

Smart Conservation for Towns

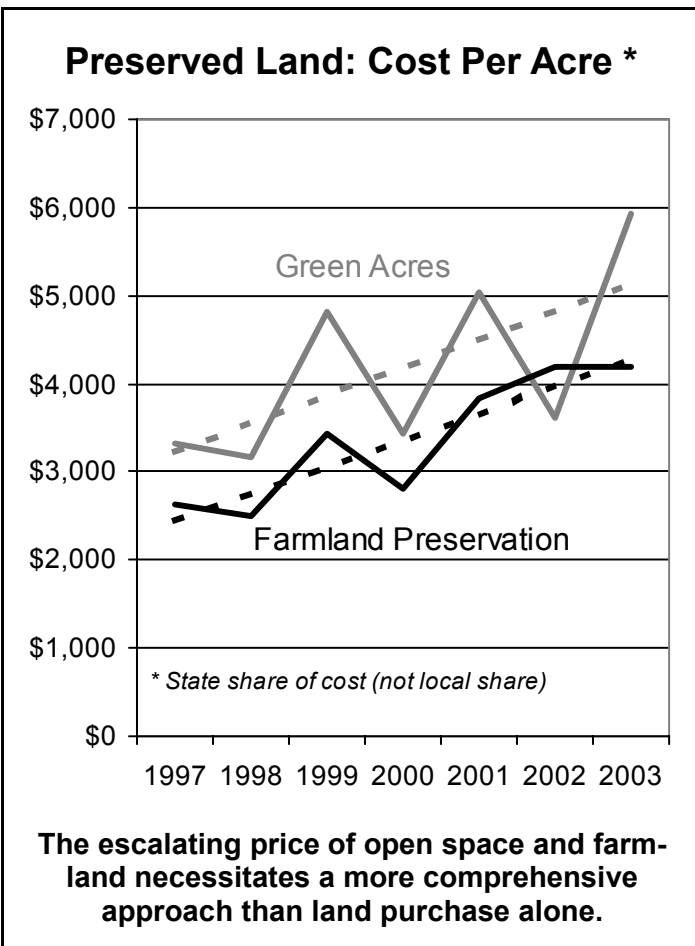
Smart Growth Recommendations from New Jersey Future

Issue 7 • Revised September 2004

Why Towns Need Smart Conservation

New Jersey ranks as a national leader in land conservation. In round numbers, a quarter of our state is publicly owned or deed-restricted parkland or farmland. And each year, hundreds of millions of dollars are raised by the state, all 21 counties and almost 200 municipalities to preserve additional land.

Yet suburban development spreads further into the open countryside every day, threatening the water supply, fragmenting woodlands and wildlife habitats and “checkerboarding” farming areas. As the supply of open land shrinks, government and conservancy buyers see themselves in a race with developers for critical sites. This means sharply rising land prices, as shown below.



Public and private dollars – for the purchase of land or development restrictions – are indispensable for conservation. But experience has made it clear that **when it comes to conserving resources, farmland and parks – we can’t buy our way out of sprawl.**

Under New Jersey’s home rule tradition, municipalities control most land-use decisions through their planning and zoning powers. Yet many planning decisions are made late at night, without adequate expertise, data or regard for regional concerns. And most land-acquisition efforts are motivated by a “NIMBY” reaction to proposed development. **How can municipalities become more effective and efficient at protecting land and creating parks? And how can they provide their citizens a “bigger bang for their buck”?**

The term Smart Conservation refers to a tested approach that offers towns a way to step out of “the race for open space” and gain firmer control over their future. As the “green” side of smart growth, Smart Conservation aims to create an interconnected regional web of healthy recreation areas, ecosystems, wildlife habitats, water supplies and agriculture.

Recommendations in Brief

Smart Conservation offers municipalities a powerful approach to land conservation that integrates fundamental land use tools: planning, regulation, and spending on open space and infrastructure. Smart Conservation also calls for supportive linkages between state and local government. Specifically, towns deploying Smart Conservation will:

1. Start with a master plan, based on research, that identifies areas for growth and for conservation, to protect natural resource lands and farmland.
2. Regulate aggressively and effectively to implement the master plan vision.
3. Focus land acquisition funds on critical properties through strategic purchases.
4. Leverage conservation efforts by coordinating with other levels of government and private organizations.

For details, see page 4.

Smart Conservation in Action

Smart Conservation already is being implemented in innovative New Jersey towns determined to save their open landscapes and shape future growth. In the examples below, local leadership has been a critical ingredient.

Township of Eastampton

Fewer than 10 years ago, the Township of Eastampton in Burlington County was well positioned to be the next poster child for sprawl in New Jersey. More than 40 percent of the residential growth in the township had occurred in the previous 15 years. This rapid development threatened its 5.86 scenic square miles of farmland, wetlands, forest and a major branch of the Rancocas Creek.

Fortunately, the Township Council recognized that the community's sustainability would hinge on a combination of strategic efforts focused on open space and farmland preservation, business development and investment in neighborhoods and parks.

Eastampton's open space and farmland preservation program has been particularly successful. In 1998, residents authorized an open space tax of 19 cents per \$100 assessed, the highest in the state, if not the nation. In 1999, a greenbelt plan was incorporated into the master plan, and implemented in part through zoning for agriculture-commercial and recreational uses. By acquiring land before development pressure was intense, the township was able to preserve 30 percent of its land area (nearly 1,400 acres), as compared to eight percent just four years earlier. Other creative land-preservation methods included selling wetlands to a mitigation bank.

The township has enveloped its developed core with farms, reclaimed wetlands and passive and active open space. These protected lands have encouraged positive investment in the core and have strengthened property values, particularly in its older neighborhoods.

To date, the community's open space plan has been fully accomplished, historic buildings preserved, design standards adopted and implemented, and a new mixed-use village center project is underway. Through foresight and political will, the Township of Eastampton is achieving its vision for conservation and development.

Plumsted Township

Plumsted Township in Ocean County consists of a historic town center surrounded by viable farmland, forestland and residential development. About half of the township lies within the Fort Dix military reservation; the eastern edge and its southern half are within the Pinelands Preservation Area. By 2002, Plumsted had preserved about 2,500 acres of land, but knew its natural resources would be threatened by sprawl unless steps were taken to manage growth.

In 2002, the Mayor and the Environmental Commission partnered with the Delaware Valley Regional Planning Commission (DVRPC) to draft a Conservation Element for Plumsted's master plan. This planning process produced clear goals for environmental resources, recreation and open space, agricultural, and historic preservation.

To implement these goals, DVRPC recommended a wide variety of tools including a detailed natural resource inventory, zoning overlays for critical areas, mandatory clustering (see page 3), protection for stream corridors and steep slopes, and requirements for environmental impact statements for new development. GIS (Geographic Information Systems) mapping demonstrated to local leaders and the community the municipal-wide scope of each tool.

Plumsted Township officials recently adopted the Conservation Element recommendations. Specific conservation ordinances are now being drafted. To strengthen the land-preservation program, six priority preservation areas and connecting greenways have been identified. The township communicates this plan on its website and solicits willing sellers of open land. To enhance the farmland preservation program, Plumsted is contemplating creation of a regional TDR program.



Good planning and regulation can help towns avoid scatter-shot development that fragments open space and undermines public investments in preserved land.

Photo courtesy of the Environmental Law and Policy Center

Resources for Using the Smart Conservation Approach

Websites

Start with these comprehensive “umbrella” sites:

- www.smartgrowthgateway.org from New Jersey Future provides details on smart growth strategies, technical and financial assistance, even model conservation ordinances.
- www.anjec.org from the Association of New Jersey Environmental Commissions also provides advice on land conservation as well as links to many nonprofit conservation organizations.

Land Conservation Organizations

Local and statewide land trusts, watershed organizations and nonprofit planning groups have expertise in land conservation and many are committed to assisting local governments. Contact them using either website above for help in preparing master plans and open space plans and to partner in negotiating and financing land acquisitions.

Written materials

- Among the many useful publications on local land conservation are two new books from the Environmental Law Institute: *Nature-Friendly Ordinances*, and *Open Ground; Effective Local Strategies for Protecting Natural Resources*, available at www.eli.org.

- Interested in more information on land conservation in New Jersey and nationwide? Read New Jersey Future’s report, *Smart Conservation: The “Green” Side of Smart Growth*, on our website at www.njfuture.org. Included are policies and recommendations to implement Smart Conservation at the state level.

GIS Mapping Tools

The natural systems that underlie conservation planning – watersheds, wildlife habitat and farming regions – usually do not relate to political boundaries. Powerful graphic information systems (GIS) tools can enable you to incorporate a scientifically-based regional perspective into your land-use planning. Consider:

- Garden State Greenways, New Jersey's upcoming online planning tool for those involved in conserving open space, farmland, and historic preservation – from local to statewide levels. Garden State Greenways will help government agencies and private groups identify lands for preservation in New Jersey by combining data in a whole new approach. The site launches in September 2004 at www.njconservation.org.
- The GIS Center, a project of the Stony Brook Millstone Watershed Association, which assists government and nonprofits with GIS and related technologies. Visit its website at www.giscenter.org.

Can Land Be Conserved Through Dense Development?

Yes! Allowing denser development helps preserve land, at little or no public cost, provided it is linked to land preservation through a “flexibility provision.” Consider the following examples:

- **Clustering.** Plumsted Township is drafting a mandatory “Conservation Design” ordinance that will require a minimum of 50 percent permanently preserved, undivided open space/agricultural land. Developers are required to work with the Planning Board in identifying where development will be clustered and land protected based on a master plan map of preservation areas and growth areas.
- **Clustering Paired with Incentive Zoning.** Upper Freehold Township rewards landowners who enter 75 percent of their acreage into the Farmland Preservation Program by increasing

the number of buildable lots on the remaining portion by 35 percent. The resulting density is more than it otherwise would have been, but only one quarter of the site is developed.

- **Clustering on non-contiguous lots.** Among the tools used by Plainsboro Township to preserve 50 percent of its land is an “Internal Zone Clustering Ordinance.” This regulation allows development rights to be transferred between non-contiguous properties, if at least 75 percent of the total area is preserved as open space.
- **Transfer of Development Rights (TDR).** Chesterfield Township is poised to preserve all of its remaining farmland through its Transfer of Development Rights program by transferring development rights from farmland to a pedestrian friendly, mixed-use village.

Recommendations for Using Smart Conservation

When it comes to land conservation, towns can get more for their money if they integrate open space and farmland purchases with proactive master planning and effective regulations. Local preservation efforts will be more effective if coordinated with the State Plan, regional plans, and efforts in nearby towns. Use the checklist below to step out of the “race for open space” and increase control of your town’s future.

1. Start with a master plan, based on research, that identifies areas for growth and conservation, to protect natural resources and farmland.

- √ Base the master plan on sound data by conducting a **Natural Resource Inventory**. Conduct studies, like water resource studies, to measure local capacity to absorb development.
- √ Adopt a **Conservation Element** in your master plan that protects resources and resolves conflicts in government programs; for instance, between plans for sewer service and resource conservation.
- √ Ensure investments in land acquisition help achieve resource conservation goals by adopting an **Open Space and Recreation Plan** (required for Green Acres grants) as part of the conservation element.
- √ For towns with farmland, adopt a **Farmland Preservation Element** that inventories farm properties and targets farming areas to preserve.
- √ Use **GIS tools** to analyze land uses and natural resources and to communicate planning goals.

2. Regulate aggressively and effectively to implement the master plan vision.

- √ Keep farmland and conservation land viable by restricting development to **low average densities** of no more than one unit per 20 acres. (Purchase funds and/or TDR programs can provide compensation for landowners willing to sell either land, or in the case of TDR, development rights.)
- √ Use **flexibility provisions such as mandatory clustering,¹ clustering on non-contiguous lots,² and TDR** to save land by focusing development onto a portion of a parcel (or municipality). See page 3 for details.
- √ Use creative tools like **Overlay Zones** that restrict special land within other zones. For instance, a stream corridor overlay zone can require stream buffers in a residential zone. **Incentive Zoning** allows developers to build more units in exchange for permanent protection of farmland or

open space. A host of **Innovative Natural Resource Regulations** provide protection for discrete resources such as aquifers, scenic views, steep slopes and habitat.

- √ **Minimize development impacts** through strong subdivision ordinances, requiring environmental impact statements, and requiring best-management practices that regulate building procedures such as tree cutting and streamside management.
- √ **Keep farms viable** through pro-farming regulations including a right-to-farm ordinance.

3. Focus land acquisition funds on critical properties through strategic purchases.

- √ **Start land conservation now** before prices go up further. Control costs by buying land before development is proposed and approvals are granted.
- √ **Raise funds** to buy land through a dedicated tax or bonding. Promote the fiscal benefits of preserving land.³
- √ **Prioritize potential acquisitions** in a tiered scheme based on master plan goals. Include multiple properties in each tier to provide flexibility needed to take advantage of willing sellers.
- √ **Focus infrastructure** in growth areas, and away from conservation areas to reduce development pressure and avoid fragmentation of sensitive land.

4. Leverage conservation efforts by coordinating with other levels of government and private organizations.

- √ **Think regionally**: Demonstrate consistency with the State Plan by achieving Plan Endorsement.⁴ Reflect regional plans and plans in nearby towns.
- √ **Reflect statewide laws and regulations** such as those governing wetlands, flood hazard areas, water supply management and stormwater management.
- √ **Leverage local funds** by partnering with local land trusts, county and state government.

¹ Although the MLUL does not explicitly authorize *mandatory* clustering, the Rumson decision (*Rumson Estates, Inc. v. Mayor & Council of the Borough of Fair Haven et al.* (177 N.J. 338; 828 A.2d 317(2003))) implies local authority to do so.

² See the Municipal Land Use Law, NJSA 40:55D-65(c).

³ Studies have demonstrated that preserved land can raise the value of nearby properties and help towns control demand for municipal services.

⁴ Towns that achieve Plan Endorsement may receive higher Green Acres grants and prioritized farmland funds.

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