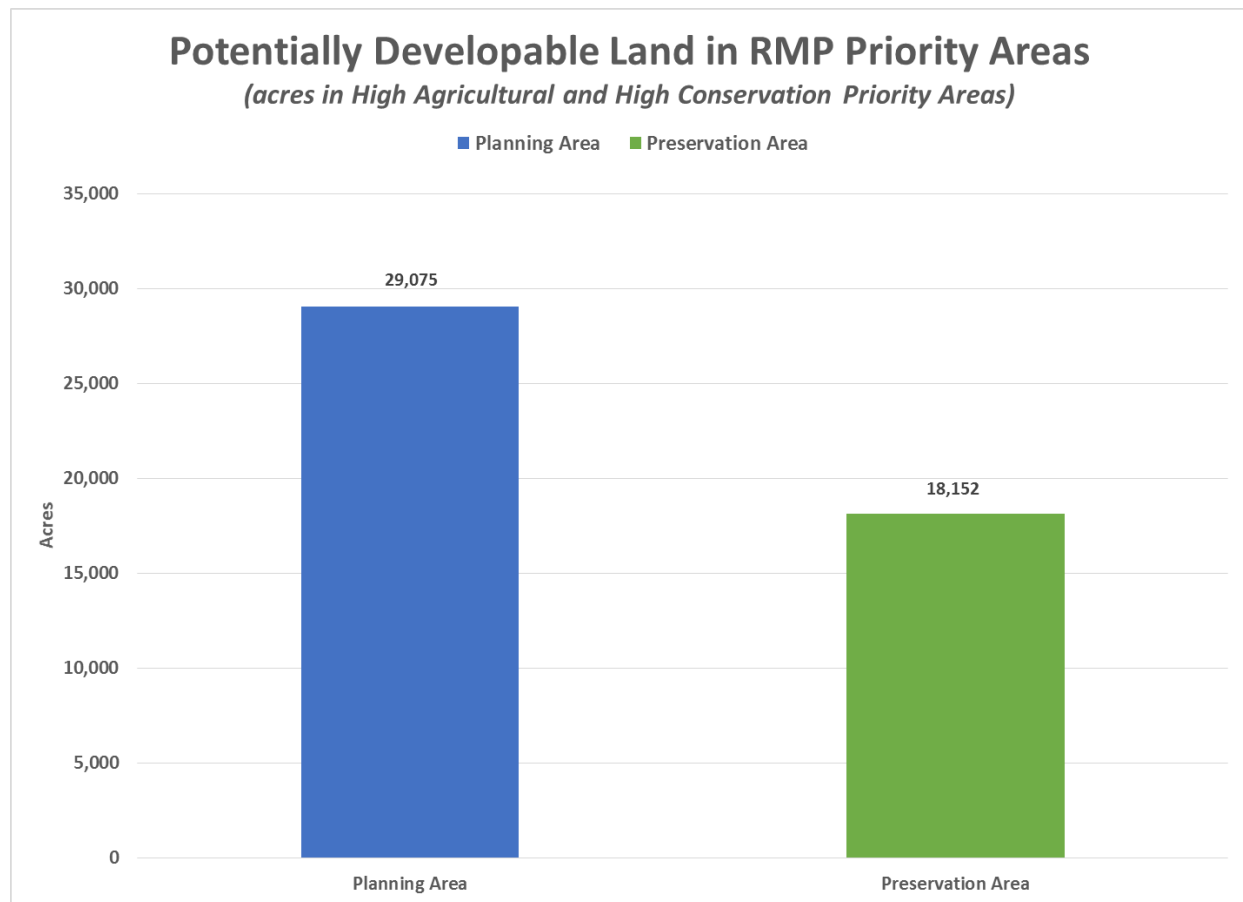


Table 5: Potentially Developable Land in RMP Priority Areas (acres)

	High Agricultural and High Conservation Priority Areas
Planning Area	29,075
Preservation Area	18,152
TOTALS	47,227

Next Steps

The Highlands Council will continue to coordinate with state, county, municipal and nonprofit partners to monitor and track land preservation in the Region. Using this Status Report as a template, the Council will periodically provide updates for the benefit of stakeholders and other interested parties throughout the Region.

While it is not within the purview of the Highlands Council to own property, the Council will continue its preservation efforts through its TDR program, which preserves land through deed restriction for property owners interested in limiting development on their land while retaining ownership and use of that land. In addition, the Highlands Council recently announced an Open Space Partnership Funding program, which is a matching grant program in which eligible government and nonprofit entities may apply to the Highlands Council for up to 50% matching funds to support preservation projects in either fee simple or deed restriction.

Figure 2: Land Status within the Highlands Region

