Private Property and the Common Good

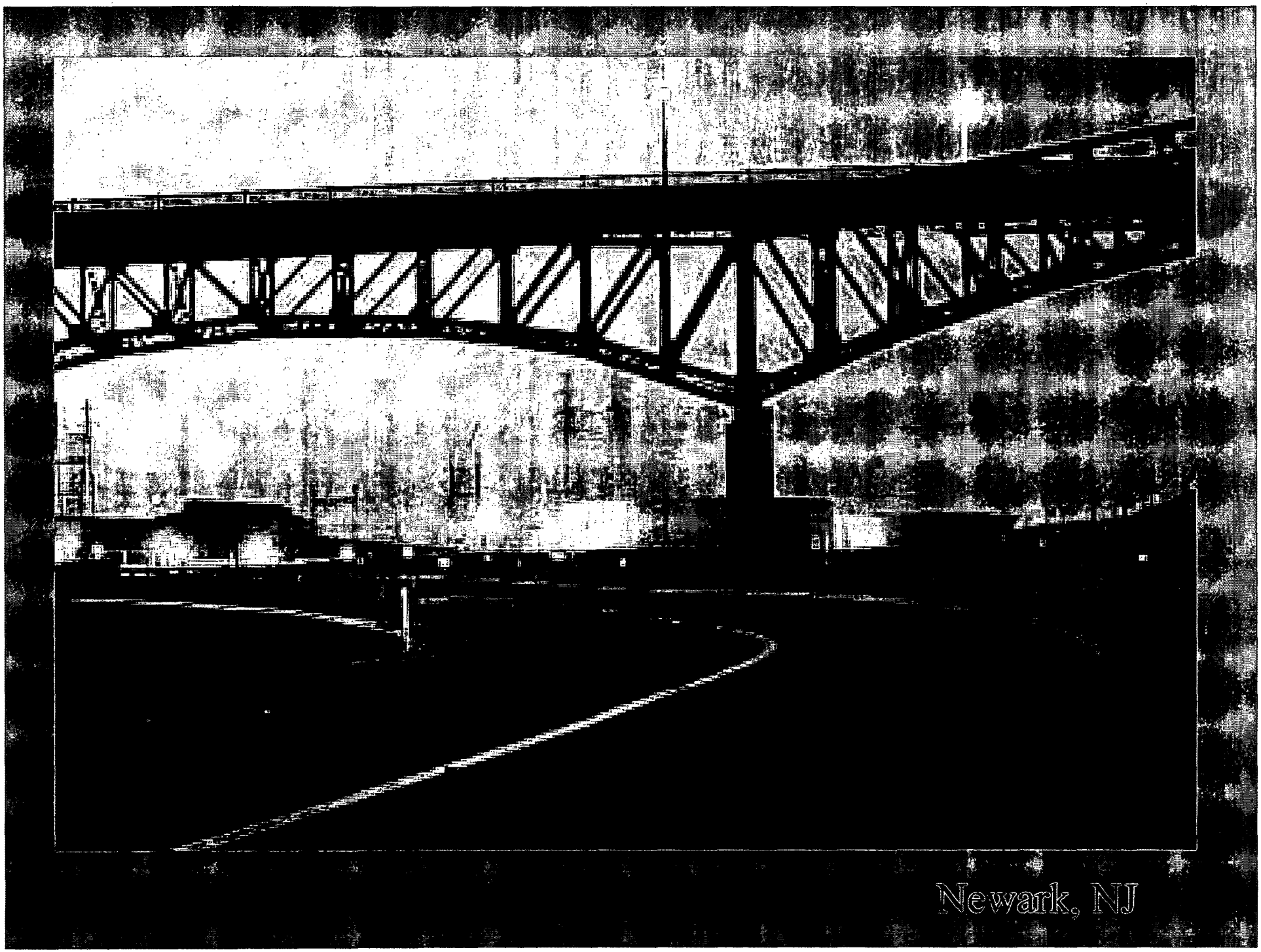
"Few ideas have bred more mischief in recent times, for the beauty and health of landscapes and communities, than the belief that privately owned land is first and foremost a market commodity that its owner can use in whatever way earns the most money." Eric Freyfogle, *The Land We Share*, 2003

Four Ways Our Society Justifies the Right to Private Property

- "I was here first"
- John Locke's Labor Theory
- Personality Theory
- Aggregate Social Utility

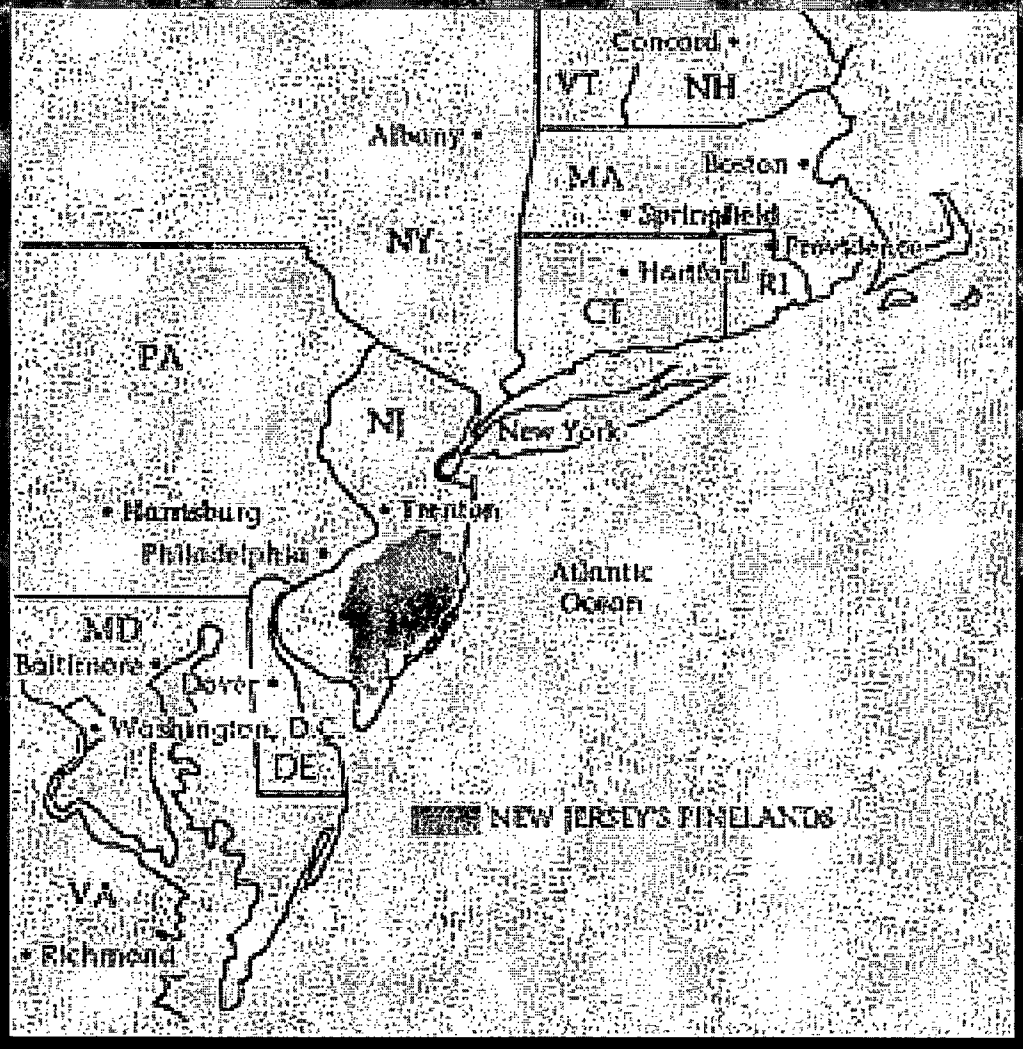
Why Should We Care About Land-Use Management?

- Human Population Growth & Household Dynamics
- Habitat Fragmentation
- Increasing desire for accessible wilderness


Newark, NJ

Mullica River, NJ

What are the Pinelands?

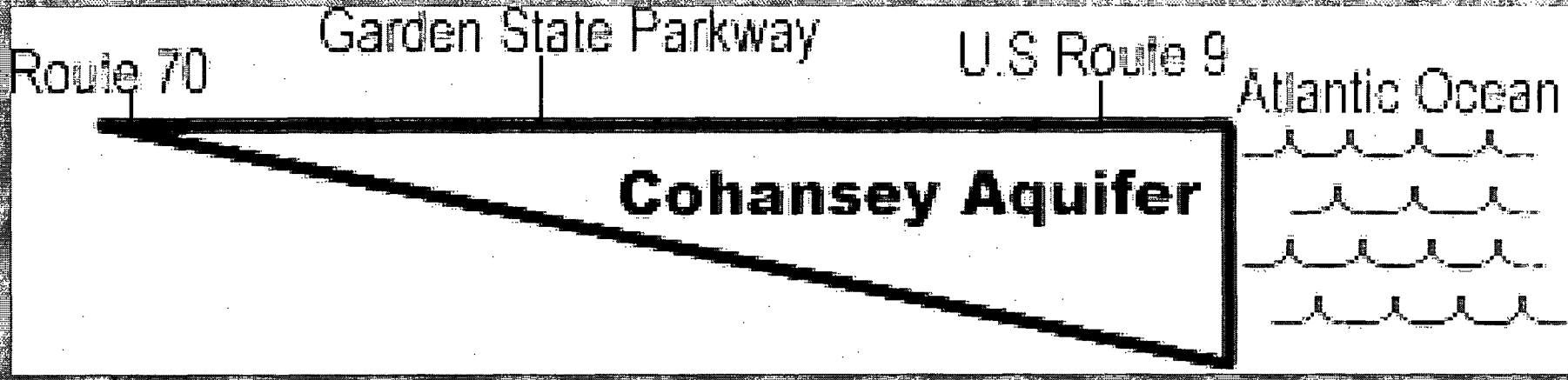


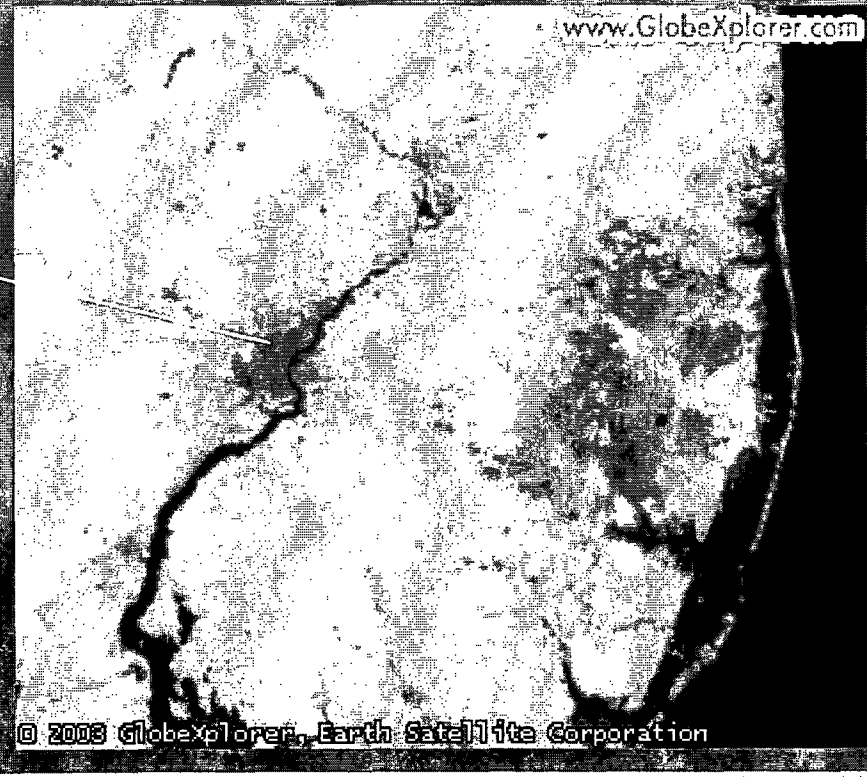
- an ecological area covering 1.4 million acres
- Larger than the state of Rhode Island
- Larger than either Yosemite, Grand Canyon, or Great Smokey Mountain National Parks

Courtesy of State of New Jersey Pinelands Commission

What is special about the Pinelands?

What is special about the Pinelands?



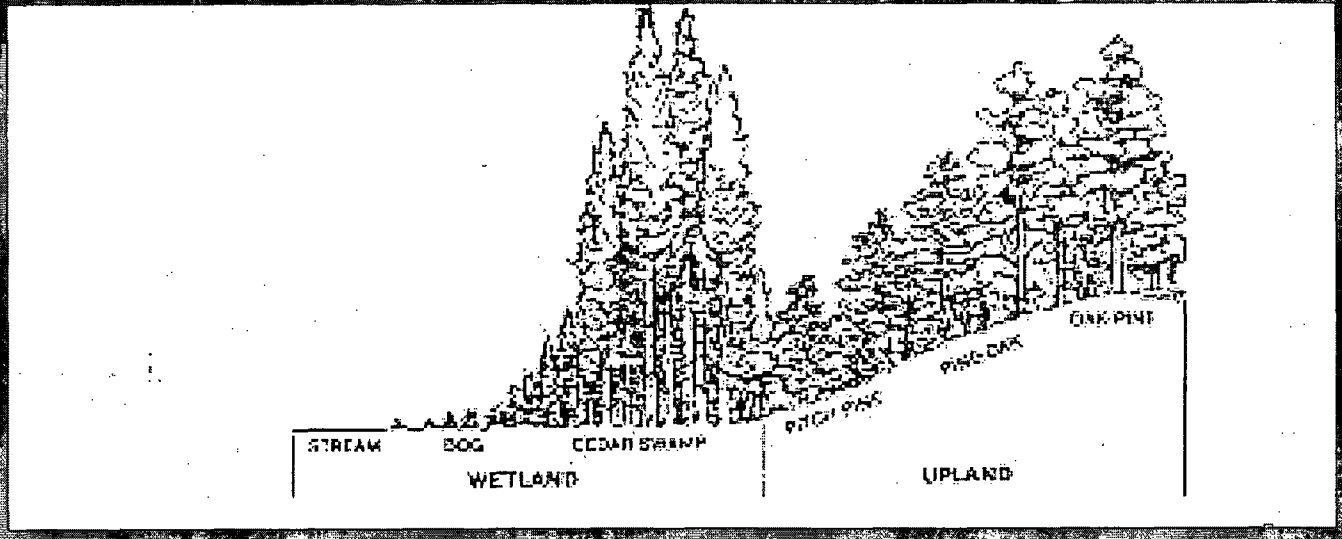


Philadelphia

What is special about the Pinelands?

Tuckahoe River

What is special about the Pinelands?



What is special about the Pinelands?

What is special about the Pinelands?

Cranberries and Huckleberry bushes

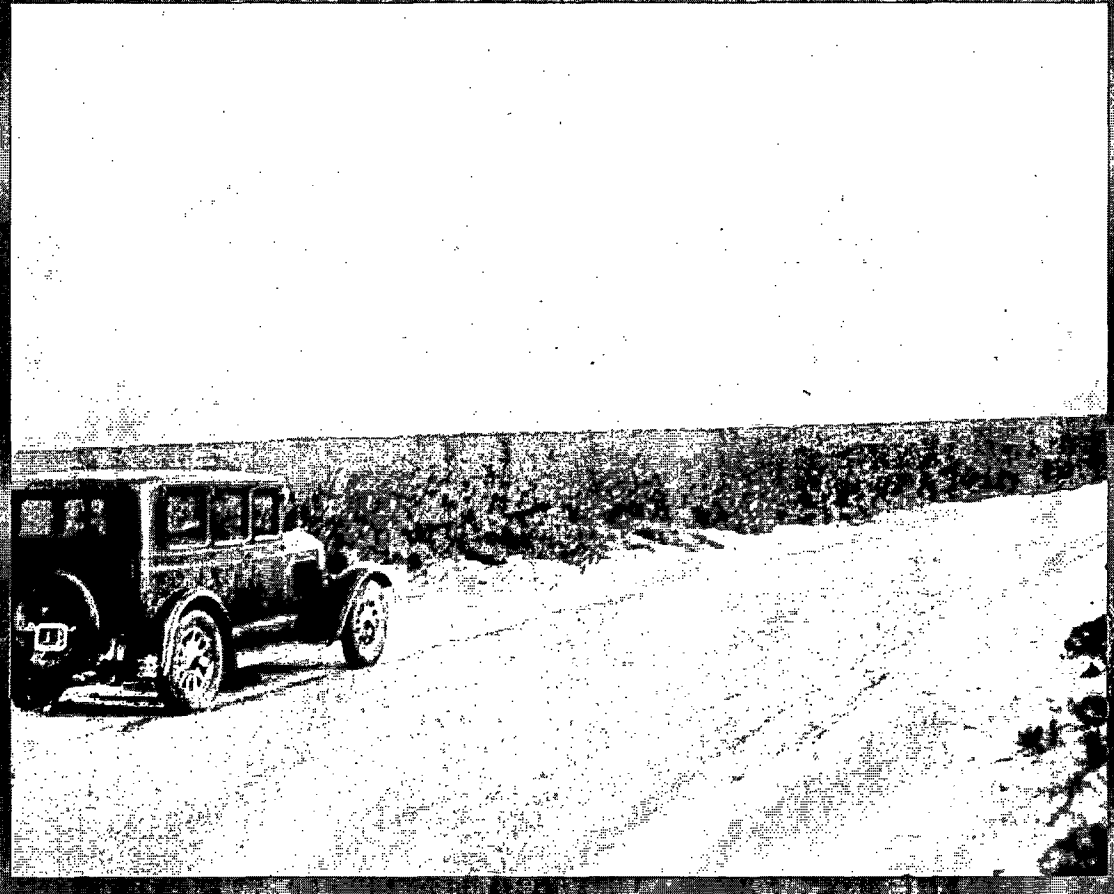
Blueberries

Teaberry and Lichens

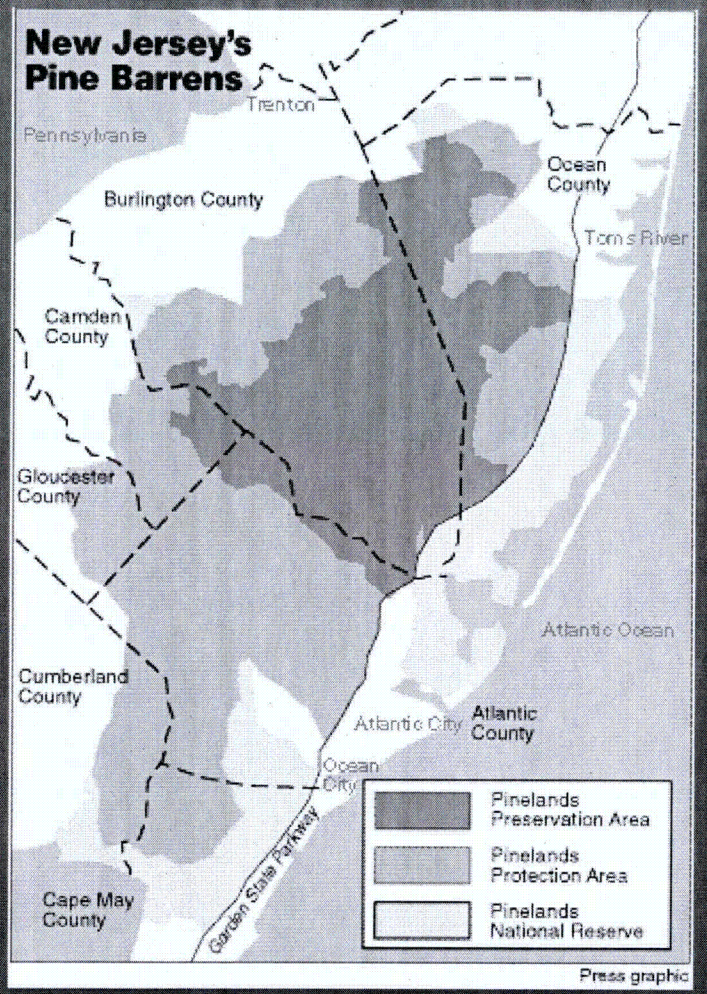
What is special about the Pinelands?

What is special about the Pinelands?

What is special about the Pinelands?



Before the Pinelands National Reserve



- Pinelands Environmental Council (PEC) formed by state law 1972
- Written by Burlington-Ocean County appointed Citizen's Advisory Committee
- 12 of 15 members appointed by County Freeholders; 2 representatives from Growers' Associations; 1 appointed member by DEP

Before the Pinelands National Reserve

PEC Areas of Critical Regional Concern:

- Tidal marshes
- Freshwater wetlands
- Dwarf forests
- Forked River Mountain Area

Before the Pinelands National Reserve

- Pinelands Review Committee created by Governor Byrne in 1977
- 16 public members (some from outside the Pinelands)
- Additional representatives from state departments of Agriculture, Community Affairs, and Environmental Protection
- Local government and agricultural interests, home building industry, and conservation/environmental groups
- Governor-Chair

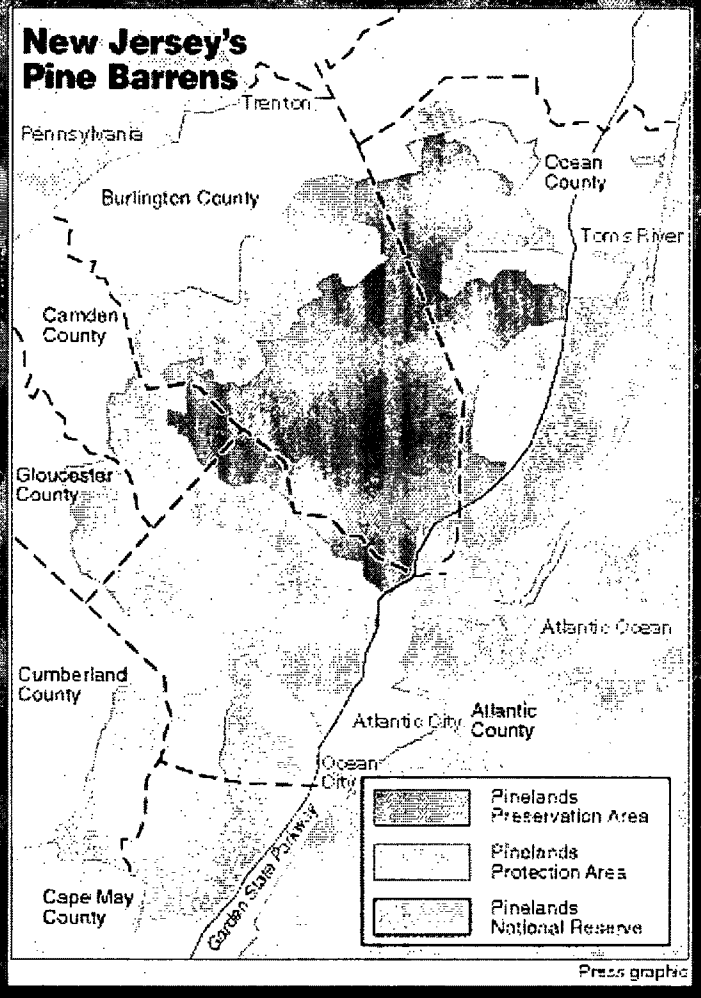
Pinelands National Reserve

- Federal legislation in Section 502 in National Parks & Recreation Act 1978

Legislation included:

- Planning Committee (1 Dept. of Interior, number of government appointees)
- Reserve 1.1 million acres
- Immediate halt to all development projects in core
- $26 million for "critically sensitive" land purchase

Pinelands National Reserve

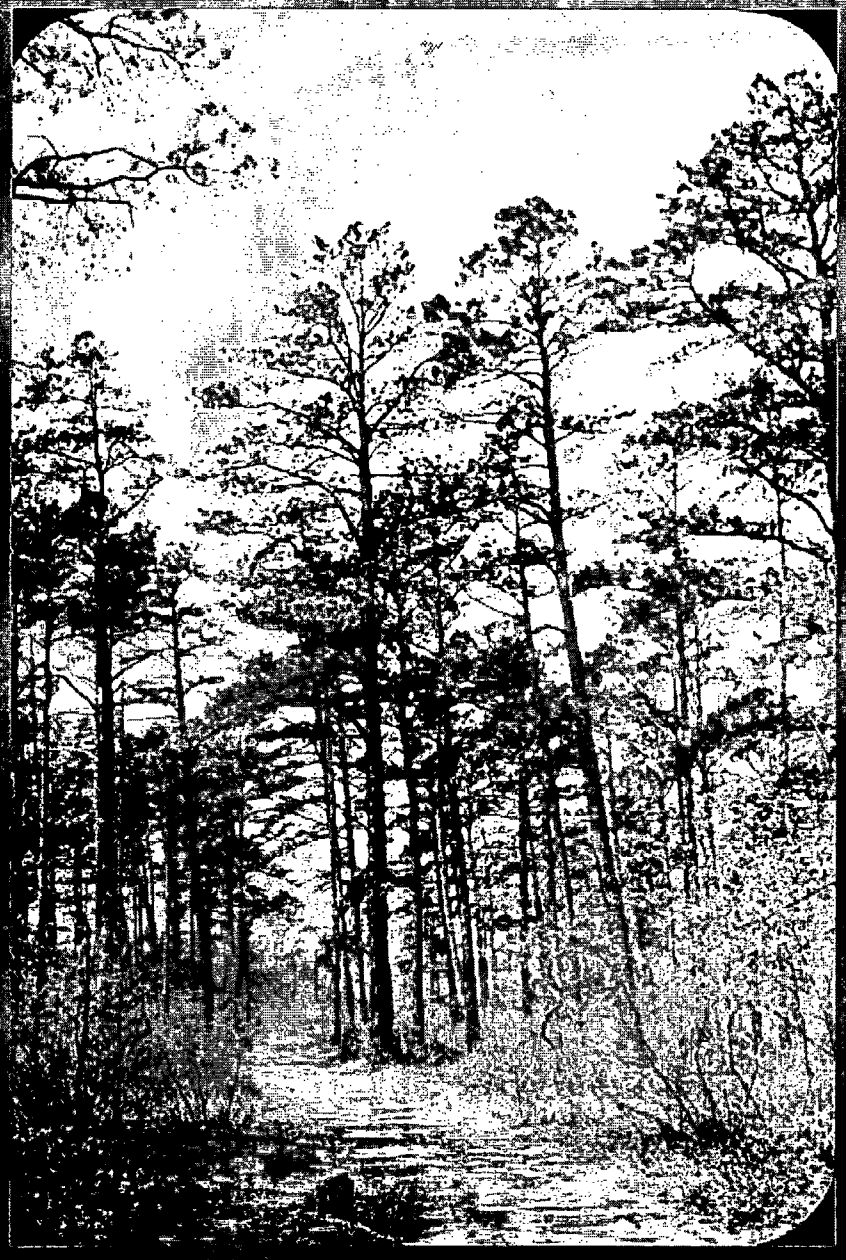


...then in New Jersey:

- **Executive Order 71** creates Pinelands Planning Commission-February 1979

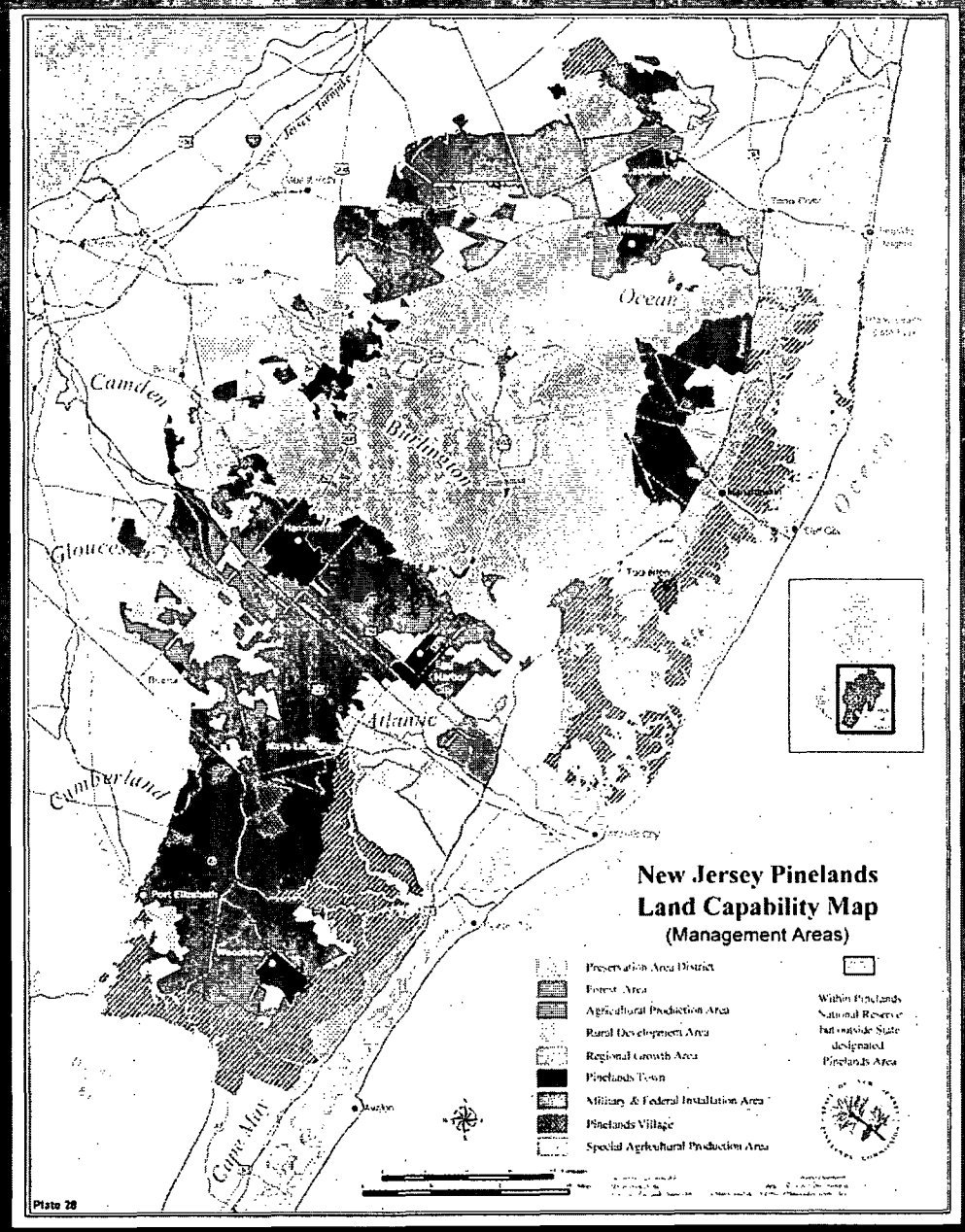
- **Pinelands Preservation Act** decides boundaries of Preservation and Protection Areas and determines role of Pinelands Planning Commission-June 1979

Comprehensive Management Plan



- Written by Pinelands Commission and adopted in November 1980
- Compromise between local economics and environmental values of land
- Local municipalities required to bring local zoning plans in line with CMP
- Pinelands Commission to have final word on development initiatives in Pinelands National Reserve

Comprehensive Management Plan



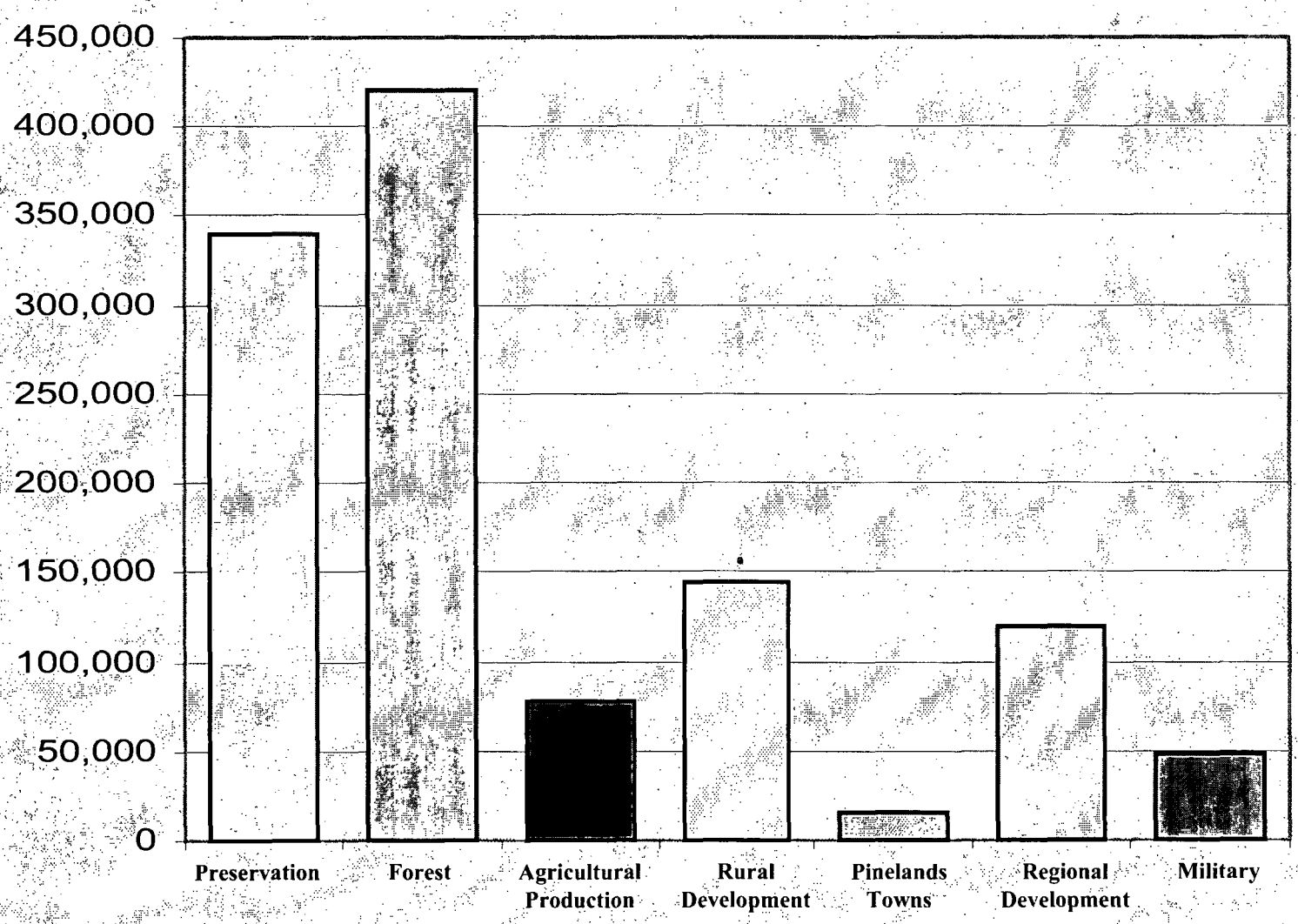
Land-use management strategy outlined in CMP

3 components of CMP

- Zoning of land-use management areas
- Project performance standards
- Pinelands Development Credits

Zoning Areas in Pinelands National Reserve

Number of Acres in Each of 7 Land-Use Zones Outlined in the CMP



Preservation Area

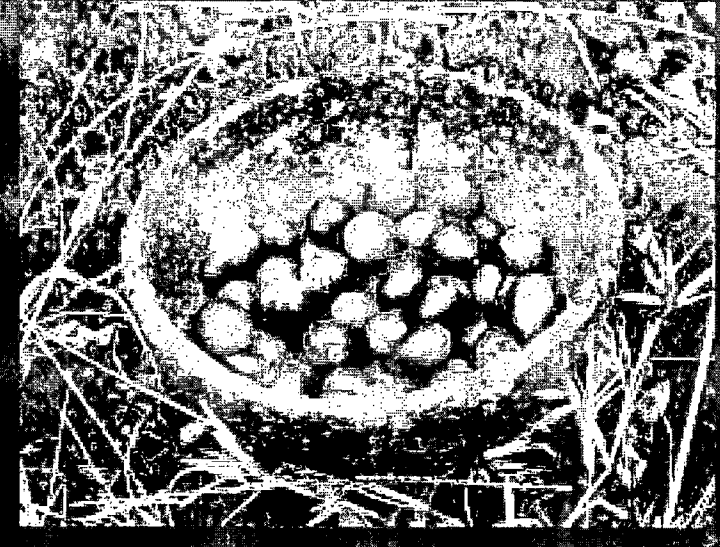
- Identified as land especially susceptible to environmental degradation
- No additional development

Forest Area

- Only 1/4 publicly owned
- 1 Residential Unit (RU) per 15.8 acres of privately owned land
- Limited Residential Development to 3.2 acres per 1 RU

Agricultural Production Area

- Development only permitted to farmers or employees of farmers
- 1 RU per 10 acres of privately owned land, but only 3.2 acres per RU
- Decided based on suitable soils
- Also Special Agricultural Production Areas in Preservation Core



Rural Development Area

- Intended to be buffer zone in Protection area between outside municipalities and core of Pinelands National Reserve
- 1 RU per 3.2 acres of privately owned land

Pinelands Towns & Villages

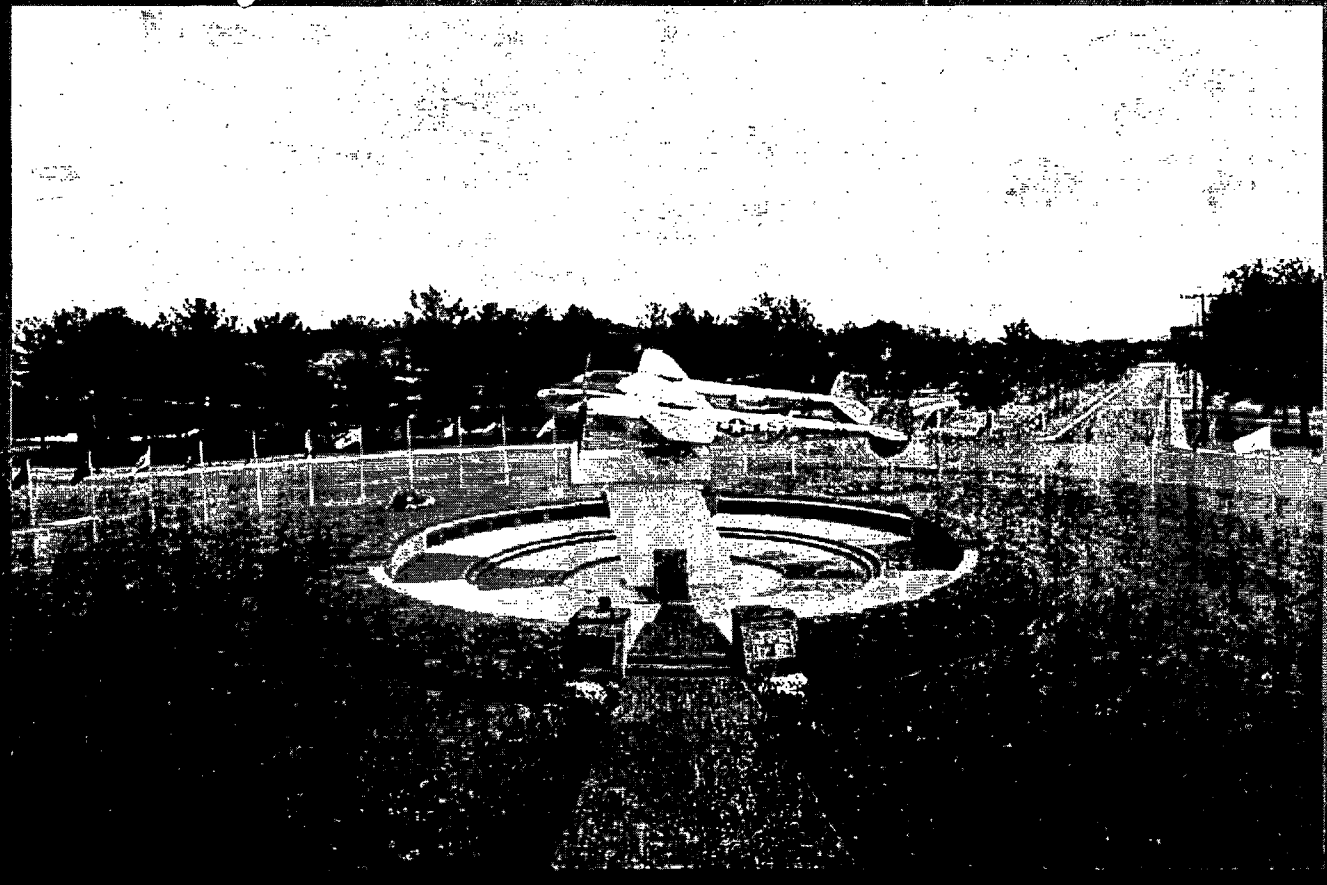
- 6 towns & 59 Villages
- Development must be compatible with existing pattern of settlement

Regional Growth Area

- Where future development is meant to be concentrated
- Range from 1.0-3.5 RUs per acre of privately owned land
- Dependent on existing pattern of development

- Mt Laurel clause- 10% of residential development must be affordable for low-income families

Military & Federal Installation Areas



- Fort Dix Military Reservation
- Federal Aviation Administration Technical Center in Atlantic County
- McGuire Air Force Base
- Naval Air Engineering Center at Lakehurst

Performance Standards

Designed to protect natural resources and historical sites

Pinelands Development Credit Program

Primarily for Preservation and Agricultural Production Areas

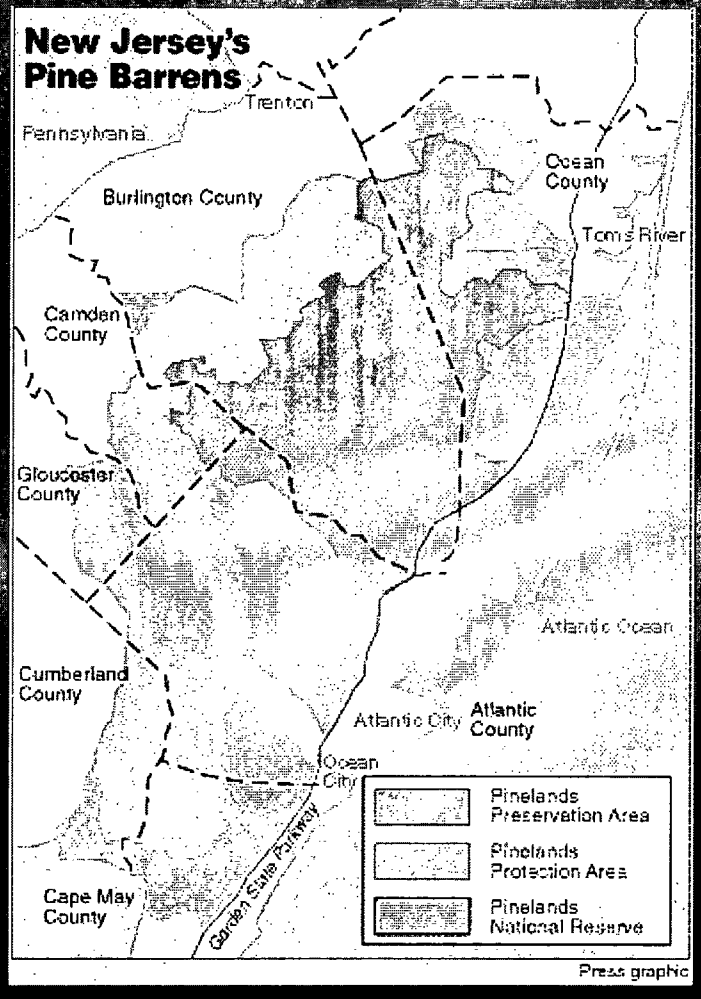
In Preservation Area:

- 1 unit of credit for 39 acres of upland
- 0.2 units of credit for 39 acres of wetlands

In Agricultural Production Area:

- 2 units of credit for 39 acres of uplands
- 2 units of credit for 39 acres of wetlands used for berry production
- 0.2 units of credit for other wetlands

Is the Comprehensive Management Plan effective in controlling growth?



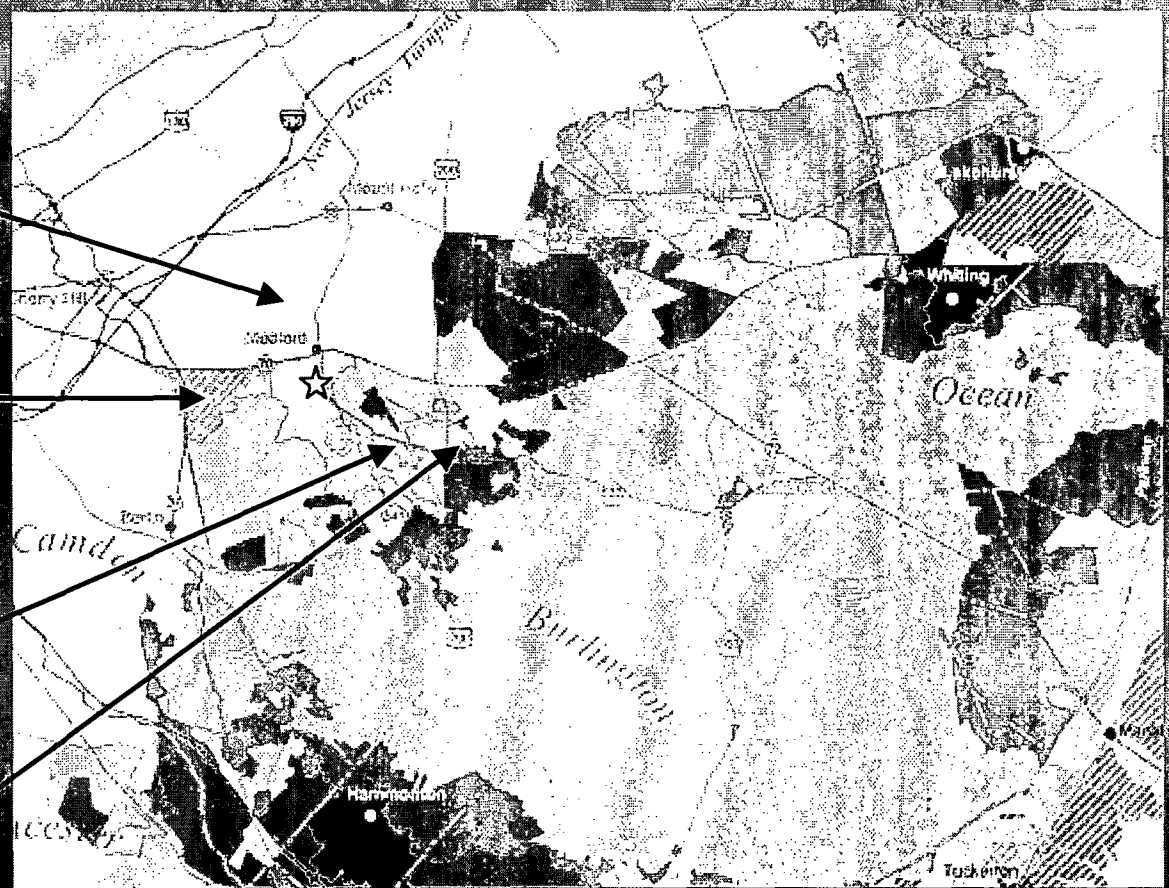
Present-Day Photo from Space

A Local Connection

Lenape Regional High School District:

Lenape High School, Medford, NJ
(Mt.Laurel)

Cherokee High School, Marlton, NJ
(Marlton)

Shawnee High School, Medford, NJ
(Medford, Medford Lakes)

Seneca High School, Tabernacle, NJ
(Southampton, Tabernacle, Woodland, Shamong)