CHAPTER 10. LAND USE PLANNING

With the great growth of recreation has come increasing concern over land use and land use planning. These were not problems when fewer people participated and fewer lands were developed for recreation. Now, both the public and the private sector developers, as well as the many publics, are questioning past patterns of land use.

The extent of the concern over recreational land use problems varies within several perspectives. This complicates the identification of problems and the setting of policy. What may be seen as a problem for one group may appear as an opportunity for another. Roles in land use for recreation need to be examined from the perspectives of: local residents, recreational participants, environmental protectionists, investor/developers, planners, and the competitors for lands.

First, recreational land use problems are viewed differently by the several segments of local residents. Some people select a homesite bordering a golf course or park particularly for the amenity. Others intentionally wish to live away from the bright lights and congestion of such areas, particularly intensive use areas, such as arenas, sports fields and courts. Others believe that parks attract deviant behavior and create social problems. Some citizen groups are critical of commercial recreation that encroaches upon once quiet and undeveloped residential areas. Recreation attractions that draw tourists are viewed both with favor and disfavor by local residents. Some recognize the export economic value of tourists and are willing to support the public and private recreation development that is required to attract them. Others view tourists as outsiders who have no right to disrupt local patterns of society and land use. So, from the local citizens' point of view, recreation development is not consistently
good or bad. The creation of parks, playgrounds, tourist attractions, and places of entertainment may be viewed both as land use problems and as land development assets by the local citizenry.

Second, the recreational participants—the consumers—view land use in a different context—the degree to which their satisfactions are hindered or enhanced. For example, if a small lake is ringed by private vacation home development, these owners view very critically any public access points that allow masses of visitor recreationists to enter and use the lake. Wild land recreationists, familiar with primitive life support systems and intent upon experiencing raw natural resource assets often object to commercial food services, shops, entertainment and lodging as conflicting land uses. However, other travelers with equal interest in the esthetics of wild land many not even participate unless these convenient commercial services are provided. A great amount of social stratification takes place among recreational users so that what may be offensive or unusable by some may be very acceptable to others. Furthermore, some studies (Cheek: 1976, 13) are showing that placeness is less important than the social organization of the group—they will be happy to participate with their own recreational party at any of many locations and settings.

Third, the environmentalists—those who see all development as erosion of land resources—see a great many land use problems associated with recreational development. They deplore commercialization as destructive of the esthetics of natural landscapes. They object to large vacation home complexes that expose forested and fragile land to erosion when land grading and construction take place. They see dredging and filling along marsh or beach areas for development as destructive of natural ecological areas
having high biological productivity. They call attention to the limits of some areas for development due to inadequate water supply or waste disposal. In some instances, especially in recent years, some environmentalists have become part of the resort development establishment and have influenced better land use, protecting resources at the same time that development does take place.

Fourth, investor-developer groups vary in their views toward uses of their lands. Private individuals generally see land as a personal possession, especially those in commercial enterprise. This is reinforced by the terms of both the Fifth and Fourteenth Amendments to the Constitution, limiting the powers of both the federal and state governments over private land. For commercial operation, the factors of location (relationship to markets, site characteristics), cost and availability are very important land use factors for profitmaking. Commercial recreation land owners often view controls placed on land use as excessively restrictive and inhibiting. But, the purposes of the two other owner-developer groups (governments and non-profit organizations) are quite different. Governments that provide for recreation on their lands are often more concerned about resource protection or some other priority than about costs, location or use by people. Non-profit organizations are not concerned about profitmaking but about social issues such as preservation, conservation, restoration of historic sites or the provision of youth camping programs. Land owner-developer groups, therefore, view land and land use problems from several different perspectives.

Professional planners are trained to provide guidance toward the goal of ideal land use. However, planners and planning practices vary
greatly on topics of recreational land use. Those planners affiliated with specific agencies or enterprises must reflect the policies of their agency or enterprise. One vacation home planner may create high-density development whereas another may be working under business policies of lower densities. Land use planning policies for recreation by the Forest Service are different from those by the National Park Service. Their planners generally are bound to these policies. Even independent planning consultants must fulfill the policy needs of the agency contracting their services. How well the planning practices of all planners reflect the needs of recreational users, land owners and environmental protection varies greatly.

Finally, non-recreational land use competition varies in its impact on recreational land use. Large land owners holding resources of interest to recreation vary in their support of recreational uses. Some prohibit hunting and fishing while others encourage these uses and actually provide facilities for them. Some encourage the lease and development of certain portions of their holdings for more intensive recreational land use. Greatest competition and conflict with recreational land use comes from manufacturing, shipping and harbor facilities along urban waterfronts. Recreation developers, both public and private, cite problems of pollution, congestion and other hazards from such competition. Mechanisms for providing tradeoffs and conflict resolution between recreation and non-recreation land use are yet to be developed into policy.

SOME INFERENCES

Several inferences may be drawn from study and observation of recreational land use. Such inferences may offer clues to new land use policy and management.
For one, recreational development and management are strongly site oriented. Every site represents special placeness unlike all other sites. Physical characteristics, proximity to other uses, history of development and influence of jurisdictional controls are of greatest import at the local level. All this suggests that land use guidance and regulation becomes increasingly difficult—maybe non-applicable—the farther it is removed from the site. The lack of an overall federal land use policy to date may be the best evidence of this fact.

Land use cannot be divorced from land owner-controller objectives. Timber producers may hold timber production, land speculation and other land ownership goals much higher than recreation. Therefore, no matter how many broad social or economic lures may be held out to them, these are overridden by their own personal objectives. Private land ownership, with all the rights and privileges therefrom, remains a dominant hallmark of the nation. Short-range objectives from the individual continue to dominate in spite of plausible arguments toward long range altruisms for social welfare of certain land use practices.

Juxtaposition of development now forces adjacent owners into new land use roles. Years ago, low density development and open space between developments allowed greater isolation and independence. Today, such isolation and independence is virtually impossible. Manipulation of land resources characteristics, such as damming streams, cutting forests and extracting ores, impact not only the owner's property but also upon many surrounding properties. Tourism and recreation flows of people in contemporary modes of mobility string many ownerships of land together, often in ways not comprehended by the separate owners. Therefore, systems
approaches to recreational land use become as important as internal land owner-use decisions.

Heterogeneity—not homogeneity—dominates physical and cultural resource assets for recreation. This makes local considerations more critical than blanket nationwide policy. Therefore, federal agency recreational policy can meet dramatic conflict at the local level because it cannot be made to apply uniformly across the nation. Outstanding scenic assets, concentrations of game and game habitat, historic sites and structures and spectacular water resource assets tend to be unevenly distributed. Social and economic objectives as well as life styles vary from locality to locality. If federal land use legislation is precipitated by crises in local land use, there is grave danger that it will not be applicable elsewhere.

These are just a few of the many land use inferences that can be drawn from existing recreational development.

FEDERAL INVOLVEMENT

Recreational land use already has considerable guidance and control by the federal government. These are expressed both by policy on agency-owned and managed lands as well as by influence and control on other recreational lands.

The Department of Agriculture (USDA) has many applicable programs. Project grants and advisory services are available through the Water Bank Program to conserve surface waters and to preserve and improve migratory waterfowl habitat. The Agricultural Conservation Program offers project grants to stimulate farmers, ranchers and timberland owners to carry out approved soil, water, woodland and wildlife conservation practices.
Recreation facility loans are available to farmers to convert all or part of their farm or ranch to income-producing recreation enterprises. Guaranteed and insured loans are available to local agencies for programs of resource conservation, development and utilization to increase economic opportunity for local people. Another program provides guaranteed loans for similar assistance to farmers. Guaranteed insured loans are available for improved watersheds for flood protection, fish and wildlife development, public water-based recreation and water storage.

The Forest Service, within USDA, has many programs influencing recreational land use. Grants are available to states for the purposes of developing, managing and utilizing the forest resources so that they will contribute to the economy, natural beauty and resource wealth. Project grants for land use planning, forest management and wild and scenic river studies are available to places and owners not reached through other programs.

The Soil Conservation Service, also in USDA, provides both funding and services that directly influence recreational land use. Great Plains conservation, soil stabilization, resource conservation, resource development, watershed protection, fish and wildlife protection and management and river basin development are the objects of grants, technical services, advisory services and direct payments through this service.

The Department of Commerce directly and indirectly influences land use decisions for recreation. The Economic Development Administration provides grants and direct loans for tourist facilities. The National Oceanic and Atmospheric Administration offers project grants to states for the acquisition, development and management of coastal zone water and related land resources, including recreational uses.
The Department of Defense has several programs that impact recreational land use. The Corps of Engineers of the Army is now the largest provider of outdoor recreation in the country and therefore its policies on land use have a major influence on how and where lands are used for recreation. This is carried out through specific services on their own park lands as well as on land leased to others. Technical information, advisory services are available through the Department to promote awareness of flood hazard, to promote water and land use planning and to protect against floods. Special services are available to improve navigation and; planning assistance for drainage basins is available to states.

The Department of Housing and Urban Development offers project grants for the purpose of assisting planning and decision-making of chief executives of state and local governments. Because these include the overall living environment as well as housing they impact on amenities for recreation.

For many years the Department of Interior has greatly influenced recreational land use, not only on its own properties but on other lands through lease arrangements, technical assistance and advisory services. Several bureaus and services take on active roles. Best known is the National Park Service, long-time custodian of major protected and outdoor recreation areas. Project grants are given to plan and preserve objects of major national historic significance. State and local agencies can get assistance for planning, developing and managing their park and recreation areas. Assistance is available for training personnel in these matters. The Bureau of Land Management, through its programs of land sale, exchange and lease of public land influences land use for recreation
including historic monuments. The former Bureau of Outdoor Recreation, now the Heritage, Conservation and Recreation Service, influences recreational land use greatly by its decisions on funding support for local recreation projects from the Land and Water Conservation Fund. This service provides financial assistance for the state comprehensive outdoor recreation plans as well as technical assistance and advisory services through their district offices. The Bureau of Reclamation provides project grants and direct loans for resource development, directly or indirectly related to recreation. The Geologic Survey provides information and guidance on land use for recreation as well as many other activities.

The Tennessee Valley Authority, ever since its inception, has had a heavy land use role in recreation development throughout its region of jurisdiction. Both social and economic considerations for recreation have been important in its decisions on both disposing of, controlling and developing its land and water resources. The Land Between The Lakes has become a model of land use planning for public recreational use.

Federal involvement in land use, either taking or regulating property, is founded in several basic theories (Moss:1977, 7-11). First, the regulation that seeks to prevent private parties from harming the public does not take property and therefore requires no compensation. Second, when a regulation is imposed in order to achieve a public benefit rather than simply to prevent harm, then a taking for which compensation must be paid has occurred. A third theory depends not upon philosophical issues but upon financial loss. When a regulation has the effect of diminution of value or leaves the owner with no reasonable use of his land, a taking has occurred and compensation must be paid. Finally, a theory of govern-
ment regulation or taking deals with balance. There should be a reasonable balance between the interests of the private owner and the public. But, the Supreme Court has agreed that there is no set formula to determine when regulation ends and taking begins.

In recent years, federal legislation has increased greatly the number and nature of federal controls on land use. For example, the National Environmental Policy Act (NEPA) of 1970 establishes federal environmental policy. In addition to requiring environmental impact statements (EIS) from major federal actions, it directs that federal agencies shall:

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(U.S.C., 42, Section 4331)
This is construed to cover federal decisions that influence others as well as federal agencies directly. When applied in a perfunctory fashion, without more than shallow relationship to the intent, NEPA may hamper private sector recreation development. However, when the spirit is carried out in practice, it can provide environmental regulatory support for resource protection essential to much of private recreation development.

The federal clean air act of 1970, requiring the Environmental Protection Agency (EPA) to establish ambient air quality standards indirectly influences private sector land use for recreation. It passes upon location of new stationary sources of air pollution and prevents significant deterioration of air quality in existing "clean air" areas. (Moss:1977, 42)

Because water is a major natural resource asset for much of private sector recreation development, the Federal Water Control Act Amendments of 1972 are of great importance to land use. Of the six acts relating to land use, Section 208 has greatest impact. It (1) provides the means of harnessing the resources and developing the programs needed to achieve the act's 1983 water quality goal; (2) means of land use and land management controls and by other regulatory programs; and (3) requires broad regional analysis of pollution problems, of the implications of growth for water quality, and of the long-term need for new sewage treatment plant capacity. It would seem that if these regulations are carried out, the quality of a major resource foundation for recreation, water, will not only be maintained but improved. Furthermore, the acts specify that:

Public involvement in the development, revisions, and enforcement of any regulation, standard, effluent limitations, plan or program established by the Administrator (of EPA) or any state under this Act shall be provided for, encouraged, and assisted by the Administrator and the States. (U.S.C., 33, Section 101)
This invites the private sector to make its land use wishes known in decision-making that may affect it. Another federal act of great importance to the private sector for recreation is the Coastal Zone Management Act of 1972 which provides federal funds to the states for planning and managing coastal areas. While not specifically encouraging taking by either the federal or state governments, the state is encouraged to inventory resources and to identify those areas of particular resource value—conservation, recreational, ecological, or esthetic values. After inventory, the states are to develop control and management programs for preservation or restoration. (Moss:1977, 108)

This very brief summary provides some insight into the many federal programs that influence land use not only on governmentally-owned lands but on private lands as well. The federal level provides both incentives and controls. Generally controls are most definitive at the agency level. Therefore, both the developer and the recreational participant can expect great variation in the types and extent of land use policy from agency to agency. But, in recent years these policies have been increasingly questioned by a variety of publics. No longer can agencies apply land use regulation, even on government-owned property, without constituencies wanting to know why these regulations are necessary.

STATE AND LOCAL LAND USE

Even though many federal agencies have programs that affect recreational land use in both the private as well as the public sector, no overall federal land use policy exists. This role has been accepted and implemented at lower levels of government. Many observers would take the posi-
tion that this is desirable. Over 14,000 units of county, city and township governments exercise some form of land use control. (Healy:1976, 7) Many of these guide and control recreational land use.

Frequently, recreation land use decisions at the local level are decided in favor of local public welfare which may clash with welfare definitions of other publics. For example, the city of Gettysburg, Pennsylvania decided in favor of a 307-foot observation tower near the protected national battlefield, owned and managed by the National Park Service (NPS). NPS officials called it "the most damaging single intrusion ever visited upon a comparable site of American History." (Roe:1972, 23) In this instance, tourist revenues outweighed esthetic considerations in local interpretation of the public welfare.

Billboards represent another example of commercial land use important to recreation. They are generally favored by local businessmen because of their advertising and directional value. Traveler acceptance of the effectiveness of roadside advertising is supported by consumer research. One study (Claus and Claus:1976, 92) concluded that "any arguments unfavorable to billboards based on aesthetic reasons are counter-balanced by the public need for information." However, the Highway Beautification Act of 1965 provided for rigid control of billboards along Interstate highways on a public welfare basis.

On the other hand, local and state land use control can be even more stringent than that of federal agencies. A good example is Vermont, a state having longer experience of land use permitting than any other. Even though this has obviously denied the state certain economic benefits from expanded recreation and tourism, the citizenry, through its Environ-
mental Control Act of 1970 (Act 250) has decided against several local developments. These developments could have been accepted within the public welfare concept of national legislation. Among these cases was the denial of the Land-Tech development, planned to include 167 condominium units, a 100-unit motel, service station, shopping center and large parking facilities (Healy:1976, 42). Act 250 provides for land use permitting, using the following conditions for approval:

1. Will not result in undue water or air pollution;

2. Has sufficient water for its reasonably foreseeable needs;

3. Will not cause an unreasonable burden on an existing water supply if one is to be utilized;

4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water;

5. Will not cause unreasonable highway congestion or unsafe conditions;

6. Will not cause an unreasonable burden on the ability of a municipality to provide educational services;

7. Will not place an unreasonable burden on the ability of the local government to provide governmental services;

8. Will not have an undue adverse effect on the scenic or natural beauty of the area, esthetics, historic sites, or rare and irreplaceable natural areas;

9. Is in conformance with certain statewide plans, which Act 250 required to be prepared;

10. Is in conformance with a duly adopted local or regional plan.

Among the several natural resource elements important to private and public sector recreation, probably none has been given as much attention as surface water. Water, an element in high demand for a great many recreational activities, imposes special land use problems on both the water and land sides of the water's edge. Its relative scarcity has created
problems of intensity, congestion, water pollution and erosion, most of
which can be solved or ameliorated by land use planning. This edge zone
has been the focus of state and local control in northern lake regions
for many years. Recent research shows that the means of control of
waterfront use has changed.

Early programs...relied almost entirely upon absolute
prohibitions of objectionable land uses, later programs made
use of traditional land use controls of zoning and subdivision
control, and still more recent programs have utilized adminis-
trative permits and environmental standards.

(Johnson:1976, 2)

Although great differences occur in regulatory approaches, there appear
to be five general goals for shoreland statutes at the state level:

(1) Premature destruction of lakes by siltation and accu-
mulation of vegetative matter;

(2) Maintenance of water quality suitable for beneficial
uses;

(3) Prevention of harm to aquatic life and other interests
resulting from activities within the lake, such as fishing,
dredging and building of structures;

(4) Allocation of shorelands to preferred uses such as
habitats for wildlife, recreation (including viewing
scenery), piers and docks;

(5) Prevention of harm from floods and other natural hazards.

(Johnson:1976, 65-66)

Land use control and guidance has been strongest at the local level—
public welfare concerns expressed directly upon land use actors and ac-
tion. This is contrary to most public welfare issues that take focus at
the federal level and subsequently impose action on the states and localities.
It is of no little significance that greatest environmental land use
action has taken place at the level closest to business activity, jobs,
schools and residences. Healy (1976, 26) states that "Perhaps the fervor with which people try to preserve the integrity of their environment is due to their having consciously chosen that environment."

CONCLUSIONS

The conditions in Vermont's Act 250 and the programs of federal and local governments are indicative of the trends in land use controls that impact the private sector of recreation. There is no doubt that these trends have a dampening effect on development. Short-run actions are controlled or prohibited to promise long-range rewards of better (or less damaged) environments. One public gives up some opportunities for private gain in order to provide other publics with certain amenities.

On balance, the concept of extending the life of resource assets through land use planning and control is commendable and probably supportable by most publics. At this time, it is not the legal standing of land use controls of private sector recreation that are questioned as much as the confusion of issues and standards upon which development is to be judged. Apparently, legislation has been passed that was based more upon opinion and judgement than upon clear issues, research and technology.

This suggests that many land use decisions in recreation now made by the public and the private sectors need to be evaluated with research today. It is readily apparent that the fields of parks, recreation, commercial recreation and tourism have not excited much research interest. Past practices have sufficed. Perhaps the strongest argument for both federal and state involvement in land use for recreation is the sponsorship of research of land use. Investigations of the public response to designed and managed establishments could reveal weaknesses in design and
management decisions. Investigations of the rewards to owners could identify both the social and economic values so derived. Investigations of the environmental changes due to the establishment of public and private recreational establishments could be helpful in future planning. Studies of functional tourism and recreation systems might reveal strong interdependencies of the public and private sectors.

Perhaps the quantum jump required for recreational land use planning in this country is that of public-private collaboration. Continued polarization encourages each sector to believe more in differences than in similarities. Leaders of both sectors appear to be more concerned with perpetuating the differences of ideologies than solving land use problems. Common ground arguments for checking with each other are compelling. Both depend upon land resource assets for success; both cater to visitors; both must be responsive to publics; both demand care in site design; both require special building design professionalism; and both spend millions on development and operation. While the advantages of specialization, diversity and competition must be maintained, it would seem that the perpetuation of divisiveness is the major land use problem in recreation development today.
BIBLIOGRAPHY:


United States Code, Volume 42, Section 4331.

Prepared by C.A. Gunn
Recreation and Parks Department
Texas A&M University