

PLANNING for METROPOLITAN OPEN SPACE

by

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## Chapter I

### INTRODUCTION

#### 1.1 DEFINITION OF METROPOLITAN OPEN SPACE

Metropolitan open space consists of those undeveloped lands, areas and spaces which constitute a natural and man-made framework for organization and enhancement of the built environment. In terms of permanence, these lands may be considered as: short term (transient or interim use), long term or permanently reserved for open space functions. Given that open space has a multiplicity of definitions, such lands also serve a variety of functions which include:

- (1) protection of natural processes, particularly those that are water related;
- (2) recreation, both active and passive;
- (3) preservation of amenity, i.e. scenic views, unique natural or social feature (habitat or historic site);
- (4) as a framework to guide urban development and
- (5) a means to maintain the "status quo" of an area until a suitable long term use can be determined.

Finally, ownership of these lands may be private, public or quasi-public, with varying degrees of property rights, ranging from fee simple ownership to negative easement rights (i.e., acquisition of the right to prohibit an action by the property owner, i.e., prohibit erection of billboards or a change in land use from agriculture to low density residential). Such easements may be used for scenic or conservation purposes.

## 1.2 JUSTIFICATION FOR OPEN SPACE PLANNING

Many authors, from design and planning fields, have attempted to develop a method or plan to protect the natural environment from degradation and encroachment by human activities. In this category are the authors of the 1938 Greenbelt Act and the Barlow Commission Report of 1939 (London, England), which led to Sir Patrick Abercrombie's Greenbelt Plan for London,<sup>1</sup> Frederick Law Olmsted's plan for Central Park, Ian Mcharg and David Wallace's Plan for the Valleys<sup>2</sup> and New Exploration<sup>3</sup> by Benton Mckaye. Such proposals usually stress the importance of rural open space and agricultural lands and the need to reserve more acreage in these land use categories. While this is a very important concept, there is a greater need to critically evaluate the productivity and quality of the lands being considered for open space preservation.

Expanding on the basic concept of protecting open space and agricultural lands, there is also a need to evaluate and protect those lands which play a significant role in ecologic processes. These lands generally affect or are affected

<sup>1</sup> Whyte, William H., The Last Landscape (Garden City, NY: Doubleday and Co., 1968).

<sup>2</sup> Wallace, David, Metropolitan Open Space and Natural Processes (Philadelphia, PA: University of PA Press, 1970).

<sup>3</sup> Mckaye, Benton, New Exploration (Urbana, IL: University of Illinois Press, 1962).

by water in process and would include: aquifer recharge areas, bodies of water, areas of excessive runoff, flood plains, unique physical features, marshes, productive habitat, prime agricultural lands and natural hazards.<sup>4</sup> Other areas which are of special concern are those areas with historic, aesthetic or other cultural significance.

With a rapidly urbanizing environment, a dwindling resource base and an unstable economy, there is an urgent need to guide development and protect critical natural areas for future generations. Such actions will aid in wise land use, enable the natural environment to retain a significant level of productivity, provide passive education (within the natural sciences), natural beauty, resource protection, and an improved overall quality of life.<sup>5</sup>

The problem of land reservation currently occurs in two forms: that of rural open space and that of urban open space.<sup>6</sup> Admittedly each has its own inherent special needs and problems, but the basic concepts and long range goals are the same for both urban and rural lands. These concepts and goals include: the betterment of society, wise use of

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<sup>4</sup> McHarg, Ian L., "Open Space from Natural Processes" (in Metropolitan Open Space and Natural Processes Philadelphia, PA: University of PA Press, 1970), pp. 28-30.

<sup>5</sup> McKaye, New Exploration, pp. 210-214.

<sup>6</sup> Ibid., pp. 204-207.

natural and and physical resources and improvement of the interface between man and his environment. The primary focus of this study will be in the urban setting, however, references and applications will be made to rural environs, where appropriate.



## Chapter II

### USER NEEDS AND THE RELATIONSHIP TO CRITERIA DEVELOPMENT

#### 2.1 WHO ARE THE USERS AND AFFECTED PUBLICS?

When developing public policy, identification of the user and affected parties can be the most critical task that the planner can undertake. It should be sufficient to say that failure to identify one of these parties will alienate the planner from the group and possibly jeopardize the success of the project. Likewise with open space planning.

Land owners may view a particular open space plan as limiting to the development potential of their property (constituting a taking without compensation). The resource planner may view the plan as an excellent means for habitat and aquifer protection. A developer may view the same plan either as detrimental to his project or as a means to sell more units within the guidelines of the appropriate cluster, Planned Unit Development (PUD) or Planned Development Residential (PDR) zoning regulations. The average homeowner may be totally indifferent, or, given that the developers are strongly in favor of the plan, highly suspicious of the consequences to surrounding property values (fear of "down zoning").

### 2.1.1 The Property Owner

Possibly the most numerous, least organized (in terms of being a special interest group) and often the hardest to plan for, is the individual property owner. These owners may control vast, contiguous acreage, that supports many cattle and harvestable crops or may only maintain a quarter acre parcel, supporting a small family and residence. Regardless of the acreage that the land owner controls, this section of the general public has a highly diverse and often conflicting set of needs and desires concerning open space. Such individuals may be totally unconcerned with, or vehemently opposed to, open space planning efforts.

The needs of the individual property owner tend to fall into one of two categories: those dealing with the value of the property and those which provide safety and welfare functions to the owner and family. Unfortunately, the perception of the needs and how well a given plan does or does not fulfill these needs will vary markedly between individuals. This is particularly true if the property owner is holding the acreage until market conditions will provide a suitable return on the original investment.

### 2.1.2 The Land Developer

Members of this group have interests that overlap with those of the land owner, since, as often as not, developers own some controlling interest in a given property. Invariably, the needs of the developer are profit oriented and quite often, the developer has more to gain than to loose by adhering to a sound open space plan. The benefits gained will take the form of increased density bonuses, reduced capital facility investment and favorable public relations for developing an environmentally sound and aesthetically pleasing community.

In terms of the large tract development, there is apt to be some percentage of the land that is poorly suited to development. In such cases, zoning regulations, including cluster development, PUD and PDR can benefit the developer in several ways. Depending on the regulations, density bonuses can be awarded if certain design criteria are met. These would include: setback and minimum lot size standards, dedication of a certain percentage of the total acreage as open space or community property (often chosen or approved by the planning commission to insure that the land is suitable for open space and is not just the unbuildable acreage). Other requirements may include extensive land buffers and bike paths to de-emphasize the built environment and use of

the automobile. Screening of such facilities as "package plants" and service areas adjacent to commercial and industrial structures may also be required.

### 2.1.3 The Community

Collectively, all of the affected publics may be labelled the "community", but as implied by the diversity of the interested parties, this category is the hardest for which to identify a set of consensus needs. In general, this group is concerned with an equitable distribution of services and tax burden for the entire locality. It may be more appropriate to address the community in terms of benefits derived by the collective fulfillment of the needs of the various interest groups.

In general, developments such as cluster designs and carefully engineered PUD/PDR plans, will accrue direct and indirect benefits in addition to density bonuses mentioned previously. In many cases these benefits apply directly to the developer and the municipality (and thus to all tax payers). Foremost of these benefits is a drastic reduction in the amount of structural and support facilities required as a result of grouping or clustering of activities. This would include less roadway and paved areas, reduced capital investment for utility lines, schools and public service

substations. Fewer miles would be travelled by fire, police, trash and school vehicles to access the locality (resulting in corresponding reductions in expenses for such public services).

Finally, a community carefully planned with an integrated open space system is likely to appeal to the public, both those in the market for housing and to adjoining land owners. These developments can reap the financial and aesthetic benefits of mature vegetation, natural (or carefully planned) water features and the conveniences of urban living in a semi-rural or natural environment. This observation has support in a report by the American Society of Planning Officials (A.S.P.O.) regarding F.H.A. appraisals (Newsletter 1962, p 92) and the National Association of Home Builders (in Home Builder's Manual for Land Development, 1968) that the value of properties in the vicinity of park and recreation facilities are enhanced by an average of 15-20%.<sup>7</sup>

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<sup>7</sup> Little, Charles E., Challenge of the Land (New York, NY: Permagon Press, 1969), p. 85.

## 2.2 RELATIONSHIP BETWEEN NEEDS AND CRITERIA DEVELOPMENT

While the criteria used to select potential open space lands should bear a direct relationship to user needs, there are situations where an immediate decision may be imperative or where a grant of land is being considered that may not reflect the specific needs of the community.

Where appropriate, certain lands may be suited for designation as permanent open space use. This category is the most critical of all open space classifications and should be reserved for lands which have intrinsic characteristics that serve a number of open space functions. Foremost among these functions are those related to resource protection and enhancement.

It is hoped that not all municipalities will discover that the less landscape that there is to protect, the better the chances for protecting it.<sup>8</sup> To avoid this situation, it is critical that long and short range goals be established that are consistent with the needs of the community. From this set of goals, land selection criteria can be developed for identifying lands critical to the needs of the community.

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<sup>8</sup> Whyte, The Last Landscape, p. 15.

With the current trend for urban sprawl, resource protection followed by the need to guide urban development would seem to be the highest priority and most urgent goals for attainment. As a result of linked functional relationships, fulfillment of these goals can also satisfy many less significant community needs. Unfortunately, this is not always a reciprocal relationship, i.e., attaining lesser goals will not collectively provide the same benefits derived from greater, long term goals, and, in some cases, may actually defeat such benefits.

## Chapter III

### DEVELOPMENT OF GOALS FOR OPEN SPACE USES

#### 3.1 THE NEED FOR GOAL DEVELOPMENT

Economists stress the importance of "highest and best use", "economic return" and "market demand" when making decisions concerning property, resources and products. While these are important considerations, economic returns (and costs) and "highest and best use" may not be quantifiable when applied to land and natural resources. To use the economists' terminology, "the externalities" (both those affected and those affecting) are not always known.

Of utmost concern for public acceptance of open space planning is the need for the planning professional to recognize the multiple objectives of society. This requires a critical evaluation of the overall needs of society, with special reference to the reciprocal effects of open space planning goals on these needs. The immediate and direct impacts of land reservation on the community will most likely be of greatest interest to the general public. In this category are questions related to: loss of tax revenue as a result of open space reservation, impact on the value of individual parcels in close proximity to open space lands and how such reservation will affect future provision of public services to adjacent properties in remote areas.



These questions and issues imply that public involvement in open space planning is critical, particularly when developing goals and land selection criteria. Special attention must be given to those actively involved in shaping the physical environment, i.e., designers, developers and those controlling large parcels of land. It is these individuals who have the greatest influence over the physical design of the community and will be the most vocal when it appears that property rights may be violated.

Goals for open space should be viewed and expressed as a major element for maintaining and enhancing the quality of life.<sup>9</sup> As with all major environmental issues, the goals for open space, both long and short range, should address the effects of urban activity on natural systems. In this respect, the need to guide urbanization to minimize the negative effects on the natural environment should be a major factor when considering open space planning.

For open space planning to successfully provide an environment that is safe, pleasant and allows multiple benefits to accrue to all users, intergovernmental planning and funding is essential. A concern that may have been implied but not specifically identified, is the significance of

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<sup>9</sup> Curtis, Virginia, ed., Land Use and the Environment (American Society of Planning Officials and the Environmental Protection Agency, Washington, D.C., U.S. Government Printing Office, 1973), p. 99.

open space reservation at the state and federal level. This issue is best expressed in terms of resource (especially resource protection) related and culturally significant open space lands. In these cases, it should not be the locality that assumes all of the burden for acquisition, operation and maintenance of such lands.

At this point, it should be noted that open space planning is closely related to Environmental Management. Boulder, CO, has taken this approach and has developed its comprehensive plan as a result of the environmental issues posed by the community's open space plan.<sup>10</sup> With this thought in mind, a sound environmental management program will greatly aid in developing and implementing effective open space policy. Ideally, this policy will result from an environmental management plan, developed as part of the comprehensive plan.

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<sup>10</sup> The Boulder Valley Comprehensive Plan (Boulder, CO: Revised, 1978), p. 20.

### 3.2 A BASIS FOR GOAL DEVELOPMENT

Boulder, Colorado, home of the University of Colorado and long noted for its scenic beauty, was the subject of an open space study by Frederic Law Olmsted Jr. in 1910. Although the plan was farsighted in its scope, it was never implemented. By 1958, development within the city had reached a point where it was deemed necessary to consider a charter amendment (approved that year by the voters) that would prohibit the city from supplying water past a certain elevation, known as "the Blue Line".

In 1967, a 1% sales tax was levied within the city, of which 40% was for open space planning and protection. A comprehensive plan was adopted in 1970 that identified 28% of the valley's 58 square miles as open space use. It was soon apparent that revenue from the sales tax would not be sufficient to slow the pressure of urban development forces.

In 1971 another charter amendment was passed, "to allow the city council, without approval by [further] vote of the qualified electors of the city, to create and incur indebtedness of the city, and to issue bonds to evidence the same, payable from and pledging funds and revenues earmarked and committed to purposes of acquisition of open space real property or interests therein".<sup>11</sup> As a result of this amend-

<sup>11</sup> Walker, Donald V. H., in Urban Land (Urban Land Institute, Washington D.C.: Vol. 36, No.10; October, 1977), p. 7.

ment, an Open Space Board of Trustees was appointed, the duties of which included administration of the fiscal and budget considerations. This board consisted of 5 appointed citizens, each for a 5 year term.

It is interesting to note that the plan does not attempt to define "open space". Rather it establishes the purpose, function and use of these lands (see section 3.3, Goals for Long Range User Needs). Along this line of thought, open space acquisition is guided by a set of priorities "to allow the administration sufficient flexibility to avoid putting the city at a serious disadvantage in the real estate market."<sup>12</sup> The criteria used to establish priorities are as follows:<sup>13</sup>

- 1) AESTHETICS: natural features that are pleasing to the senses;
- 2) AVAILABILITY: degree of resistance to acquisition;
- 3) LOCATION: geographical position in regard to contiguity to other Open Space Lands and relevance to urban shaping;
- 4) NEED for IMMEDIATE ACTION: imminence of permanent unavailability;
- 5) USE POTENTIAL: ability of the land to be used for passive recreational use and
- 6) PROTECTION and PRESERVATION of the unique features of the natural environment.

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<sup>12</sup> Ibid., p. 6.

<sup>13</sup> Boulder's Open Space Plan, Boulder, CO (City of Boulder, CO: May, 1980), p. 5.

### 3.3 GOALS FOR LONG RANGE USER NEEDS

Goals pertinent to the long range needs of the community and sound environmental management should address issues relating to the relative permanency and irrevocability of urban development. With this in mind, goals appropriate to these ends should stress resource protection/development, guidance of urban form and the desirability of preserving natural amenities. Specific examples of such goals have been selected from several open space plans and are listed below:

Goals from the  
OPEN SPACE PLAN for LOS ANGELES  
Los Angeles, CA, 1973:

- \* To insure the preservation and conservation of sufficient open space to serve the recreational, environmental, health and safety need of the City.
- \* To conserve unique natural features, scenic areas, cultural and appropriate historical monuments for the benefit of the public.
- \* To provide an open space system which provides identity, form and a visual framework to the City.
- \* To conserve and/or preserve those open space areas containing the City's environmental resources including air and water.
- \* To provide access, where appropriate, to open space lands.

PURPOSES and FUNCTIONS  
of OPEN SPACE  
from

Boulder's Open Space Plan, 1980

- \* Preservation of natural areas characterised by:
  - a) unusual terrain;
  - b) unusual flora or fauna;
  - c) unique geologic formations;
  - d) water resources;
  - e) scenic areas and/or vistas;

- f) wildlife habitat or fragile ecosystems.
- \* Preservation of Open Space for passive recreational use: hiking, bicycling, horseback riding, nature studies and fishing, if specifically designated.
- \* Preservation of Agricultural Uses and Areas.
- \* Preservation of Open Space Lands for future land use needs.
- \* Utilization of Open Space Lands for Shaping and Development of the City, limiting urban sprawl and disciplining Growth.
- \* Utilization of Open Space Lands for Spacial Definition of urban areas.
- \* Utilization of Open Space Lands to Prevent Encroachment on Flood Plains.
- \* Utilization of Open Space Lands to Encourage more Intensive Use of urban areas.
- \* Utilization of Open Space Lands for Retention of Aesthetic and Recreational Value of open land in Proximity to and within the City.
- \* Utilization of Open Space Lands to obtain a Balance and Harmony of open space and Physical Development for the human benefit.

These goals and functions of open space may appear extensive and potentially constraining. Quite often, these goals are served concurrently by a limited total acreage of open space lands. While it is the author's desire to encourage reservation and protection of the greatest amount of land possible, "the urban reality" and the psychology of land ownership and property rights are also recognized.

### 3.4 GOALS FOR SHORT RANGE USER NEEDS

Short range goals should address the user needs associated with:

- a) the changing age distribution within the neighborhood;
- b) the immediate need for open space lands, uses and activities;
- c) the need to provide the community with visible results of the planning efforts and
- d) municipal land banking.

A major source of controversy in open space planning (and planning in general) is the effect of time on a given decision. This can become a significant issue where age is a major factor in a given activity. Many of the structured open space activities, i.e., biking, jogging, swimming and tennis, are youth oriented.

It would be unreasonable to propose a major playground or other youth oriented open space project in an area where the median age is rising and the number of school age children is declining. It should be logical to assume (although not impossible, based on the technology available) that a person should not have to travel (i.e., by car, bus, etc.) to participate in a pedestrian oriented open space activity. Neither can a neighborhood with a large youth population gain any comfort from the knowledge that a new park will be built to serve the area, in two, three or five years hence.

Thus, timing and location go hand in hand, but the budget and land reserve also play major roles in project

timing. If there is no reserve fund or "banked properties", emergency situations may occur, where immediacy of action and visibility of the planning efforts is urgent. In such cases, prime properties could conceivably be lost to development.

Equally important as the need for emergency funds is the need for a reserve of viable open space properties. This reservation of properties is known as land banking and simply stated, is the acquisition and reservation of "surplus" properties that can be used at a future date for open space activities. Alternatively, these lands can be used as leverage to obtain other, more desirable properties.



## Chapter IV

### POLICY FOR ACQUISITION AND USE OF OPEN SPACE

#### 4.1 POLICY DEVELOPMENT FOR LAND ACQUISITION

Ideally, an open space commission with its own budget, funded by taxes (i.e., sales, property or water/sewer taxes or surcharges) which has a relatively free hand in land acquisition and for incurring debt, will be the most effective means for implementing open space plans. Acquisition policy for open space land should correspond to the local capital improvement plan, usually a six year time frame. This will allow planning decisions and budget allocations to be made in a manner more conducive to goal attainment and not simply on a cash flow/economic return basis. Regardless of the administrative structure, the open space plan and comprehensive plan revisions should occur regularly every five or six years. The plan should be reviewed annually prior to drafting the new capital improvement plan. This strategy should allow sufficient time to anticipate budget requirements for the open space plan.

#### 4.2 LANDS FOR RESERVATION FROM FUTURE DEVELOPMENT

Those lands which have intrinsic characteristics suited to meeting long term user needs should be seriously considered for removal from any category which may allow future development. Such lands will serve either basic open space uses, i.e., resource protection, or will have the capability of fulfilling several open space functions concurrently, i.e., recreation, habitat development and protection of a unique/significant geophysical feature. These uses are outlined below:

- a) PROTECTION from NATURAL HAZARDS:  
steep slopes, faults, sink holes and erosive soils.
- b) RESOURCE PROTECTION:  
prime agricultural lands, aquifers, aquifer recharge areas, bodies of water, flood plains, productive habitat and wet lands.
- c) RECREATION:  
passive and active.
- d) PRESERVATION of AMENITY:  
areas of cultural or natural significance.
- e) GUIDANCE of URBAN DEVELOPMENT:  
provision of an open space system to insure protection of those resources listed above and to provide better access to areas by pedestrians and bicyclists.
- f) MAINTAIN a DEVELOPMENT STATUS QUO:  
to hold certain properties in an undeveloped status until an appropriate use can be identified.

Some important policy issues to be considered (assuming fee simple acquisition, via purchase, condemnation, etc.) include:

##### I) FUNCTIONAL CONCERNS

- a) Does the land under consideration truly serve the intended purpose?

- b) Is acquisition "critical" or only "desireable"?
  - 1) If not critical, can it be used as "leverage" to acquire a critical parcel(s)?
  - 2) If not critical, can it significantly improve the quality of the open space system or nearby properties as they now exist?
- c) Will the land meet a basic, i.e., single open space need, or will it serve multiple uses concurrently?
  - 1) If it provides only a basic use, will other lands better fulfill user needs?
- d) Is the land being considered sufficient to meet the functional needs without additional land acquisition?
  - 1) If not, can that portion of the requirements fulfilled justify acquisition of the parcel?

#### II) LEGAL CONCERNS

- a) Does the land serve the intended purpose?
- b) Is there a possibility that claims of "taking without compensation" may arise?
  - 1) If so, can conditional zoning, use of easements, or other police power be used?
  - 2) Can the decision be justified?
- c) Will excess condemnation be an issue?

#### III) ECONOMIC CONCERNS

- a) Is fee simple title required?
- b) Have funds been appropriated for this specific parcel?
  - 1) If not, will acquisition jeopardize future, possibly more urgent needs?
- c) Have private speculative forces unduly increased acquisition costs?

### 4.3 LANDS FOR TRANSIENT (INTERIM) OPEN SPACE USE

Use of transient open space lands can fulfill a number of user needs and make otherwise underutilized (or unused) acreage more productive. Depending on the zoning and various permit systems utilized by the individual municipality, criteria for the identification of these lands can be rela-

tively easy or very complex. Generally, a comparison of zoning and existing land use maps, cross-referenced to recent building permits issued, will aid in identification of those lands slated for immediate development. Of the lands remaining after the completion of this screening process, parcels can be identified that should be considered in terms of uses appropriate to the transient status of these parcels.

Lands in this category include:

- a) lands with an uncertain future,
- b) lands with a future not devoted to open space use and
- c) underused lands regardless of future use.

While the short range goals and needs for open space lands may be effectively served by lands designated as transient open space use, policy and goals for such lands must address the unstable situation inherent to these lands. The maximum time frame for transient land use and planning probably should not exceed 2 years. As a result of economic conditions or erroneous growth projections, lands identified as available for transient status use may, in fact, become permanently available for open space use. Such occurrences are rare and should not be seriously be considered as a viable basis for policy decisions. This is particularly true for lands located within rapid growth areas and/or locations with high property values.

The "vacant" lot (lots) in a thriving neighborhood or commercial area cannot be considered as being anything but temporarily vacant. It may be argued that administration of such parcels may not justify attempts for utilization as transient open space use, however, in most cases, urban gardening programs, for example, require only identification of available parcels and permission from the respective owners. If insurance risk is a problem, plowing and tilling could be done by the owner or municipality for a nominal fee, thus removing most of the risk involved.

#### 4.4 LANDS FOR REVERSION TO OPEN SPACE USE

In many instances, particularly in cities with declining populations, land uses and/or structures may become obsolete or fall into a state of disrepair. In these cases, there are two overriding concerns: a) that of potentially squandering a scarce commodity, and b) that of protection of the public health and safety. It is the author's opinion that there exists a sense of urgency on the part of society to find new and productive uses for such parcels.

Obsolescence in many inner city locations seems to occur in "scattered concentrations", rather than being an isolated phenomenon. Where these areas occur, there exists an excellent opportunity for developing a system of linked open

spaces that can fulfill a number of long and short range user needs. Methods to achieve these ends are dependent on the ownership and financial status of the individual properties. Generally, lands suited to reversion to open space uses are in arrears to the municipality for assessed property taxes or are not providing an economic return that is satisfactory to the owner. Criteria for evaluating the potential use and acquisition of these lands are discussed below and strategies for land acquisition in each of these situations are discussed in detail in Chapter Five.

#### 4.4.1 Tax Delinquent Properties

Where tax delinquency occurs, there are several means for fee simple title acquisition.<sup>14</sup> The methods normally used to acquire title or initiate title acquisition procedures include:

- a) receivership,
- b) municipal tax sales,
- c) hazardous building laws,
- d) abatement of nuisance laws and
- e) tax foreclosure.

None of these methods, however, are straight-forward or swift in application. All generally involve abandonment, implied abandonment or tax delinquency on the part of the

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<sup>14</sup> Burchell, Robert W., The Adaptive Reuse Handbook (Piscataway, NJ: The Center for Urban Policy Research, 1981), Section II Property Control.

(fee simple) owner and title or partial title acquisition by a third party, with perfection of the fee simple title as the usual goal.

#### 4.4.1.1 Receivership

This is an interim "holding" technique, generally applied to a structure that is in a state of disrepair that has been determined to be a safety or health violation of applicable local codes. An order is issued by the appropriate governing body, to the owner or lien holder for immediate remedy of the violation. If this order is ignored or is not fulfilled the tenants and/or the municipality (depending on the local statutes) may petition the appropriate court to begin receivership proceedings against the owner/lien holder.

Once receivership has been established, the economic viability of the structure is evaluated. If repairs are feasible, a detailed accounting summary of all expenses and income is made for the property. In the event that the owner desires to remove the property from receivership status, all interim expenses and taxes incurred are assigned in the form of a lien on the title, which must be paid before the owner regains clear title.

Occassionally, a property may have violations or be in a state of disrepair warranting demolition and removal. Due

to the severity and permanency of such actions, demolition is undertaken only when all requirements of due process have been met. In either case, (repair or demolition) all costs are the responsibility of the owner and title liens are assigned where repayment is not made. If repayment is not made, the lien holder can initiate the appropriate steps for title perfection, with the intent of acquiring the title in fee simple.

Receivership can directly aid open space planning efforts by allowing the municipality or concerned citizens to gain interim control of failing properties. The H.U.D. National Abandonment Survey of 1978<sup>15</sup> indicated that areas with high abandonment rates have typically experienced a sharp population decline and show a general deterioration of rental properties. Structural deterioration is the usual cause for beginning receivership proceedings and may be an early sign of property abandonment.

The deterioration of living conditions combined with the typical crowding of structures on narrow urban lots is an excellent basis for urban open space planning. Such planning can result in an improved quality of life and a slowing or reversal of "the urban exodus". Where direct reversion to open space is not feasible, consolidation and re-

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<sup>15</sup> Burchell, p. 322.



location of specific uses may serve to free other parcels for such use.

#### 4.4.1.2 The Municipal Tax Sale

The tax sale is actually the initial procedural action for acquisition of the distressed property, culminating in foreclosure and title perfection. Tax delinquency generally occurs as a result of the determination on the part of the owner (who may or may not be financially able) that the possible penalty for failure to pay the tax is worth the risks involved by non-payment. In such cases, the property is often in a state of significant disrepair, provides a low economic return and may indicate an initial stage of abandonment on the part of the owner. The other major reason for tax delinquency is due to financial hardship and the inability on the part of the owner to pay the tax.<sup>16</sup>

Given that a property is in arrears for several tax periods, a third party may purchase an interest in the property equal to the amount of the delinquent taxes owed. This interest constitutes a lien on the title that the owner will have an opportunity to redeem, over a specified period of time, called the redemption period, i.e., the next step to title perfection. If the owner so chooses, the taxes, in-

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<sup>16</sup> Ibid., p. 142.

terest and associated costs can be paid, redeeming the property, thus returning full title to the owner. If if the opportunity is not taken, the lien holder can then begin foreclosure and title perfection.

#### 4.4.2 Adaptive Reuse of Properties

Adaptive reuse of structures and properties serves \* purposes in open space planning:

- a) it allows consolidation of existing or proposed land uses that can be served by existing facilities;
- b) it allows an opportunity for the collective rehabilitation of larger areas, producing a greater sense of community through urban design and
- c) it allows uses to be concentrated in smaller, more accessible areas, providing an opportunity for open space to be developed in closer proximity to the potential users.

## Chapter V

### PLAN IMPLEMENTATION STRATEGIES

#### 5.1 STRATEGIES FOR PROPERTY ACQUISITION

Strategies for acquisition of open space lands normally takes one of three forms:

- a) purchase of the fee simple title,
- b) by maintaining control of certain property rights and
- c) by using the police powers (zoning) as specified by the local codes.

Maintaining permanent open space uses can only be assured by municipal ownership of the respective lands. This, however, may not always be possible and it may actually be more feasible to have another party control certain rights associated with a given parcel.

Municipal purchase of the fee simple title precludes any tax revenues being generated by a given parcel. This is the major area of concern in community acceptance of open space planning and land acquisition. Fiscal problems may arise when losses of tax ratable properties undermine the municipal revenues, and in some localities, municipal land purchases, private land philanthropy and tax credits (to be discussed in a following section) may result in extreme controversy.

As in all capital expenditures, open space acquisition is dependent on: budget limitations, administrative approval and the economic climate. Land speculation and loss of tax ratable acreage may unduly add to the financial constraints, making fee simple purchase impossible or undesirable. Thus, less traditional means for acquiring open space is urgently needed and will be discussed in terms of design concepts, the police power, alternative use of existing facilities and alternative strategies for property acquisition.

#### 5.1.1 Design Concepts

##### 5.1.1.1 Cluster Zoning and Planned Unit Development

Although cluster zoning is actually an application of the police power, its flexibility and physical manifestation is more appropriately considered as a design concept. According to Jerome G. Rose, Cluster Zoning is a term that is used to describe zoning ordinance provisions that permit the reduction in minimum lot size under circumstances that assure that the amount of land reduced from the minimum size of each lot in the development will be aggregated and set aside within the development as open space for recreational, conservation, or other historic or scenic purposes. Cluster zoning provisions may be used to achieve a number of purposes:

- 1) to lower the per lot cost of streets and utilities;
- 2) to reduce the total length of streets, thereby

lowering the municipality's costs of service and maintenance;

- 3) to encourage the separation of vehicular and pedestrian traffic;
- 4) to provide for recreational facilities near the housing units and
- 5) to preserve the natural ecological features of the community".<sup>17</sup>

Planned unit development (PUD) zoning (and occasionally planned development residential, PDR) is (are) related to cluster development in that it supports several land use categories and variable site densities. This allows the land owner to maximize development potential, as well as the open space capabilities of a given site without added capital expenditures.

#### 5.1.1.2 Street Rehabilitation

In many older urban areas there are streets, that for various reasons, do not carry their vehicular design capacity. In these locations, some of the problems can be attributed to changes in the composition of the inner city population and the outmigration of younger age groups. Another cause may be the result of a series of voluntary and involuntary decisions on the part of the municipality and the property owners, resulting in the fragmentation of the neighborhood structure and deterioration of its physical appearance.

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<sup>17</sup> Rose, Jerome G., Legal Foundations of Land Use Planning (Center for Urban Policy Research, New Brunswick, NJ: 1979), p. 176.

The urban street has long been used by the citizens (particularly the youth) as a focal point, providing various open space activities. Stick ball, block parties and open fire hydrants have helped to pass many hours of potentially harmful idle time of the nation's youth.

Since many people currently view the street as a community area, what better place to begin a neighborhood area strategy plan for community revitalization than with the redesign of underutilized streets? The mall/closed street approach is an excellent means to initiate an urban (re)design project. Unfortunately, some community leaders and planners view such proposals as being passe' and in the long run, potentially detrimental to the community. Granted the decision leading to a street closing should be made with great care, but should not be based on the failure of a few poorly conceived designs.

The Dutch have taken a middle ground regarding low volume streets, in that a design known as a "woonerf"<sup>18</sup> allows passage of vehicles but encourages a high degree of street mall type of activities to coexist. The woonerf is actually a low capacity street, often with a serpentine design and offers parking and easy access to the pedestrian oriented activities.

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<sup>18</sup> The Design Council, Streets Ahead (New York, NY: Whitney Library of Design, 1970), pp. 68-70.

The Dutch place a high importance on the role the woon-  
erf plays in the overall design of the surrounding communi-  
ty. This design is often a success due to the complexity of  
the activities, pavements, planting and site fixtures. An  
important consideration for the success of this concept is  
the willingness of the merchants and the residents to inter-  
act as "community business enterprises" and not with a  
"faceless corporate" attitude.

#### 5.1.1.3 Alley Rehabilitation

Grady Clay, (editor, Landscape Architecture Magazine)  
has written a critical review of alleys and the accessory  
lots and structures peculiar to alleys in Louisville, Ken-  
tucky and many of the older cities in the U.S. His work,  
entitled, Alleys: A Hidden Resource <sup>19</sup> is a summary of vari-  
ous studies funded by the National Endowment for the Arts,  
the Community Development Cabinet of the City of Louisville,  
the Louisville Community Design Center and various neighbor-  
hood associations.

Two neighborhood strategies presented include: alley  
closure and consolidation of properties. Both allow a var-  
iety of design possibilities, ranging from "neighborhood  
commons" to community business/commercial zones and public

<sup>19</sup> Clay, Grady, Alleys: A Hidden Resource (Louisville, KY:  
Grady Clay and Co., 1978).

housing. Many of the alley spaces provide excellent opportunities for neighborhood revitalization and not simply parcel by parcel redevelopment of deteriorating areas.

#### 5.1.2 The Police Power

Care must be exercised when attempting to use the police power (zoning regulations) for the purpose of protecting certain lands and reserving them for open space use. There is always the danger of turning the police power into a taking of land without compensation or as an improper application of the power of eminent domain.

Ironically, there is a widely divergent opinion on the best use of the police power to maintain some desired balance between the level of development and open space. One extreme view advocates large lot zoning, while other more "radical" factions stress flood plain zoning, agricultural and forestal districts and cluster zoning. It is the author's opinion that the only inappropriate legal device is the idea of large lot zoning. This use of the police power is often argued as being highly discriminatory to lower income groups, tends to waste prime agricultural and developable land and promotes urban sprawl.



#### 5.1.2.1 Subdivision Regulations

Subdivision regulations are an application of the police power that enables the municipality to obtain concessions from the developer which results in land dedication or payments for supporting community facilities. This would include: street dedication, storm water retention, open space and often school and park facilities.

Unlike cluster or PUD zoning, there is usually a minimum of total space available for development and only one land use (single family residential). Thus, there is little design flexibility to allow density credits or reductions in overall lot size for provision of open space. As a result of these circumstances, the legality of such controls has been at issue quite frequently.

Care must be used in the application of this land use control to insure that a reasonable degree of the public interest has been considered. Although payments and dedication of lands may not be used exclusively for the benefit of a given subdivision, (*Associated Home Builders v. the City of Walnut Creek, CA, 1971*). Such development may increase the need for recreation facilities to such an extent that additional lands may be required.<sup>20</sup>

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<sup>20</sup> *Associated Home Builders v. the City of Walnut Creek*, 4 Cal. 3rd 633, pp. 639-40.

#### 5.1.2.2 Agricultural and Forestal Districts

This land use designation allows the protection of prime agricultural and productive forest lands from development in that the land is taxed at its use value rather than the market value. This is accomplished by providing tax credits for lands in agricultural districts (of some specified minimum acreage) that are also suited to urban development. The land owner may elect to proceed with development plans at a later date, but as a penalty, will be responsible for several years of back taxes, to be repaid with a penalty.

There is usually a provision for limited development of supporting facilities and structures (i.e., a single family residence on a lot greater than an acre in size and barns or sheds required for the agricultural operation). Finally, the designation is usually broad enough to encompass logging and reforestation of woodlots and tree plantations of a certain acreage or productive capacity.

#### 5.1.2.3 Transfer of Development Rights

The transfer of development rights (TDR) is an application of the police power which allows the ownership rights to be separated from the development rights of a given parcel. In areas designated appropriate to TDR zoning, the in-

dividual parcels of land are assigned a certain number of development right units (according to a point-permit system used by the zoning commission), based on the development potential. Sale of these rights can occur within these districts and those lands that have been assigned the additional development rights, can then increase the level of development density.

TDR allows landowners to maintain properties in an undeveloped status (for potential open space use) without being penalized by the tax system. Care must be used when TDR is being considered for use, in that the net result to the community is to maintain a stable tax base and retains a reasonable gross land use density overall, but in effect, significantly alters the densities in the areas where TDR is applied.

Thus, TDR is similar to incentive and cluster zoning, in that the owner who sells his rights is given a "bonus" (i.e., tax relief and profit from the sale of the rights) for maintaining land in an undeveloped state. The purchaser is allowed to increase site density as a result of buying the the development rights. This also results in increased taxes, in an amount approximately equal to the reduction in taxes enjoyed by sale of the development rights.

#### 5.1.2.4 Flood Plain Zoning

In localities where construction within flood plains is an issue, there is an urgent need to to evaluate flood plain limitations and potential uses. There are a number of individuals who view flood plain zoning as an infringement on the constitutional rights of the property owner. Aside from the legal aspects of flood plain regulation, is the reality that lands adjacent to bodies of water may be subject to periodic flooding. It is the responsibility of the zoning authority to identify and rate the potential hazard associated with development of a given flood plain. This rating should reflect the expertise of the Army Corps of Engineers or the Soil Conservation Service, and should represent the municipality's willingness to accept responsibility for the public health and safety for allowing flood plain development.

Based on these assumptions, areas that are prone to flooding have inherent limitations, whether the danger occurs with every storm or if it has a 1 in 50 chance of occurring with any given storm. These limitations may relate to long or short term damages as a result of contamination by flood waters or due to physical damages to property caused by the force of the water or flood borne debris.

The courts should be fully aware of the potential hazards that exist when considering the property owner who desires to maintain activities in flood plains, that may endanger the general public. Ideally, all flood plain uses should be reviewed by the municipality; this would allow each land owner the opportunity of defending the intended use and avoid accusations of loss of property rights or value. In cases where loss of revenue or value is an issue, it is the responsibility of the community to share those expenses associated with forfeiting an opportunity. It is unreasonable to require that the individual property to provide a community service at his own expense.

If the property owner insists that he is being deprived of the economic value he is "entitled" to, the municipality should point out the benefits associated with providing the land as open space. Land philanthropy or donation, tax incentives and easement dedication may be arranged with the owner maintaining use and access, but such that costs to the owner are minimal or nonexistent.

### 5.1.3 Alternative Use of Existing Facilities

In many localities there is an abundance of lands such as cemeteries, golf courses, industrial park "open space" and utility right-of-ways, that often as not, fail to pro-

vide open space activities commensurate with their potential. While open space should protect geophysical processes and aesthetic amenities, it should also provide direct economic returns if at all possible. In the case of golf courses and cemeteries, however, with the exception of recreation for the middle and upper class provided by golf courses, economic return is the significant source of benefit derived. These uses tie up significant acreage of (often prime) urban land for questionable returns to the general public. Multiple use, higher intensity of site utilization or relocation could make such lands more productive to the entire community and not just for those members who can afford to participate or who own the facility.

#### 5.1.3.1 Cemeteries

In the case of cemeteries, there have been periods in history and in culture when picnicking and other passive recreational activities have occurred in conjunction with visits to honor the deceased. Another possibility would be to return to the medieval practice of locating cemeteries on church property (or in this case, churches on cemetery lands).

Other more radical ideas may involve changes in social and cultural norms. Some possibilities would include: uti-

lizing cemetery land as crop or forest lands, require that grave sites provide for multiple burials, use as horticultural/botanical gardens (Mt. Auburn Cemetery, Cambridge, MA) or allow only memorial park cemeteries.

While most localities have strict regulations for relocation and right-of-way acquisition concerning cemetery lands, other areas, such as Hartford, Connecticut and Pulaski, Tennessee, tried several progressive and imaginative ideas for adaptive re-use of abandoned cemeteries.<sup>21</sup> Hartford has allowed redevelopment of Ancient Cemetery (.75 acre in the heart of the downtown business district) into a historic park, used by the businessmen, shoppers and students for lunch, reading and other afternoon activities. Pulaski was granted an urban demonstration grant by H.U.D. in 1967, to redevelop a cemetery into urban parkland. The project involved the consolidation of the flat headstones into "memorial walls" that meandered along nature trails. The more "picturesque", three dimensional monuments became visual elements and focal points, dispersed throughout numerous botanical gardens.

Many cemeteries amount to little more than "tract housing" for the dead and consume vast acreage of prime developable land. If living insist on immortalizing the dead,

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<sup>21</sup> Little, Charles E. and John G. Mitchell, Space for Survival (New York, NY: Pocket Books, 1971), pp. 201-203.

proposals such as those in Hartford, CT and Pulaski, TN should be considered. These projects not only reflect aesthetically pleasing solutions, but also show sound planning of urban land for multiple uses and are in much better taste than the typical cemetery.

#### 5.1.3.2 Golf Courses

Golf courses could conceivably produce pole timber, orchard products, provide for stormwater retention and winter sports activities, in addition to providing golf as a primary activity.

#### 5.1.3.3 Industrial Park Open Space

Some municipalities have zoning classifications which allow clustering of industrial and office uses, industrial park or industrial/office park, similar to residential cluster zoning. These industrial parks typically benefit from such zoning in that increased site densities are allowed when a specific amount of "open space" is set aside. This allows the owners to reduce the amount of infrastructure (i.e., a direct cost reduction to the developer) required to service a given amount of facilities.

Unfortunately, the so called park or open space functions are too often neglected, the land has been cleared of



all natural vegetation and is maintained as a lawn. In such cases, the land has no function and is actually an added cost, in that the grass must be cut, periodically cleared of debris and is often fertilized and watered. Rather than maintaining "wasted" land, such spaces have potential for providing the park residents with a corporate image that indicates a concern for the environment, the employee and the community.

These spaces can be improved to increase productivity, boost employee morale and enhance the work environment. Small corporate golf courses, employee recreation (exercise trails, softball, swimming and track facilities) and open air dining areas are a few possibilities for making industrial park open space a useful resource and more than a formality for compliance with the zoning ordinance.

#### 5.1.3.4 Utility Right-of-Ways

The utility right-of-way (ROW), the bane of all within view, loathed by all whose property it encroaches and criticized by anti-utility groups as being a public hazard, all are typical reactions that come to mind by the mere thought of the word or acronym for this land use. With the proliferation of highways, pipelines, powerlines and sewers, many miles of linear, seemingly endless swaths of land are consumed for a single (albeit urgent) land use.

The typical ROW has a high acquisition and operation budget, with perennial maintenance costs for clearance and enclosure (security). Ironically, many ROW's have access or service roads that are used for maintenance purposes, but are often closed to public access. Costs could be lowered and better use of this land is possible in many cases by application of one of the following strategies:

- a) primary functions coupled with open space uses,
- b) multiple primary functions,
- c) ROW abandonment as a result of reduced need for the facility and
- d) improved technology reducing the need for ROW lands.

It should be obvious that the first three alternatives are within the realm of open space planning (with the third being a somewhat rare occurrence) and the fourth being the ideal situation that much of the public and industry only dreams about.

Many areas have developed bikeways and hiking trails in conjunction with powerline and R.R. ROW's, but few have explored any possibilities beyond these two of the more common uses. Louisville, Kentucky has shared a portion of the ROW for Interstate 64 for a bikeway. Although this is only an experiment in the use of mixed ROW activities, many groups have expressed an interest in doubling up of such uses.

Many people feel that the railroads (in the west in particular), owe the American public a great deal as a re-

sult of their "robber baron" tactics used for land acquisition during the late 1800's. In the old R.R. centers of El Paso and Denver, are many miles of abandoned ROW which can be used to develop a cross country system of bike and foot rails. These miles of roadbed, with broad curves, low gradients and gravel base, are well suited to such uses. Chicago area Forest Preserve districts have reclaimed or shared many miles of utility and railroad alignments. These include: the Chicago, Aurora and Elgin Electric Railway (the Prairie Path) and the North Shore and Milwaukee Electric Railroad (the Green Bay Path).<sup>22</sup>

ROW lands provide access for the physical infrastructure required by society and in large metropolitan areas, there is potential for sharing many of these sites with several uses. This is done on a small scale in residential areas with street easements and ROW's. These combined uses provide gas, water, sewer, telephone and electricity to the user, but in this situation, the service mains are at a small scale. Additionally, the service requirements and volume of customers are such that a single ROW is the only feasible means to provide such service.

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<sup>22</sup> Little, Space for Survival, pp. 179-189.

Where compatibility of uses is not a problem, many acres of otherwise productive land could be saved by "doubling up" of primary functions within a single ROW. This would provide many acres of land to be available for open space and other land uses.

#### 5.1.3.5 Parking Facilities

Unlike buses and delivery vehicles, the automobile has one primary purpose, to travel from point A to point B. At (or near) each terminus is the ever present and indispensable parking lot, usually containing few unused and convenient parking spaces.

Often, in the sophistication of the metropolis, a phenomenon known to the traffic engineer as "the mixed-mode passenger trip" occurs. This is when a given transportation user travels by one mode (often the automobile or bicycle), and engages a second mode of transportation (bus, rail, car pool, etc.) to complete the trip. The secondary mode of transportation is usually situated in a centralized location (or locations) which has a large capacity for storage of primary travel vehicles. This is where open space planning plays an important role.

The parking facilities for a mixed-mode transit system are usually sited on one or more of several locations:

- a) at ground level, on vast expanses of open spaces,
- b) in multi-story structures, often near secondary

(commercial) market areas or  
c) on some combination of these alternatives.

The peak load periods for these facilities is usually Monday through Friday, 7 a.m. to 6 p.m. and generally has an inverse relationship to the peak periods for most religious institutions, i.e., churches, synagogues and temples. Since transit facilities are located in urban areas, it is logical to assume that a few religious institutions will be located in some of the same areas, most likely with some parking facilities.

There appears to be no significant reason why properly managed parking facilities could not serve the needs of both the transit users and the religious institutions. Consolidation of these facilities can conceivably reduce the capital outlay required for new facilities. Any costs associated with improvements needed to to accomodate transit vehicles could be deducted from the overall savings resulting from use of this alternative.

## 5.2 ALTERNATIVE STRATEGIES FOR OPEN SPACE ACQUISTION

For the purpose of this study, strategies for property acquisition and funding will be discussed as a single concern. The ends are the same (acquisition of open space lands) and in many cases the means are highly interrelated.

Numerous innovative as well as traditional funding techniques are available to the open space planner. Among these are:

- a) land philanthropy, gifts and donation of property;
- b) tax deferral and tax credits;
- c) purchase and leaseback;
- \*d) special use districts (agricultural and open space);
- \*e) transfer of development rights (TDR);
- \*f) use of zoning (cluster, flood plain, agricultural districts, open space and subdivision regulations);
- \*g) easement/ROW;
- h) various purchase strategies (i.e., bonds, matching grants).

\* (indicates that these strategies have been discussed in previous sections).

#### 5.2.1 Land Philanthropy

Grants of lands to local governments are often viewed as: (a) the ideal means for acquiring fee simple title at no cost or (b) a fiscal headache which may result in undermining the local tax base. Unfortunately, land philanthropy, or any device resulting in the loss of tax ratable acreage is sure to attract criticism from the economic planner and the general public. Some localities have strict codes defining the terms of land donation, often resulting in a complex system which discourages philanthropic gestures.

In the author's opinion, land grants and donations can only benefit the municipality. With property in hand, only a slight amount of imagination on the part of the planner is

needed to forgo lost tax revenue or to find supplemental revenues to cover any deficit. Land philanthropy can be combined with many other control and acquisition devices to produce very effective results in terms of revenue and open space acquisition.

### 5.2.2 Adaptive Reuse of Properties

Occasionally a property and/or structure will outlive its usefulness or become less than marginally productive. In these cases, reevaluation of the properties and the intrinsic site characteristics may provide insight to potential reuse of such parcels. Suggested revitalization goals are:<sup>23</sup>

- a) residential/nonresidential conversion,
- b) augmentation of municipal services and facilities,
- c) transportation system improvements,
- d) neighborhood parking improvement,
- e) augmentation of recreation facilities,
- f) annexation of interior lots and
- g) municipal land banking.

#### 5.2.2.1 Residential/Nonresidential Conversion

These options have indirect open space applications in that other lands can potentially be saved from development if conversion of existing facilities can meet the demand for such structures. Reuse of these facilities can provide many

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<sup>23</sup> Burchell, p. 333.

community benefits and help to alter the sour taste left by HUD's Urban Renewal projects of the 60's and 70's. Some of these projects may even prove to be candidates for potential renovation and reuse.

Retro-fit of several contiguous parcels or entire blocks can provide the ability to consolidate spaces and uses for "urban office parks", neighborhood malls or commercial zones and moderate density housing with concentrated areas of useful open space. Urban mini-PUDs or PDERs can thus be carved out of once declining neighborhoods, providing a multitude of aesthetic, economic, environmental and community benefits.

#### 5.2.2.2 Augmentation of Municipal Facilities and Transportation Systems

Where needed, augmentation of municipal facilities and the transportation system, using adaptive reuse strategies, can offer indirect means to facilitate provision of open space. Parking, street realignments, siting of decentralized services (power distribution, police and fire substations) should all be considered as potential retro-fit uses for declining urban properties. Capital expenditures can be reduced and sites better suited to open space use can thus be saved from immediate development.



The planner should use care in the means used to identify and solicit information regarding these sites. Private and commercial speculators will take advantage of an opportunity to artificially inflate the profit margin on properties with redevelopment potential. Phenomenal private profits could be realized if a municipality were to show a sudden interest in marginal or derelict properties and the owners produce "proposed redevelopment plans" in hopes of increasing the condemnation value.

#### 5.2.2.3 Augmentation of Recreation Facilities

Where appropriate, reuse of structures and lots can significantly improve the municipal recreation system. Besides providing a conceptual interconnection (providing the "missing links") to an open space system, these same parcels can provide neighborhood parks, daycare/recreation centers and other recreation uses requiring physical developments.

These facilities need not involve extensive improvements or structures and often a simple shelter or "adventure playground" (play structures built by the children using donated lumber, bricks, tires, etc.) will attract more users than elaborate play facilities. Since there is relatively little capital tied up in such facilities, and the user plays an important role in "structuring" the recreation ac-

tivity, there is a better chance for public acceptance of this type of land acquisition and use. Should the community needs change (as a result of changes in age distribution or economic situation) and since only a small amount of capital was originally invested in the facility, there is always the possibility of changes in land use.

#### 5.2.2.4 Annexation of Interior Lots

A redevelopment technique used in older, deteriorating neighborhoods is the annexation of interior lots. This allows renovation of the rear or tenant lots for community use or redevelopment into residential and neighborhood enterprise functions. In most cases this strategy allows consolidation of non-open space uses, providing an opportunity for developing a "commons" or neighborhood activity area. This is the design concept of the "super block" of the post war era.

#### 5.2.2.5 Municipal Land Banking

Municipal land banking is a strategy for holding surplus properties for future use. This stockpile of lands is maintained for several reasons, but is usually a result of abandonment or tax default, a last minute attempt to save a parcel from development or as a long range strategy for developing a linked open space system.

The properties themselves can be used for open space purposes at a later date, held until a suitable development plan can be established or used as leverage for acquiring other, more desirable properties. A report developed by the National Commission on Urban Problems summarizes the purposes of land banking:

- a) assure continued availability of sites needed for future development;
- b) to control timing, locality, type and scale of development;
- c) to prevent urban sprawl and
- d) reserving to the public gains in land value.<sup>24</sup>

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<sup>24</sup> National Commission on Urban Problems, Building the American City (U.S. Government Printing Office, Washington, D.C. 1968).

## Chapter VI

### CONCLUSIONS AND RECOMMENDATIONS

#### 6.1 THE STUDY

Open space planning occurs within a framework of municipal organization and active community involvement. Prior to the actual planning process, several organizational requirements should be met and an administrative task force should exist. The community should be committed, both in funding and in its desire to participate in the process.

Ideally, an open space division should be developed within local government, it should be separate from the planning commission and report directly to the mayor or manager and be funded as a distinct entity. Alternatively, a distinct open space division might exist within the planning department. The division should maintain an environmental management program and should advise the local legislative body on all environmentally significant decisions or policies. The open space division should play a major role in the selection of alternative policies and programs to be implemented. The functions and responsibilities of the division should include:

- a) soliciting statements of public needs and desires for the use and location of open space lands;
- b) developing a set of long and short range goals and policies that accurately reflect these needs;
- c) informing the public and maintaining a high degree

of visibility, particularly with those responsible for land development and the physical design of the community;

- d) developing a comprehensive open space plan that is consistent with the goals and policies of the jurisdiction's comprehensive plan and
- e) developing a review process to insure that the open space plan is kept current and that it accurately reflects the needs of the public.

The open space division should be staffed from, or maintain a close liason with three sections or offices; environmental planning, real estate management and fiscal policy/budget. Each section should have a distinct function and be directed by an expert from the respective concern.

The environmental planning section should have the responsibility for referencing user needs to open space land requirements. This section should coordinate the planning effort with the physical, economic and social divisions of the jurisdiction's planning agency. The end product of the section's efforts should be the identification of suitable open space lands and identification of criteria for the ultimate use of these lands.

Due to the exteme variation of economic value between properties, a real estate management section must exist. This section should play a major role in policy development and land in acquistion. The specific duties of the real estate section should include: a) maintenance of a property inventory, b) valuation of potential open space lands and c) initiation and coordination of the acquisition process.

The fiscal policy and budget section should serve as the funding and grant application entity. Although all of the sections described are required for a successful program to exist, the fiscal section must be considered as indispensable. Because of the high market value of most properties in or near urban areas, open space planning is largely an exercise in grantsmanship. Thus, the responsibilities of the fiscal section should include intergovernmental coordination.

The fiscal policy and budget section should consider the following sources of assistance:

- a) bureaus of fisheries and wildlife (F,S)\*;
- b) agricultural extension (F,S);
- c) environmental protection (F,S,R,L,P);
- d) mining and minerals (F,S,R,L,P);
- e) water resources (F,S,R,L,P);
- f) recreation (F,S,R,L,P);
- g) housing (F,S,R,L,P);
- h) schools/universities (S,P);
- i) industry (P) and
- j) private conservation foundations and private philanthropic interests (P).

\* (funding and planning assistance at the federal (F), state (S), regional (R), local (L) and private levels)

This list, though not exhaustive, outlines primary sources for open space funds. These agencies can also be an invaluable source for planning, programming and research assistance.

This proposal is similar to the system utilized by the Regional Forest Preserve System in northern Illinois. This

system was developed using Forest Preserve Districts as the primary planning unit. The districts provide tax revenue and special purpose users fees to provide funding for: planning, land acquisition, construction, operation and maintenance. Collectively, the system is administered by a board of forest preserve district commissioners, chaired by a president of the board and by a general superintendent.<sup>25 26</sup>

An advisory committee, whose activities are confined to policy, land acquisition and finance problems, reports directly to the general superintendent. "At the district level, there are eight departments: engineering (including landscape architecture), comptroller, maintenance and operations, forestry, conservation, legal, real estate and secretarial. Each department head has authority and responsibility for the respective departments".<sup>27</sup>

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<sup>25</sup> Board of Forest Preserve Commissioners, Parks, Forests and Recreation in the Region of Chicago featuring the District of Cook County, Illinois (Chicago, IL: Cook County Forest Preserve District, 1970).

<sup>26</sup> Board of Forest Preserve Commissioners, Revised Report of the Advisory Committee to the County of Cook (Chicago, IL: Board of Forest Preserve Commissioners, 1959).

<sup>27</sup> Ibid., p. 3.

## 6.2 SUGGESTED PLANNING PROCEDURE

In an attempt to provide a means for conducting a successful open space analysis and drafting a goal and policy statement for plan development, the author has outlined a procedure for open space planning. The suggested process was developed for general application but references to specific variations have been made where appropriate.

### 1 COORDINATE INTERGOVERNMENTAL AND PRIVATE SECTOR ACTIONS

- A) Establish jurisdictional boundaries for the planning process and scope of the final open space plan.
- B) Inventory of all programs available for planning assistance from federal, state, regional and local sources.
- C) Establish funding strategy for the planning process:
  - 1) sales tax,
  - 2) property tax,
  - 3) title transfer tax, etc.
- D) Establish public visibility
  - 1) citizens task force,
  - 2) develop a citizens participation program to prepare for solicitation of goal and policy suggestions at a later date.

### 2 ASSESS STATUS OF EXISTING OPEN SPACE LANDS

- A) Develop urban growth projections.
- B) Develop open space projections.
- C) Collect detailed land use data on open space lands:
  - 1) by parcel and zoning;
  - 2) ownership;
  - 3) detailed description of existing use;
  - 4) indication of potential conflicts between land use and zoning classification.



- D) Determine carrying capacity of undeveloped lands and for those lands that exhibit an apparent over-use or mis-use.
- E) Assess socio-economic impacts of existing uses.
- F) Make recommendations based on the impact assessment.

### 3 DEVELOP AN EXTENSIVE CITIZEN PARTICIPATION PROGRAM

- A) Set priorities for the planning program:
  - 1) by urgency;
  - 2) by desirability;
  - 3) by practicality.
- B) Develop statements of open space goals.
- C) Establish a program to identify suitable open space lands:
  - 1) based on urgency,
  - 2) based on desirability.
- D) Establish an open space acquisition policy.

### 4 EVALUATE POTENTIAL OPEN SPACE FOR BEST USE AND ACQUISITION PRIORITY

- A) Identify the best use of open space lands.
- B) Identify undesirable land uses and recommend changes in use or for acquisition.
- C) Identify appropriate strategies for open space use:
  - 1) interim
  - 2) permanent.
- D) Prioritize desirability for acquisition.

### 5 DEVELOP LONG AND SHORT RANGE OPEN SPACE PLANS

- A) Coordinate with the comprehensive plan.

6 DEFINE FISCAL POLICY FOR  
LAND ACQUISITION OR PRESERVATION

A) Develop acquisition strategy:

- 1) purchase,
- 2) donation,
- 3) foreclosure,
- 4) alternative use,
- 5) police power,
- 6) adaptive reuse and
- 7) alternative use.

B) Develop capital improvement plan.

7 COORDINATE REAL ESTATE MANAGEMENT WITH THE LAND OWNER

A) Negotiate terms.

B) Implement strategy.

8 PUBLIC REVIEW OF PLAN AND COMMUNITY NEEDS

A) Citizen participation (review).

B) Revise and update open space plan on an annual basis.

### 6.3 DESCRIPTION OF THE PLANNING PROCEDURE

#### 1 COORDINATE INTERGOVERNMENTAL AND PRIVATE SECTOR ACTIONS

Since physical resources are often distributed in a geographically extensive manner, across political and cultural boundaries, open space planning must include all levels of government and members of society. All of the sections within the open space agency must actively seek and promote contacts with as many concerned parties as possible.

For each planning element or variable, there exists at least one (and often several) agencies or concerned parties that can have a potential impact on the planning effort. The impacts can range from background data and information to planning assistance and funding assistance. Interagency coordination should be a basic concern for the environmental and fiscal/budget divisions. Contacts in all outside sources possible should exist, to aid both the information base and for potential financial assistance.

- A) Establish jurisdictional boundaries for the planning process and scope of the final open space plan.
- B) Inventory of all programs available for planning assistance from federal, state, regional and local sources.

Identification of the jurisdictional boundaries is required to establish political responsibilities and will aid in the establishment of funding sources. This phase of the planning procedure is critical in decisions affecting resource protection and other regional interests.

- C) Establish funding strategy for the planning process:
  - 1) sales tax,
  - 2) utility tax,
  - 3) property tax,
  - 4) title transfer tax,
  - 5) private gifts and
  - 6) federal and state grant programs.

Funding for open space takes two forms: that for the planning process and for capital outlays (land acquisition and site improvements). The planning process must have a constant and reliable source of funding in order for a viable program to exist. The planning budget should arise from

sources related to the cost of providing open space activities. Sources include: sales tax, property and title transfer taxes, bottle/litter tax and utility taxes.

- D) Establish public visibility
  - 1) citizens task force,
  - 2) develop a citizens participation program to prepare for solicitation of goal and policy suggestions at a later date.

Public involvement is required for a successful planning program to exist. To encourage public participation, a task force or advisory committee should be developed comprised of concerned citizens, members of special interest groups, industry and business representatives and civic groups. The responsibility of this group is to act as a liaison between the planning department and the public or respective interest group. The services of the media should be used to promote the program, present issues, highlight activities and solicit community interest.

## 2 ASSESS STATUS OF EXISTING OPEN SPACE LANDS

Growth projections for population, land use requirements, energy and water consumption and economic base should be made to forecast urban growth trends and characteristics. Typically, a best and worst case and steady state growth projections should be analyzed. For these alternatives, open space requirements (at this level, only gross requirements are needed) should be made.

- A) Develop urban growth projections.
- B) Develop open space projections.
- C) Collect detailed land use data on open space lands:
  - 1) by parcel and zoning;
  - 2) ownership;
  - 3) detailed description of use;
  - 4) indication of potential problems with existing land use and zoning classification.

In order to properly assess the impact of a given use on the land and on the region, a detailed inventory of all lands is required. The inventory should identify the specific zoning, detailed description of the use, ownership and an initial indication regarding the appropriateness of the use as applied to the land and the surrounding region.

- D) Determine carrying capacity of undeveloped lands and for those lands that exhibit an apparent over-use or mis-use.
- E) Assess socio-economic impacts of existing uses.

Ideally, the carrying capacity, or the ability to maximize site characteristics and resource utilization, should be known for each parcel with the prescribed land use. For the purpose of this study, carrying capacity is defined as "the limit of a natural system to sustain user impacts based on: (a) a given land management practice, (b) a given level of use which allows a continued level of environmental quality (from Georges Payot, in Schwarz)<sup>28</sup> If the land has been developed and the use seems to occur without apparent disruption to the natural systems or cultural norms, assessment of the carrying capacity may be an exercise in futility. Alternatively, the capacity should be determined for any undeveloped parcel or for any existing use that has obvious detrimental impacts.

- F) Make recommendations based on the impact assessment.

For undeveloped land, recommendations for use and capacity should be made, stressing the importance of protecting the natural systems and for preservation of those lands deemed appropriate. For developed lands that have harmful impacts, strategies for mitigation or removal of the use should be developed.

### 3 DEVELOP AN EXTENSIVE CITIZEN PARTICIPATION PROGRAM

The citizens task force/advisory committee (outlined in 6.3.1.D, above), should be instrumental in developing a citizens participation program that has the primary purpose of: a) developing a decision-making process and b) developing a review process. The decision-making process should consist of a minimum of four concerns: a) priority determination; b) open space goals; c) identification of lands suited to open space use and d) land acquisition policy.

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<sup>28</sup> Schwarz, Charles F., Wildland Planning Glossary, (U.S.D.A., Forest Service General Technical Report PSW 13/1976, Washington, D.C.: U.S.G.P.O., 1976), p. 40.

A) Set priorities for the planning program:

- 1) by urgency;
- 2) by desirability;
- 3) by practicality.

Establishment of a priority system is needed to categorize open space use and land acquisition policy. The goal and policy priority system should be developed using three criteria: a) those that are the most urgent (i.e., protection of land in danger of immediate development and those considered indispensable for resource protection), b) those that are desirable (i.e., represent the ideal situation) and c) those goals considered realistic or practical.

B) Develop statement of open space goals.

The open space committee must develop goals that are the result of extensive study and discussion by the community. They should reflect the needs of the entire community: i.e., the business and industry, individual land owners, developers, special interest groups, community groups, private organizations, etc. The final goal statement should be realistic and address the long and short range needs of the community.

C) Establish a program to identify suitable open space lands:

- 1) based on urgency,
- 2) based on desirability.

Accepting the theory used by the Boulder, Colorado open space committee, that open space is better described according to goals and functions, rather than by definition, a well developed goal statement is required. As with all aspects of environmental planning, it should be stressed that open space planning not only fulfills multiple needs, but depending upon the specific local characteristics (resources, hazards, social and economic character and urban form), vast differences in specific needs will exist. Simply stated, there will be problems with goals at the conceptual level v. applied solution to fulfilling a given need.

D) Establish an open space acquisition policy.

The real estate section should have primary responsibility for development of land acquisition policy, with extensive cooperation of the environmental and fiscal/funding section. The policy should reflect the priorities outlined in the planning program outlined in section 3.A above.

#### 4 EVALUATE POTENTIAL OPEN SPACE FOR BEST USE AND ACQUISITION PRIORITY

##### A) Identify the best use of open space lands.

Determination of the best use for open space is a function of the site characteristics, including: geophysical (geology, slope, soils, etc.); political/cultural (existing use, use of adjacent properties, etc.); historic (local as well as national significance); economic (recoverable resources, land value, etc.) and natural (vegetative cover, wildlife populations, etc.).

##### B) Identify inconsistent uses for potential change or for acquisition.

Based on best use and the initial assessment (regarding potential conflicts with the land use classification) made in section 2.C.4 above, a recommendation should be made concerning changes in land use status or for property acquisition.

##### C) Determine strategies for open space use:

- 1) interim
- 2) permanent.

Where a given property is best suited to development at a future date (other than open space use), but can also fulfill short range needs, an appropriate interim use should be determined. Alternatively, a long range use should be recommended and acquisition procedures begun.

##### D) Prioritize desirability for acquisition.

Decisions regarding acquisition should be made according to the following criteria: (a) relation to the long range plan; (b) urgency (i.e., is the land in an imminent danger of being lost to development, etc); (c) availability of funds and (d) the leverage potential for acquisition of other property.

## 5 DEVELOP LONG AND SHORT RANGE PLAN

At this point, it is important to assure that the open space plan is consistent with the local comprehensive plan. The general goals of each plan should not conflict, nor should the specific decisions regarding the land use zones or individual properties.

A) Coordinate with the comprehensive plan.

## 6 DEFINE FISCAL POLICY FOR ACQUISITION OR PROTECTION

The actual policies regarding property acquisition should be made by the fiscal/budget section. This section should review policies relating to: intergovernmental and private sector coordination, evaluation of potential open space for best use and acquisition and developing long and short range plans (see section 1, 4 and 5 in preceeding outline). The policies guiding these decisions should be based on the characteristics of the individual property, funding options, the urgency for immediate action and relationship of all decisions to the long range open space plans.

A) Develop acquisition strategy:

- 1) purchase,
- 2) donation,
- 3) foreclosure,
- 4) alternative use,
- 5) police power,
- 6) adaptive reuse and
- 7) alternative use.

B) Develop capital improvement plan.

The open space capital improvement plan should address the long and short range goals of the community and should have a reliable funding source to insure implementation. The projections used to develop the plan should be sensitive to the fluctuations of the real estate market and of community needs.

The open space capital improvement plan (CIP) should be funded in part by a continuous source of income (i.e., tax revenues). Where possible, user fees should play a large role in CIP funding, insuring that those who actually use



the facilities pay for the opportunity. In some cases (multiple use of open space, i.e., farming and aquifer recharge), user fees are difficult to quantify, if they may even be considered appropriate. In such cases, funds from indirect revenue sources are required: litter taxes on disposable containers, utility and public service taxes (from those which directly affect the environment by their provision, sewer, trash removal, power generation, etc.).

## 7 COORDINATE REAL ESTATE MANAGEMENT WITH THE LAND OWNER

After parcels have been identified for potential acquisition and appropriate funding strategies have been identified and approved, the real estate section can begin acquisition negotiations with the land owners. It is important that the real estate section functions with complete freedom in the acquisition process. This will assure credibility and the ability to negotiate the best terms possible at any given moment.

- A) Negotiate terms.
- B) Implement strategy.

## 8 REVIEW OF PLAN AND COMMUNITY NEEDS

A citizen review of the plan, the open space system, the goals and the current needs of the community, should occur on an annual basis. This will help to insure that the interests of all interested parties have been considered and that action has been taken to fulfill the needs as originally defined. In the event that the goals or needs change, an annual review will allow the plan to reflect these changes.

- A) Citizen participation (review).
- B) Revise and update open space plan on an annual basis.

## BIBLIOGRAPHY

- Barlowe, Raleigh, Land Resource Economics, Englewood Cliffs, NJ: Prentice-Hall, Inc, 1972.
- Burchell, Robert W., The Adaptive Reuse Handbook, Piscataway, NJ: The Center for Urban Policy Research, 1981.
- Clay, Grady, Alleys: a Hidden Resource, Louisville, KY: Grady Clay and Co., 1978.
- Curtis, Virginia, ed., Land Use and the Environment, American Society of Planning Officials and the Environmental Protection Agency, Washington, D.C.: U.S. Government Printing Office, 1973.
- Dunne, Thomas and Luna Leopold Water in Environmental Planning San Francisco, CA: Freeman & Co, 1978.
- Fabos, Julian G., Planning the Total Landscape: A Guide to Intelligent Land Use, Boulder, CO: Westview Press, 1978.
- Heckscher, August, Open Spaces: the Life of American Cities, New York, NY: Harper and Row, 1977.
- Leopold, Aldo, A Sand County Almanac, San Francisco, CA: Sierra Club and Ballantine Books, 1970.
- Little, Charles E., Challenge of the Land, New York, NY: Permagon Press, 1969.
- Little, Charles E., and John G. Mitchell, Space for Survival, New York, NY: Pocket Books, 1971.
- Lynch, Kevin, Managing the Sense of a Region, Cambridge, MA: MIT Press, 1976.
- McEvoy, James III and Thomas Dietz, ed, Handbook of Environmental Planning: the Social Consequences of Environmental Change, New York, NY: Wiley-Interscience, 1977.
- McHarg, Ian L., "Architecture in an Ecological View of the World", in AIA Journal, New York, NY: November, 1970.
- McHarg, Ian L., Design With Nature, New York, NY: Doubleday and Co., Inc., 1971.

- McKaye, Benton, From Geography to Geotechnics, Urbana, IL: University of Illinois Press, 1968.
- McKaye, Benton, New Exploration, Urbana, IL: University of Illinois Press, 1962.
- Platt, Rutherford H., Open Land in Urban Illinois: Role of the Citizen Advocate, Dekalb, IL: Northern Illinois Universtiy Press, 1971.
- Pole, Nicholas, ed., Environmental Solutions Cambridge, England: Eco Publishing, 1972.
- Rowe, P. G., et al, Principles for Local Environmental Management, Cambridge, MA: Ballinger Publishing Co., 1978.
- Saarinen, Thomas F., Environmental Planning: Perception and Behavior, Boston, MA: Houghtin, Mifflin Co., 1976.
- Smith, Edward Ellis and Durward S. Riggs, Land Use, Open Space and the Government Process, New York, NY: Praeger Publishers, 1974.
- Taylor, Lisa, ed., Urban Open Space, New York, NY: Rizzoli, International Publications, Inc., 1981.
- Wallace, David, Metropolitan Openspace and Natural Processes, Philadelphia, PA: University of PA Press, 1970.
- Whyte, William H, The Last Landscape, Garden City, NY, Doubleday, and Co., 1968.

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# PLANNING FOR METROPOLITAN OPEN SPACE

by

Peter Xavier Wimmer

## (ABSTRACT)

With a rapidly urbanizing environment, there is a serious need to assess those lands that are as yet undeveloped and to identify those lands with potential for open space use. The author has developed the framework for a metropolitan open space planning department and has suggested a procedure for evaluating open space lands.

The focus of this study is primarily metropolitan open space planning but many of the techniques are applicable to rural environs and have been noted as such. As in any planning process, success is highly dependent on the active role of the community, thus the organization of the entire process has addressed this issue. The suggested department structure and planning procedure have been organized such that there is flexibility during the development of the open space plan and during the implementation phase. This will allow decisions to be made without considerable delay and provide a higher degree of community acceptance and credibility.