

Preserved Lands and other Open Spaces

The dataset includes public, non-profit or private lands held for agricultural, conservation, historic/cultural, horticultural or recreation purposes. These lands have varying levels of protection, public access, ownership and management. This dataset is by intention, broad and inclusive of different land-use categories in order to inform various planning efforts for government agencies and other organizations involved in the preservation and management of these lands for public benefit.

The following definitions apply to public, non-profit and private ownership as represented in this dataset.

Public

A federal, state, regional, quasi-public, county or municipal agency, commission or other government entity.

Non-profit

A charitable conservancy, as defined by the New Jersey Conservation Restriction and Historic Preservation Restriction Act at N.J.S.A. 13:8B-2a, to mean a corporation or trust whose purposes include the acquisition and preservation of land or water areas in a natural, scenic or open condition, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and which has received tax exemption under section 501(c) of the Internal Revenue Code.

Private

A private corporation, institution, organization or individual.

Categories

The following lands are to be included in the dataset:

Agricultural Lands

Lands primarily used for the production of crops, raising of livestock and other agricultural commodities. Typically, these are preserved, privately owned lands with restricted access.

All preserved agricultural lands will be mapped regardless of ownership or access. Agricultural lands that do not meet the definition of preserved will be mapped only under the following conditions:

- Non-profit ownership regardless of access; or,
- Public ownership with public access.

Conservation Lands

Lands primarily held for the protection or management of natural resources.

All preserved conservation lands will be mapped regardless of ownership or access. Conservation lands that do not meet the definition of preserved will be mapped only under the following conditions:

- Non-profit ownership regardless of access;
- Public ownership with public access; or,
- Private ownership with public access.

Historic/Cultural Lands

Lands characterized by historic/cultural sites that are included in, or meet the criteria for inclusion, in the National or NJ Register of Historic Places.

All preserved historical/cultural lands will be mapped regardless of ownership or access. Historical/cultural lands that do not meet the definition of preserved will be mapped only under the following conditions:

- Non-profit ownership regardless of access;
- Public ownership with public access; or,
- Private ownership with public access.

Horticultural Lands

Lands characterized by horticultural features such as botanical gardens, ornamental or decorative gardens, community gardens, arboretums, etc.

All preserved horticultural lands will be mapped regardless of ownership or access. Horticultural lands that do not meet the definition of preserved will be mapped only under the following conditions:

- Non-profit ownership regardless of access;
- Public ownership with public access; or,
- Private ownership with public access.

Recreation Lands

Lands with indoor or outdoor facilities developed specifically for active or passive recreational purposes. Facilities might include athletic fields, gymnasiums, tennis courts, basketball courts, ice skating rinks, golf courses, running tracks, children's play areas, dog parks, interpretive centers, campgrounds, boat launches, ski trails, foot, bike or bridle paths, picnic areas, etc.

All preserved recreation lands will be mapped regardless of ownership or access. Recreation lands that do not meet the definition of preserved will be mapped only under the following conditions:

- Non-profit ownership regardless of access; or,
- Public ownership with public access for participation in recreational activities.

Preserved Lands

Lands *permanently* protected for agricultural, conservation, historic/cultural, horticultural or recreation purposes via any of the legal encumbrances outlined below. Protection of these lands can only be rescinded by legal or legislative action.

- Federal or State Constitutional provision or restriction creating public ownership.
- Federal or State Statute creating public ownership.
- *Deed Restriction/Easement* or other legal instrument that limits development, including but not limited to the following types:
 - Agricultural
 - Conservation
 - Historic
 - Scenic/viewshed
 - Trail
 - Transfer Development Rights (TDR) e.g. Pinelands Development Credits (PDCs)
 - Wetlands Reserve Program easement.
- Listed on a county or municipal *Recreation & Open Space Inventory* (ROSI) filed with the NJDEP's Green Acres Program.
- Lands purchased with *dedicated preservation trust fund dollars* (open space, farmland, historic). E.g. Land and Water Conservation Fund, Farm and Ranch Lands Protection Program (FRPP), Green Acres Program, SADC, county and municipal trust funds, etc.
- Encumbrances in perpetuity resulting as a condition in a Will or Estate, funding contract or grant agreement between a landowner and the federal government, State of New Jersey, private foundation or other funding entity.
- Lands set aside as a condition of development/subdivision approval where conditions appear in a government resolution or are identified on a subdivision plat and are not memorialized in a recorded conservation easement or restriction.

Other Open Spaces

For the purposes of this dataset, 'Other Open Spaces' shall have the same meaning as unpreserved lands defined as: other Open Spaces are lands not encumbered by a legal or legislative instrument. Other Open Spaces include:

- non-profit owned lands;
- publicly owned lands with some level of public access; or,
- privately owned conservation, historic/cultural and horticultural lands with some level of public access.

Examples include unpreserved conservation lands owned by a non-profit land trust, a municipal ball park not listed on a ROSI, or a privately owned arboretum that is open to the public.

Lands not included in this dataset

- Publicly owned agricultural, conservation, historic/cultural, horticultural or recreation lands that do not meet the definition of preserved and that have no public access.
- Privately owned:
 - conservation, historic/cultural or horticultural lands that do not meet the definition of preserved and that have no public access.
 - agricultural (farm assessed) and recreation lands that do not meet the definition of preserved, regardless of access.
- Publicly or privately owned lands that are in *temporary* preservation or conservation programs such as the New Jersey State Agriculture Development Committee's Eight-Year Preservation Program, or private lands managed for conservation, park or farmland via a legally binding term-limited management agreement or lease
- Lands protected by government regulation such as the New Jersey Freshwater Wetlands Protection Act.

The following are examples of lands not mapped in this dataset: privately owned farm assessed lands that are not preserved; privately owned recreation facilities that are not preserved such as golf courses, zoos, amusement parks, scout camps, tennis courts, swim clubs, etc.; public schools that do not have recreation fields; public or privately owned unpreserved historic/cultural lands with no public access. *NOTE:* this list is meant to be illustrative, not exhaustive.

Other Definitions

Level of Access

Public Access

- The property is open to the public and has some level of regular public access for a scheduled amount of time on an annual basis.
- The public is allowed on the entirety or a portion of the property.
- Entry may be free, or an access fee may be required.

Restricted

- Authorized access only

Unknown

Level of Protection

Preserved (as per definition above)

None

Unknown

New Jersey Geospatial Forum
 Preserved Lands & Other Open Spaces Taskforce: Categories & Definitions

	Preserved Lands						Other Open Spaces (Does not meet the definition of preserved)					
	Non-Profit		Publicly Owned		Privately Owned		Non-Profit		Publicly Owned		Privately Owned	
	Public Access	No Public Access	Public Access	No Public Access	Public Access	No Public Access	Public Access	No Public Access	Public Access	No Public Access	Public Access	No Public Access
<i>Agricultural Land</i>	+	+	+	+	+	+	+	+	+	-	-	-
<i>Conservation Land</i>	+	+	+	+	+	+	+	+	+	-	+	-
<i>Historic / Cultural Properties</i>	+	+	+	+	+	+	+	+	+	-	+	-
<i>Horticultural</i>	+	+	+	+	+	+	+	+	+	-	+	-
<i>Recreation Land/Facilities</i>	+	+	+	+	+	+	+	+	+	-	-	-