

# 2018 Highlands Region Land Preservation Status Report

*Release Date: July 2018*



*Highlands Development Credit (HDC) properties (l to r): Tewksbury Township, Hunterdon County; Mount Olive, Morris County; Independence Township, Warren County.  
Photo credit: Highlands Council staff*

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## Background

When the 2004 New Jersey Highlands Water Protection and Planning Act (Highlands Act) was adopted, the Legislature declared that “the protection of the New Jersey Highlands, because of its vital link to the future of the State’s drinking water supplies and other key natural resources, is an issue of State level importance...” and that the Act should be followed “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) The RMP further directed the Highlands Council to maintain inventories of public and private preserved lands, and to serve as the primary source of such information for the Highlands Region. As the only state entity solely focused on the Highlands Region, the Highlands Council is in a unique position to maintain such information.

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.

In 2016, the Highlands Council released the “Highlands Region 2016 Land Preservation Status Report.” Drawing upon data in the RMP, the 2010 report, and additional data culled from the Plan Conformance process as well as updates from state, county, municipal and private sources, the 2016 report provided an updated accounting of preserved land in the Highlands Region through December 2015, finding approximately 312,217 acres of the Highlands Region, or 36%, preserved.

## **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 2017.

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 on pages 5 and 6. “Potentially developable land” in this report refers to land that has not been preserved as described above, and is either 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 or Moderate Agricultural Priority and High or Moderate Conservation Priority have been identified as in need of protection in order to preserve their agricultural or ecological and water supply value. The Special Environmental Zone (SEZ) is a subset of the Conservation Priority Area. The Highlands “Land Preservation and Stewardship” technical report (2008) and the “Sustainable Agriculture” technical report provide comprehensive details regarding the identification and classification of these priority areas.

Data is also broken out by Planning Area and Preservation Area. The Highlands Act delineated the boundaries of the New Jersey Highlands Region, dividing it into these two areas, specifying that the Preservation Area was of exceptional natural resource value that required stringent protections. Of the 88 municipalities in the Highlands Region, five are located wholly within the Preservation Area, 47 have lands within both the Preservation and Planning Area, and 36 are wholly within the Planning Area.

Readers should note that because data collection and analysis methodologies are continually improving, and quality assurance/quality control efforts by Highlands Council GIS staff are ongoing, comparisons of data from one report to another may result in inconsistencies. It is important to keep in mind that although changes in preserved and developed lands over time are noted in this report, the primary objective is to provide a current accounting of preserved lands based on the best available data at the time of publication.

## Summary of Findings

This most recent analysis finds that approximately 314,796 acres of the Highlands Region, or 37%, is currently preserved (9,409 parcels). This includes 209,767 acres (4,404 parcels) in the Preservation Area, and 105,029 acres (5,005 parcels) in the Planning Area. This is an increase of more than 40,000 acres since the Highlands Council’s first analysis of preserved lands for the Highlands “Land Preservation and Stewardship” technical report in 2008.

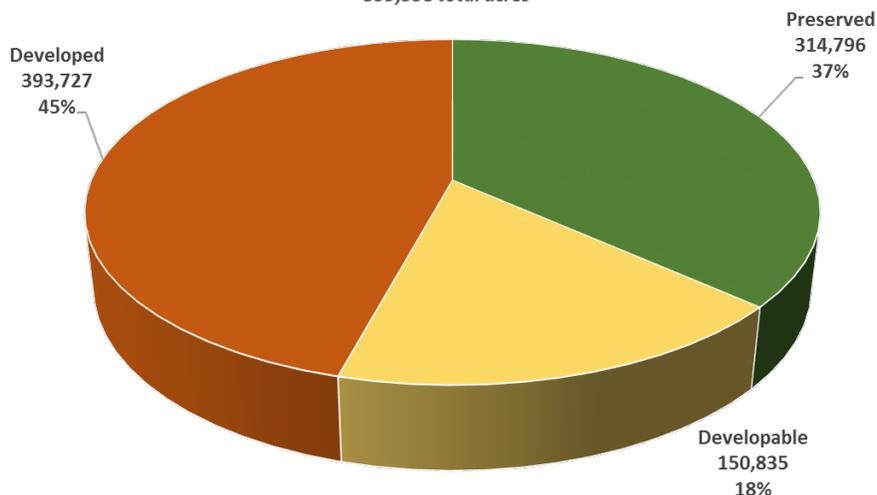
Approximately 150,835 acres, or 18%, remains potentially developable in the Highlands Region. This includes 65,078 acres (9,221 parcels) in the Preservation Area and 85,756 acres (12,389 parcels) in the Planning Area. It should be noted that of the 414,994 acres of the Preservation Area, only 51% has been permanently preserved through deed restrictions, easements or fee simple purchases; 16% remains potentially developable.

A parcel size analysis reveals that the majority of preserved land in the region is contained within large parcels of 75 acres or more (209,631 acres, or 67% of preserved acres), while the majority of potentially developable parcels are relatively small lots of 5 acres or smaller (16,613 parcels, or 77% of parcels).

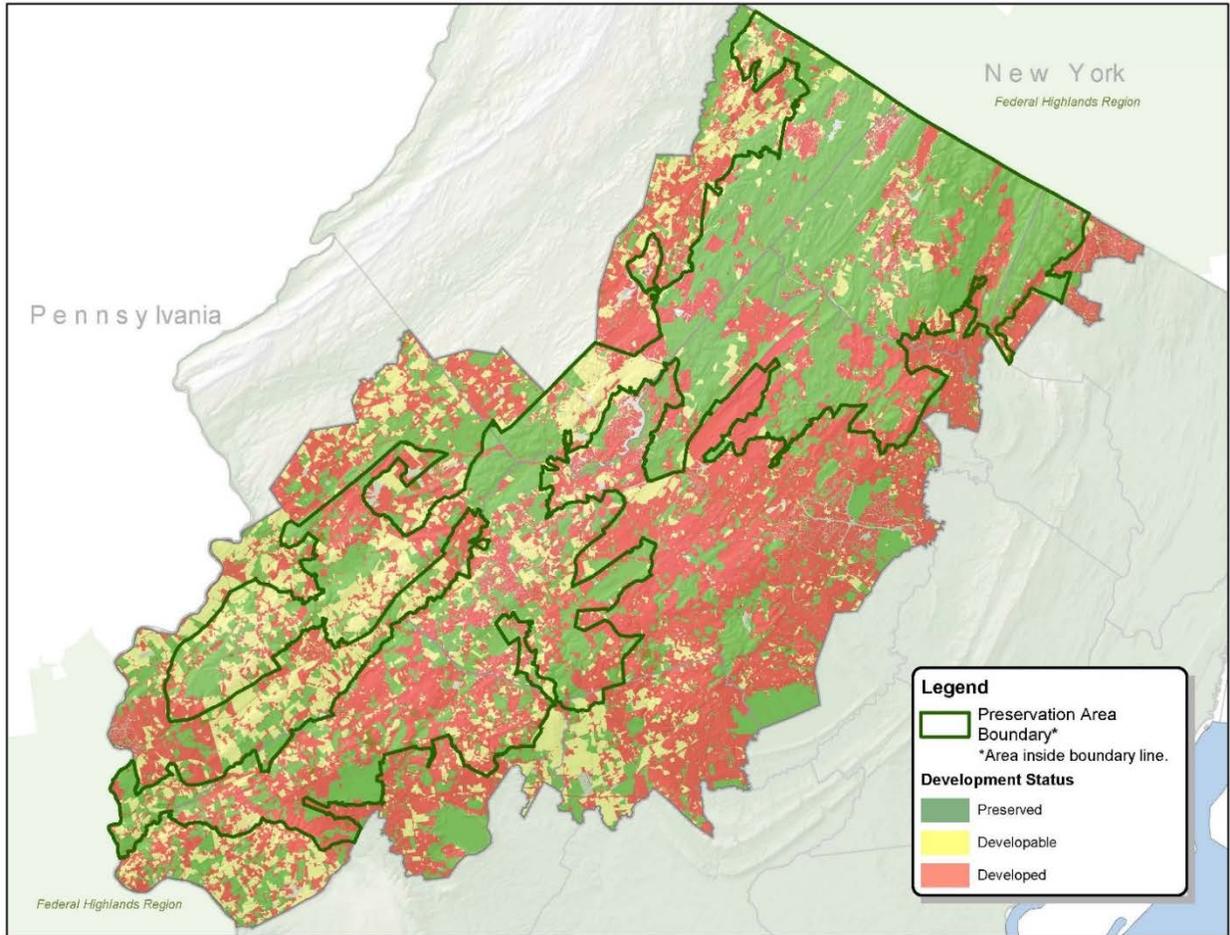
Lands identified in the RMP for priority acquisition — either High or Moderate Agricultural or High or Moderate Conservation Priority Area — represent 10% of lands that have been preserved to date (32,977 acres). In contrast, more than two-thirds of the potentially developable lands lie within those Priority Areas (67%, 100,963 acres). The majority of the Special Environmental Zones (SEZ) remains neither developed nor preserved since first identified in 2008 (67%). Approximately 30% of the SEZ has been preserved, and the remaining 3% is developed.

### Land Status within the Highlands Region

*Acreeage as a % of total region*  
859,358 total acres



**Map: Land Status 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 have the ability to own land, 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 preserved 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.

Please note that for the purposes of this report, mechanisms of preservation are simplified into two categories: “*Deed Restriction*” includes land that remains in private ownership and is preserved through restrictions directly in the deed, conservation easements, agricultural easements, development easements, or other similar mechanisms. “*Fee Simple*” includes land that is preserved via fee simple purchase (ownership), typically by a government or nonprofit entity focused on preservation. Fee simple purchases may (but not always) include restrictions in the deed or easements.

### **Highlands Council Land Preservation Programs**

In 2016, the Highlands Council launched the Open Space Partnership Funding Program and Highlands Development Credit (HDC) Purchase Program. Both programs are designed to increase protection of Highlands resources while also advancing landowner equity priorities, through deed restrictions or fee simple transactions. The programs are administered under the provisions of N.J.A.C. 7:70, Highlands Open Space Partnership Funding and Highlands Development Credit Purchase Program.

The Open Space Partnership Funding Program is a matching grant program that is open to government and nonprofit entities and can be used for fee simple or deed restriction preservation efforts. The HDC Purchase Program is a Transfer of Development Rights program in which eligible property owners may apply for and receive HDC allocations (reflective of lost development potential), which can then be sold as credits (HDCs). At present, the HDC Bank is the sole purchaser of HDCs, although the long-term vision is to create a marketplace for the credits through the establishment of voluntary receiving zones. The HDC Purchase Program preserves properties via deed restriction.

In this report, lands preserved through the Open Space Partnership Funding Program are reflected in the open space class of the entity that owns the property (county, municipal, nonprofit, etc.). Properties protected through the HDC Purchase Program are broken out separately.

## **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 deed restrictions or fee simple acquisitions. Green Acres provides varying levels of financial assistance for preservation efforts, and not all projects result in state-owned lands. Accordingly, projects preserved using Green Acres funds are captured in this report in the open space class of ownership at the time of 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 State 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 primarily via deed restrictions.

## **Open Space Classes**

In the following section, an analysis of Land Preservation is presented referring to the following Open Space Classes.

- **State** – Includes state-owned parks, camps, conservations areas, and other open spaces.
- **Water Supply/Watershed Lands** – Includes areas that are owned by water supply authorities or parties in the interest of protecting the water supply.
- **Farmland** – Includes deed-restricted farmland that has been preserved through the SADC or County Agricultural Development Boards (CADBs).
- **Municipal** – Includes municipal parks, trails, and other open space.
- **County** – Includes county parks, camps, and other open spaces.
- **Nonprofit** – Includes lands preserved through and owned by nonprofit entities.
- **Federal** – Includes national parks, historic sites, recreation areas, etc.
- **Private** – Includes privately owned lands that have been preserved through deed restrictions. 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 Highlands.
- **Highlands Development Credits (HDC)** – Includes deed-restricted properties that were preserved through the HDC Purchase Program.

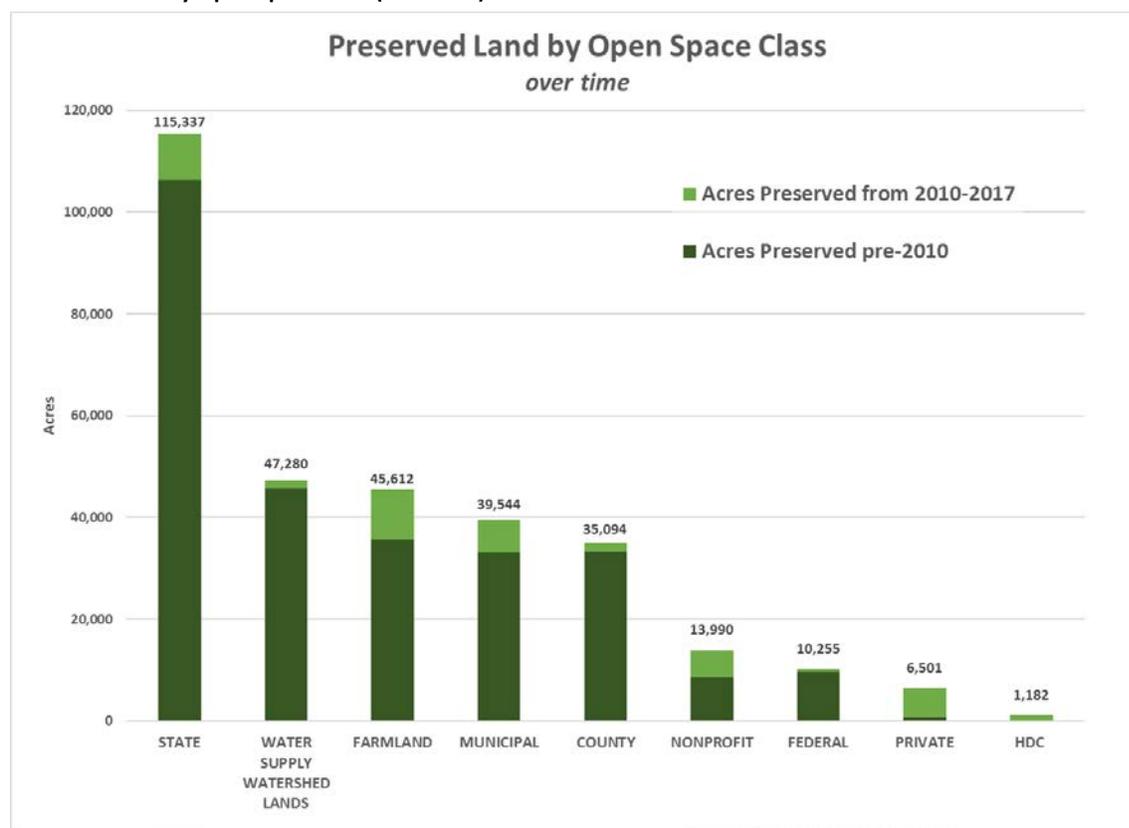
## Preserved Land

Of the 314,796 acres of preserved land in the Highlands Region, there are 209,767 preserved acres in the Preservation Area and 105,029 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 nearly 10,000 acres of farmland preserved either through the SADC or CADBs. State preservation programs are the next largest contributor, having preserved 9,000 additional acres since 2010.

Preserved Land by Open Space Class (over time)<sup>1</sup>



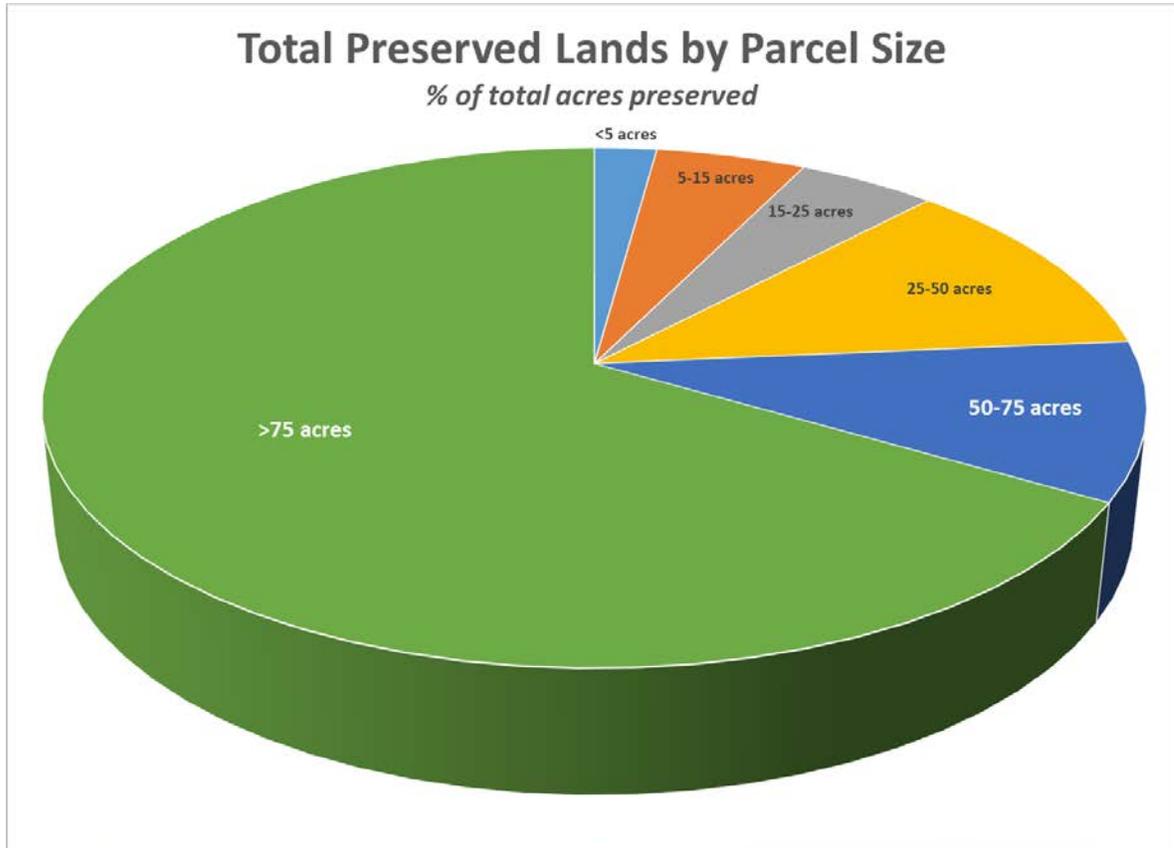
Additional Acres Preserved Since 2010 by Open Space Class

State	Water Supply Watershed Lands	Farmland	Municipal	County	Nonprofit	Federal	Private	HDC	TOTAL
9,039	1,606	9,930	6,309	1,682	5,409	525	5,709	1,179	41,388

<sup>1</sup> 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***

As in the past, the analysis of preserved lands by parcel size indicates that larger parcels make up the majority of preserved land in the Highlands. In the Preservation Area, 73% of preserved lands are contained in parcels that are 75 acres or larger. In the Planning Area, 54% of preserved lands are in parcels of 75 acres or larger. Across both the Preservation and Planning Area, 240,574 acres, or 76% of preserved lands are contained in parcels of 50 acres or larger.

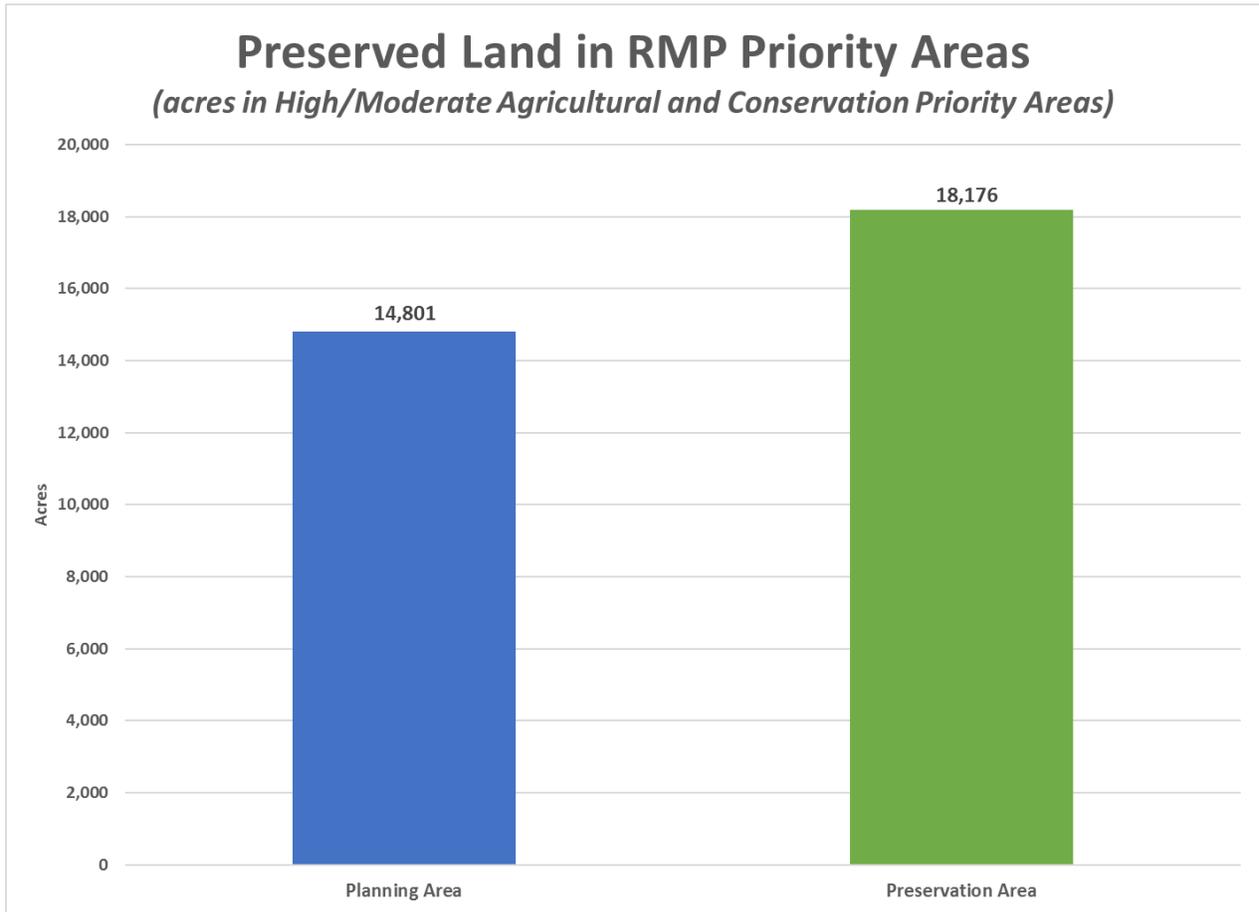


**Preserved Land by Parcel Size (as % of total preserved acres within specified area)**

	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	3.6%	8.1%	6.8%	14.8%	13.4%	53.3%
Preservation Area	1.4%	3.7%	3.8%	9.8%	8.1%	73.2%
Entire Highlands Region	2.1%	5.2%	4.8%	11.5%	9.8%	66.6%

***Highlands RMP Priority Area Analysis***

Approximately 10% (32,977 acres) of preserved acres in the Highlands lie within lands designated in the RMP as High or Moderate Agricultural Priority or High or Moderate Conservation Priority.



**Preserved Land in RMP Priority Areas (acres)**

	High/Moderate Agricultural and High/Moderate Conservation Priority Areas	% of total preserved within specified area
Planning Area	14,801	14%
Preservation Area	18,176	9%
Entire Highlands Region	32,977	10%

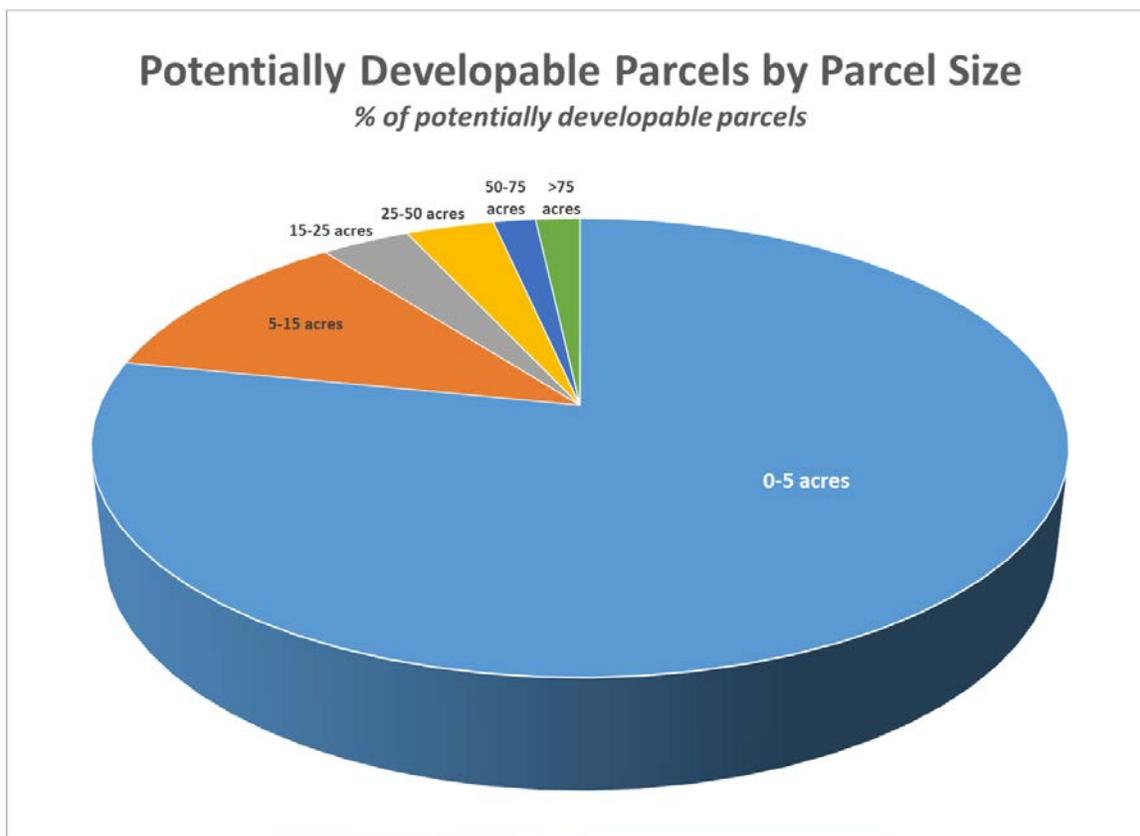
## Potentially Developable Land

Of the 150,835 acres of potentially developable land in the Highlands Region, 65,078 acres are in the Preservation Area and 85,756 acres are in the Planning Area.

### *Parcel-Size Analysis*

There are 21,610 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 9,221 parcels in the Preservation Area, and 12,389 parcels in the Planning Area.

The majority of potentially developable parcels are small in size. Specifically, 75% 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.

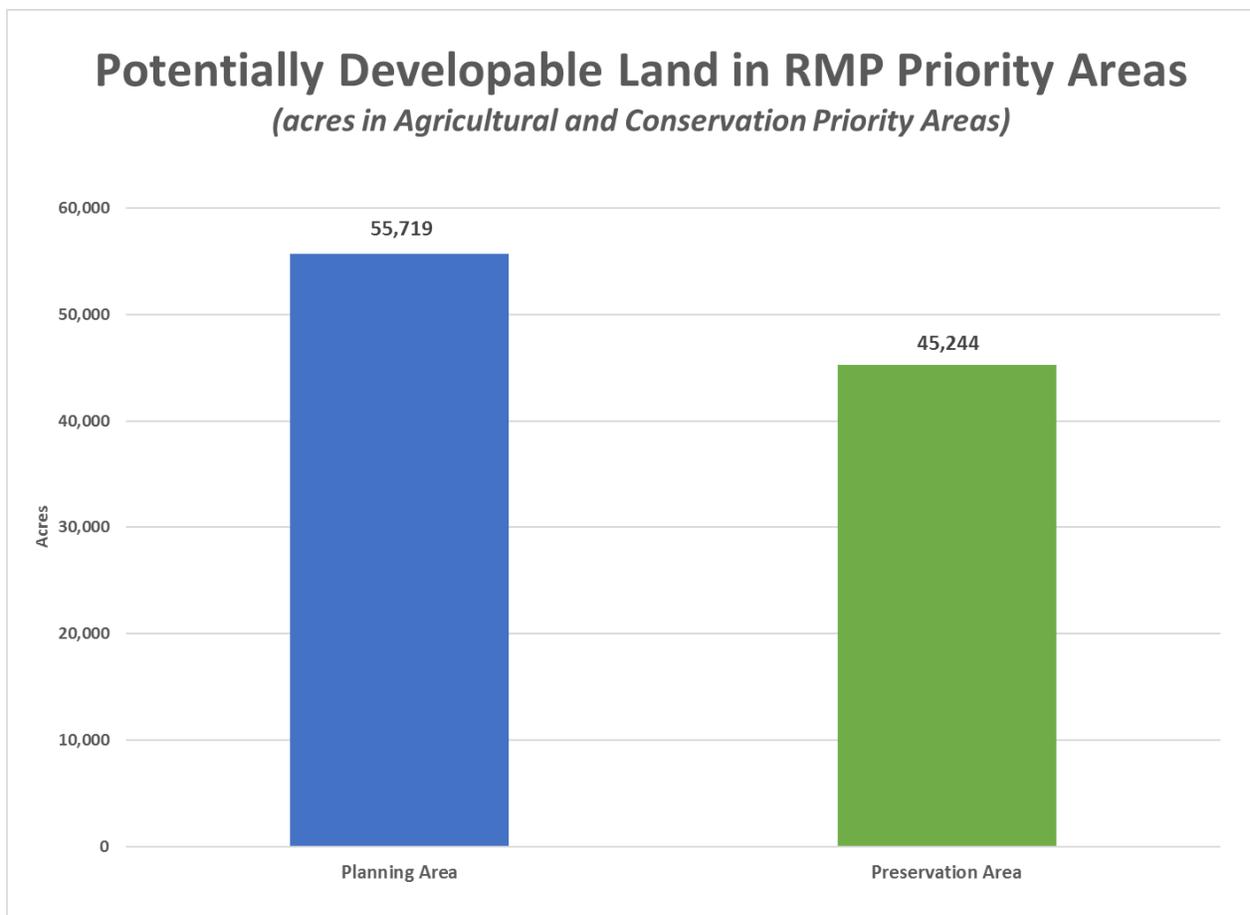


**Potentially Developable Parcels by Parcel Size (as % of total potentially developable acres within specified area)**

	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	78.2%	11.4%	3.5%	3.5%	1.7%	1.8%
Preservation Area	75.1%	14.4%	4.1%	3.6%	1.4%	1.4%
Entire Highlands Region	76.9%	12.7%	3.8%	3.5%	1.6%	1.6%

### *Highlands RMP Priority Area Analysis*

Among the potentially developable lands in the region, 100,963 acres have been identified as Highlands RMP priority acquisition lands, as either High or Moderate Agricultural Priority or High or Moderate Conservation Priority areas. This represents 67% of all potentially developable lands in the Highlands Region.



**Potentially Developable Land in RMP Priority Areas (acres)**

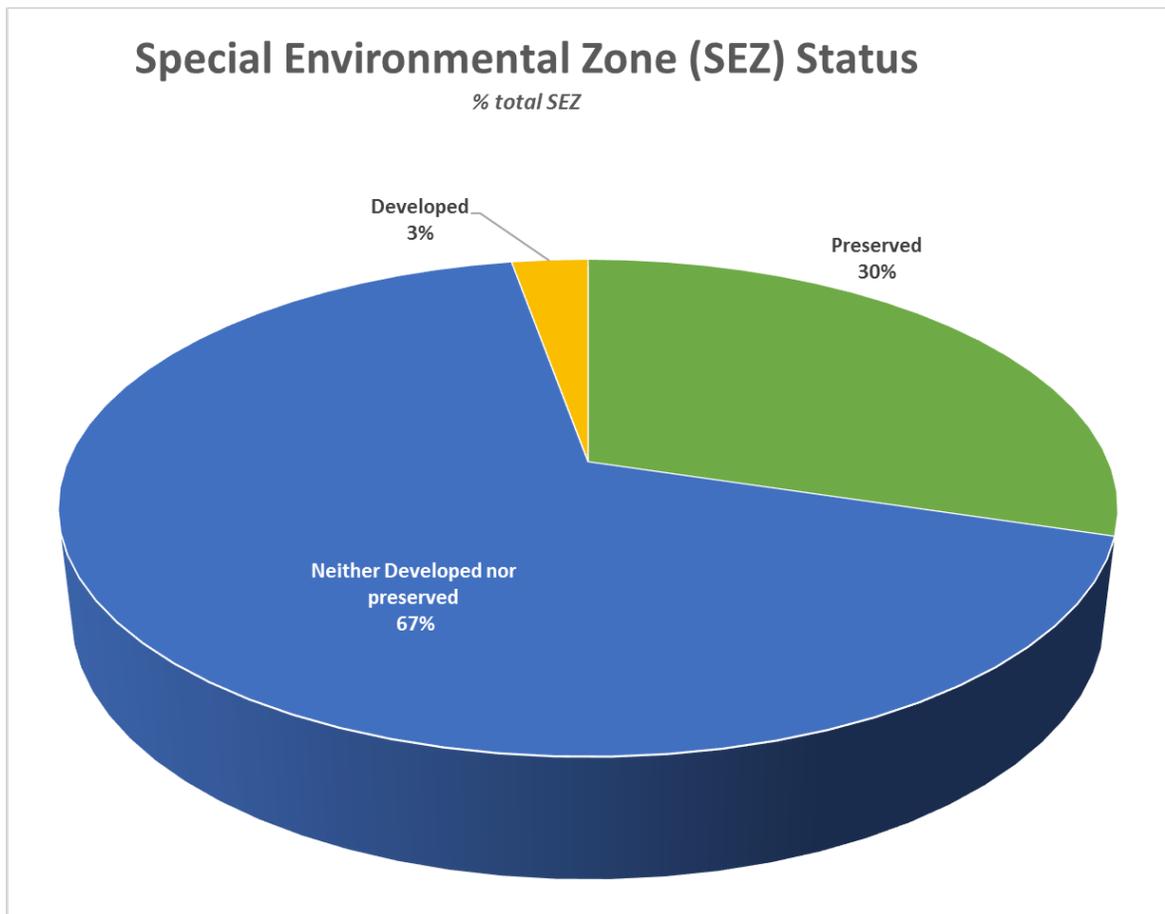
	High/Moderate Agricultural and High/Moderate Conservation Priority Areas	% of total potentially developable within specified area
Planning Area	55,719	65%
Preservation Area	45,244	70%
Highlands Region	100,963	67%

## Special Environmental Zone (SEZ) Update and Analysis

The Special Environmental Zone (SEZ) is a subset of the Conservation Priority Area and was defined in the Highlands Act as an “area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights.”

The Highlands “Land Preservation and Stewardship” technical report, which accompanied the 2008 Highlands RMP, provided specific indicators that would designate lands as SEZ and identified approximately 19,000 acres that met this criteria.

Through 2017, the majority of the SEZ, 67%, remains neither developed nor preserved. Approximately 30% of the SEZ has been preserved, and the remaining 3% has been developed.

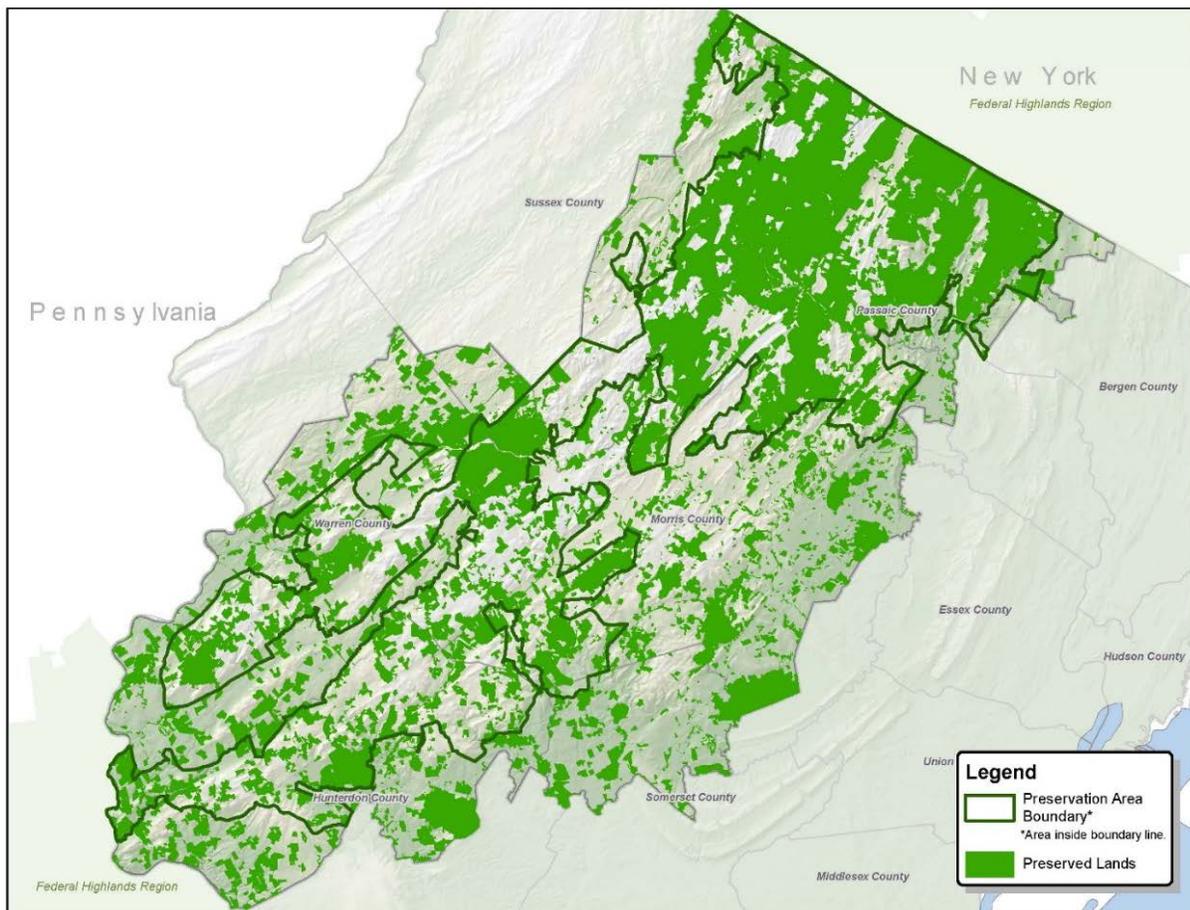


## Next Steps

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.

The Council will also continue its preservation efforts through the Highlands Open Space Partnership Funding Program and HDC Purchase Program, prioritizing protection of lands within the Preservation Area, specifically the Special Environmental Zone. In recent years, these two Highlands Council programs have begun to make a significant impact on the protection of Highlands resources. In 2016 and 2017, these two programs accounted for nearly 20% of the total growth in preserved lands within the Highlands Region. Financial support for these acquisitions came through a combination of one-time sources and a federal grant program that requires the Highlands Council to provide a 50% match. Securing a stable source of ongoing funding will be critical to ensuring continued preservation success in the Highlands Region.

### Total Preserved Lands within the Highlands Region





**State of New Jersey**

Highlands Water Protection and Planning Council

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