


CRITERIA FOR THE PRESERVATION OF
OPEN SPACE, PARKS, AND RECREATIONAL AREAS

by 

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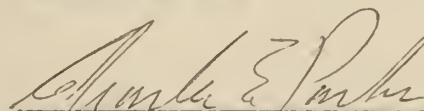
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CHAPTER I

INTRODUCTION

I. PURPOSE

The purposes of this study are to draw together into one document the existing techniques of preserving property for public open space, park, and recreational purposes and to graphically illustrate how these techniques might be combined to achieve a desirable result. Other purposes of the study are to point out the importance of placing emphasis on the preservation of open space in an urbanizing area; to describe the role that planning has in open space, park, and recreational endeavors; and to put forth recommendations to assist in meeting present and future open space, park, and recreational area needs at the local level of government.

II. METHOD OF STUDY

Data was gathered from publications of various professional and governmental organizations at the Federal, State, and local levels; from an evaluation of special reports on the State and local area; from legislation in the State of Kansas, existing Kansas Statutes, and local laws and ordinances; from personal interviews with local public officials; and from a

study of the official minutes of local governmental units involved in open space, parks, and recreation.

Since special legislation varies from municipality to municipality in the State of Kansas, it was necessary to limit the study of local governments to one geographic area. An area in the State of Kansas where a large amount of urbanization had taken place appeared to be the most logical choice. The Wichita-Sedgwick County area in southcentral Kansas was, therefore, selected. This area contains many active units of local government directly involved in open space, parks, and recreation as allowed under State law. County, cities, townships, and watershed districts have all indicated an interest in preserving open space in the Wichita-Sedgwick County urbanizing area. A review of the actions of each, therefore, contributed to the preparation of this thesis.

A study of these local units of government, together with the review of State and Federal involvement in open space, parks, and recreation, indicated that deficiencies existed. Recommendations were made to assist in overcoming these deficiencies at the local levels of government. Although these recommendations were often directed to the Sedgwick County study area, several can be applied to other local areas of similar composition. This is especially true in the combining of methods for preserving open space as graphically illustrated in Chapter IV.

III. DEFINITIONS OF TERMS

Although "open space" is a relatively common term to planners, a detailed definition is necessary to assist in clarifying the thesis presentation.

Open space is a resource rather than a facility such as a park. As a resource, it should perform several useful functions; therefore, it is defined as any space or area which the preservation or restriction of its use would:

1. Maintain or enhance the conservation of natural or scenic resources,
2. Protect natural streams or water supply,
3. Promote conservation,
4. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open areas and open spaces,
5. Afford or enhance public recreational opportunities,
6. Preserve historic sites,
7. Implement the plan of development adopted by the Planning Commission of any municipality, or
8. Promote orderly urban or suburban development.

Open space in its natural form or with park and recreation facilities added to it, provides for a physical and emotional outlet important to the urban dweller and the community. Its ability to provide space for future park facilities and recreational activities makes it a prime asset for future surrounding urban development.

Open space may serve many purposes. It may serve as buffers between incompatible land uses such as between residential and industrial areas. It may serve also as a preservation measure in areas of high agricultural production

or aesthetic natural appeal. Through its preservation, areas of historical, botanical, geological, zoological, architectural, and recreational significance can be conserved. Also, open space is considered as a reserved resource from which parks and recreation areas may be provided to accommodate the recreational needs of a future population increase.

Open space can be used effectively to protect against flood, erosion, and wasted water supply. Preserving natural resources such as water, topsoil, forests, and scenic areas has been a continual cooperative effort of Federal, State, and local governments. The areas of most destructive erosive action in Sedgwick County are the flood plains, and it is here that a great open space resource lies.

Open space can give form and shape to cities and identify to individual neighborhoods and communities. By limiting extension of public utilities into purposeful open space areas and withholding flood plains and marginal lands from development, urban sprawl can be controlled. This sprawl is an expensive leapfrogging development which tends to destroy useful open space between urban centers. The structure of the land should be the guide for future development.

To further indicate the effect open space has on future development, it is necessary to identify the relationship of open space to parks and recreation. The differences between these subjects must be understood as well as their strong interrelationship.

A park is a park, and it is also open space as previously defined. By the same token, a streamway is a streamway, and a flood plain is a flood plain and, if preserved in their natural state by development restriction administered by public agencies, they too become open space, but not necessarily parks. Parks are both the tool of supervised recreation and the instrument of recreation combining the activity of organized play with the quiet contemplative beauty of nature.

But what of recreation? Recreation is a definite function of parks, but it is not restricted entirely within the limits of the park boundaries. Recreation has been defined by Charles E. Doell as "the refreshment of the mind or body or both through some means which is in itself pleasurable."¹ In that light, recreation occurs in an individual's mind when viewing an open space of natural beauty even though public access is not granted. It may be refreshing simply because it is there, and it is seen. If so, it becomes a visual relief from the continued expanse of urban development.

Useful open space, then, is a resource that, if preserved, will provide, among other things, space for park facilities and opportunity for recreational activity.

¹C. E. Doell, Elements of Park and Recreation Administration, Burgess Publishing Company, Minneapolis, 1963, pp. 3-5.

IV. IMPORTANCE OF THE PROBLEM

During the past several years, there has been an increasing concern nationally, State-wide, and locally regarding the lack or disappearance of natural open space areas in urban development. This concern has been supported in large part by the emerging realization by government and citizen alike that a desirable urban living environment should contain purposeful space within which outdoor park and recreational activities may occur. The understanding has emerged that the character of entire urban neighborhoods may be created in harmony with the natural setting of the outdoors through use of proper design techniques. This is substantiated in part by the current trend to incorporate more useful open space into the urban environment by designing and developing golf course subdivisions, cluster subdivisions and full scale communities such as Reston, Virginia. Reston is a complete community designed and developed in 1963 containing a variety of housing types intermingled with an abundance of open land and water areas.

The importance of creating a desirable urban living environment has to a large extent been responsible for placing emphasis on the methods by which useful open space may be preserved to meeting future park and recreational needs. This emphasis has been indicated by the undertaking of special studies by private, professional, and governmental organizations.

Professional organizations such as the Urban Land Institute in Washington D.C. and government sponsored organizations such as the Outdoor Recreation Resources Review Commission have published material dealing in depth with several techniques for preserving open space. The Urban Land Institute, for example, has published an entire study devoted to the technique of using conservation easements to preserve open space. This study is entitled Securing Open Space for Urban America: Conservation Easements. In this study as well as in others prepared by the Outdoor Recreation Resources Review Commission, the advantages and disadvantages of particular techniques are explored in detail. Studies of this type have, therefore, contributed to the thesis by providing a means to compare in depth the various techniques available. Each study, however, failed to present a complete inventory of the methods available or failed to give a concise illustration of how the different methods of open space preservation might be combined to achieve the desired result. Due in part to the deficiencies of these earlier studies, the study of the problem to which this thesis is addressed was considered necessary and important.

The importance of establishing an inventory of methods to preserve open space and of illustrating graphically a combination of those methods may further be justified by investigating the benefits derived from open space in an urbanizing area.

In this study, the benefits of open space areas were considered in relation to their ability to provide protective measures for development, their organizational effect upon the urban area, and their value in providing for recreational activity.

Protective Measures

Parks and open spaces make a major contribution to an urban community through protection from flooding. As urban development occurs in open areas, the natural drainageway, once able to carry runoff waters slowly due to retardation by native vegetation, often becomes a destructive torrent. Urban development along bank lines results in wider flood plains in the downstream areas. Runoff waters increase because of large paved areas, impervious roof tops, and hard packed soil. The natural drainageway, no longer able to function efficiently, loses its usefulness as a method of flood control. This weakens building foundations, silts roadways, disrupts traffic, and destroys topsoil. Correction of these drainage problems can be accomplished only through major public investment in urbanizing areas. As an example, the Wichita-Sedgwick County, Kansas area has had serious flooding as a result of urban development originating and continuing in the low level flood plains of the Big and Little Arkansas Rivers and their contributing creeks and streams. Major floods of 1944, 1945, and 1951 caused an estimated damage of six to eight million dollars. Since 1906

approximately twenty-two million dollars have been spent to develop flood control projects. Management, maintenance, and improvement of existing facilities have been a continuing expense.² Although the possibility of severe damage by major floods has been reduced, there are still many problems of localized flooding within the City of Wichita and Sedgwick County. Flood damage and expense could have been substantially reduced through proper reservations of open space in the low lying floodable areas during the original planning and development of the City.

Flooding is only one problem of a growing community. Blight, deterioration, declining property values, and premature land speculation are other undesirable possibilities of urban development. The application of appropriate open space, park, and recreational planning is a useful tool for stabilizing land values and protecting against economically, socially, and aesthetically blighting forces.

Present day developers recognize that open space enhances the values of adjoining lands, increases the salability of property, and adds economic value to otherwise unproductive areas.

In a recent survey of seventeen reservoir sites and their effect upon surrounding counties, the economic aspect of the

²Wichita-Sedgwick County Metropolitan Area Planning Department, Flooding--Wichita Metropolitan Area Planning Characteristics Study, January, 1961, pp. 38-39.

availability of water oriented open space, parks, and recreation was studied in detail. The survey was undertaken by the Outdoor Recreation Resources Review Commission. This Commission was created by Act of Congress on June 28, 1958. The survey indicated that, in comparing counties with reservoir shore line to those without shore line, the former had a marked increase in per capita income and total bank deposits. Counties with shore line had minimum population decreases even though all counties in the survey were similar in terms of urbanization, industrialization, and population.³ This suggests that in some under-developed areas, proper open space, park, and recreation planning and development may provide a measure of protection and stimulation to economic activities.

There is a growing concern over the consumption of prime agricultural land for urban development. The spread of urban centers into agricultural areas is creating situations that require complete cooperation between rural and urban dwellers to assure proper solutions to the problems. The problems of urban-rural development conflicts have been studied in detail in California. A 1958 study by the Planning Department of the County of Santa Clara, California noted:

The pleasant farm and orchards of these special regions are a two-fold resource; they offer valuable green belts of open space for urban populations and a valuable source of food for the entire nation. Crowding

³Outdoor Recreation Resources Review Commission, Outdoor Recreation for America, January, 1962, pp. 75-78.

them out with solid urbanization is, therefore, wasteful on two counts. Such a priceless resource needs our strongest protection--protection such as we extend to our National Parks.⁴

In the Wichita-Sedgwick County area, the pressure on agricultural land is less intense than in other more densely developed areas of the United States. However, there are some local agricultural areas that should receive attention. These are areas of relatively high economic return per acre, such as truck farms, orchards, and irrigated croplands.

In a presentation to the Wichita Chamber of Commerce, Mr. Louis Earle of the United States Soil Conservation Service indicated that there are approximately one hundred thousand acres of land in Sedgwick County suitable for irrigated vegetable and fruit production. Mr. Earle stated that land used for this purpose would provide an increased income of from fifty to four hundred dollars per acre.⁵

Presently, major production of fruit and vegetables in Sedgwick County exists south of Wichita near the cities of Haysville and Derby. These areas feel the increasing pressures of urban development. Increased property taxes have led some local producers to conclude that it might be advantageous to

⁴County of Santa Clara Planning Department, Green Gold, November, 1958.

⁵Louis Earle, District Representative of the United States Soil Conservation Service, in a presentation to the Wichita Chamber of Commerce, stressing the fruit and vegetable potential of the area.

move elsewhere or to discontinue the agricultural uses in favor of subdividing the land for urban development. Steps should be taken to make this unnecessary and to keep the areas intact.

Parks and recreation are also important for protective purposes. Parks may be used to protect areas with historical, architectural, botanical, and geological value.⁶ Recreation is used for the protection of more intangible values such as aesthetic pleasure, community pride, and personal happiness of the individual. It is generally associated with the physical health and emotional well-being of the community as a whole.

Organizational Effect

As the pattern of existing and proposed parks and open space begins to take form, certain physical relationships of a study area are emphasized by city and regional planners. The study area is usually delineated for statistical purposes into sub-units so that data gathering and comparisons are simplified. Such delineations result in units known as statistical units, planned neighborhood units, planning areas, service areas, etc.⁷ These units are often conceptually ideal to serve only as broad guides for future development and to provide convenience in portraying large amounts of statistical information.

⁶Urban Renewal Administration, Housing and Home Finance Agency, Preserving Urban Open Space, February, 1963, pp. 5-9.

⁷International City Managers' Association, Local Planning Administration, 3rd Edition 1959, pp. 110-124.

Separate planning units can be established through proper park and open space planning. Streams, valleys, parkways, undevelopable open space, natural buffers, etc., may all be used to shape the pattern of development, relieve the monotony of intensive urbanization, create areas of common interest, and give visual character to the urban community.

The California State Legislature has recognized the need for proper use of open space in advancing urban development. The following statement is attributed to the California legislative body:

The legislature finds that the rapid growth and spread of urban development is encroaching upon, or eliminating, many open areas of varied size and character, including many having significant scenic or aesthetic values, which areas and spaces, if preserved and maintained in their present open state would constitute important physical, social, aesthetic, or economic assets to existing or impending urban and metropolitan development.⁸

Wichita, Sedgwick County, and the State of Kansas have not known the major growth problems as has California. However, there has been an early awareness of the importance of parks and open space in providing organizational guides for urban development. The Recreation and School Facilities section of the Comprehensive Plan of 1946 for the City of Wichita states:

The original conception of a ring of large naturalistic parks encircling the urban area and connected with pleasure drives would be desirable ...⁹

⁸William H. Whyte, Jr., Securing Open Space for Urban America: Conservation Easements, Urban Land Institute, Technical Bulletin 36, December, 1959, p. 18.

⁹Harland Bartholomew and Associates, "Part VIII,

In the 1946 Plan, the small intensively used neighborhood parks around which development could occur were emphasized. This concept was closely followed by local public bodies over the ensuing years. However, the ring of naturalistic innerconnected park areas surrounding the city did not materialize.

The original concept of a ring of large park areas connected by useful open space is still reliable today. Parks and open spaces are becoming increasingly useful as buffers to separate incompatible land uses such as heavy industrial areas from residential areas. They also give spatial and physical structure to urban areas and develop a sense of identity within neighborhoods.

Recreational Activities

The complexity with which recreation is interwoven into daily living warrants special consideration to its relationship with parks and open space.

The creation of the Outdoor Recreation Resources Review Commission in 1958 reflects the position of importance recreation has attained at the national level. Surveys and studies made by the Commission are valuable sources of information reflecting present and future recreational needs. Regarding outdoor recreation, the Commission's finding indicates that:

Recreational and School Facilities", Comprehensive Plan, City of Wichita, Kansas, 1946, p. 9.

First, the demand is large, and it is growing. Not only are there more people; individually, they are seeking the outdoors at a growing rate, and they are likely to do so even more over the coming decade.

Second, the kind of recreation people want most of all is relatively simple--a path to walk along, an attractive road for a drive, a place to swim, a shady hillside for a picnic.

Third, people want these things where they live--and where most people live is in our growing metropolitan region.

Fourth, we are not running out of land. We are failing to use it effectively. The physical supply of land and water for recreation is bountiful; for reasons of ownership, management, or location, access to it is not.

In this failing lies the great opportunity.¹⁰

These statements apply locally as well as nationally. They have been brought about by increased family income, greater mobility, better education, more leisure time, and larger population.

Recreation has long been associated with the physical, emotional, cultural, educational, and economic well-being of individuals and communities. It has generally been considered as a service provided by government just as educational services are provided. It is considered to be synonymous with parks and open space. It is now a necessary part of everyone's life rather than a luxury attainable by only a wealthy few.) Because of the difference in individual desires and personal

¹⁰Outdoor Recreation Resource Review Commission, op. cit., p. 81.

satisfaction, the term now encompasses such a broad range of activities that complete enumeration is difficult to achieve. The creation and popularity of new forms of recreation and the accelerating pursuit of traditional recreation activities result in ever increasing costs to public agencies in satisfying the demands. The need for planning and cooperation between recreation experts, planning agencies, and legislative bodies becomes more essential if public needs, wishes, and desires are to be met with effectiveness and efficiency. There should be a continual attempt to avoid duplication of efforts by various governmental entities, and a continual assessment of the sufficiency of recreational provisions should be maintained. Therefore, one role of planning is to continually measure the supply against the demand for open space, parks, and recreation from the standpoints of the economical, physical, and social characteristics of the particular locality.

Planning should also provide a precise inventory of the means available by which the open space resources existing in any given area and in any given form may be preserved through private and public efforts.

The remainder of the thesis has been devoted to listing and illustrating the use of various methods of preserving open space in an urbanizing area. Chapter II gives an indication of the governmental involvement in open space, parks, and recreation at the Federal, State, and local levels.

Chapter II also indicates the amount of private support of recreational activities existing in the City of Wichita in recent years. Chapter III presents an inventory of the various methods available to preserve open space with a brief description of each. Chapter IV consists of a graphical illustration of the hypothetical application and combinations of several of the methods described in Chapter III. The final chapter presents a summary of the conclusions and recommendations of the study.

CHAPTER II

GOVERNMENTAL AND PRIVATE INVOLVEMENT IN OPEN SPACE, PARKS, AND RECREATION

The use and development of land in an urbanizing area involves the interests and responsibilities of many public agencies, private organizations, and individuals. Although public agencies are often called upon to provide the leadership for open space, park, and recreation purposes, there is a strong dependence upon the initiative of private organizations and individuals to provide support for governmental action.¹ In cooperation with public agencies, private organizations and individuals can play a major role in securing, maintaining, and preserving the open spaces needed for future generations. The intent of this chapter is to indicate how this cooperation might further be accomplished through a better understanding of the involvement of various levels of government and private organizations in open space, parks, and recreation.

¹United States Department of Agriculture, "Private Outdoor Recreation Facilities", Outdoor Recreation Resources Review Commission Study Report Number 11, 1962.

I. FEDERAL

The largest number of public agencies involved directly or indirectly in open space for conservative, preservative, and recreational purposes is at the Federal level of government. Table I indicates the Federal agencies involved specifically in assistance for county park and recreational programs, and thus, in open space as previously defined. Federal agencies involved in open space for other than recreational purposes are indicated in Table II.

Of the twenty-eight agencies listed in Table I, sixteen provide planning assistance, twenty-two offer educational and/or technical assistance, six acquire and develop land for recreational purposes, and eight provide grants and loans for recreational purposes.

The many agencies affecting open space, parks, and recreation prompted the Outdoor Recreation Resources Review Commission to propose the creation of the Bureau of Outdoor Recreation in the Department of the Interior. This Bureau was created by Act of Congress in 1965 and serves as the coordinator of all Federal agencies involved in outdoor recreation. It also serves as a clearing house for information about the various recreational services and programs available at the Federal level.

A significant responsibility of the Bureau of Outdoor Recreation is the regulation of a grant program created by the

TABLE I
FEDERAL ASSISTANCE AVAILABLE FOR
COUNTY PARKS AND RECREATION PROGRAMS

	Plan- ning	Educational and/or Technical Assistance	Land Acquisitions and/or Development	Financial Grants	Loans
<u>DEPT. OF AGRICULTURE</u>					
Agricultural Stabili- zation and Conserva- tion Service		x		x	
Economic Research Ser.		x			
Farmers Co-op Service		x			
Farmers Home Admin.	x	x		x	x
Federal Extension Ser.		x			
Forest Service		x			
Office of Rural Area Development	x	x			
Rural Electrification Administration		x			x
Soil Conservation Ser.	x	x		x	x
State Agriculture Experiment Stations	x	x			
<u>DEPT. OF COMMERCE</u>					
Area Redevelopment Adm.	x	x		x	x
Bureau of Public Roads	x	x			
<u>DEPT. OF DEFENSE</u>					
Army Corps of Engineers	x	x	x		
Gen. Services Admin.			x		
<u>DEPT. OF HEALTH, ED., AND WELFARE</u>					
Office of Education	x	x			
Public Health Service	x	x		x	
Vocational Rehab. Adm.				x	
Welfare Administration	x	x		x	

TABLE I (continued)

	Plan- ning	Educational and/or Technical Assistance	Land Acquisitions and/or Development	Financial Grants	Loans
<u>HOUSING AND HOME</u>					
<u>FINANCE AGENCY</u>					
Community Facilities Adm.	x				x
Urban Renewal Admin.	x	x	x	x	x
<u>DEPT. OF INTERIOR</u>					
Bureau of Indian Aff.		x			x
Bureau of Land Management			x		
Bureau of Outdoor Rec.	x	x			
Nat'l Park Service	x	x			
Bureau of Reclamation			x		
Bureau of Sports, Fisheries & Wildlife	x	x			
<u>SMALL BUSINESS ADMIN.</u>					x
<u>TENNESSEE VALLEY AUTHORITY</u>	x	x	x		

Source: National Association of Counties, National Recreation Association, County Parks and recreation A Basis for Action, 1964, pp. 314-315.

TABLE II

AGENCIES WITH A NON-RECREATION
CONCERN IN OPEN SPACE

Agency	Area of Concern
<u>Dept. of Commerce</u>	<p>Informational agency. Publishes at 5-year intervals helpful reports as follows:</p> <p>Volume I - Counties</p> <p>Volume II - General Report</p> <p>Volume III - Irrigation of Agricultural Lands</p> <p>Volume IV - Drainage of Agricultural Lands</p> <p>Volume V - Special Reports</p>
<u>Bureau of Census</u>	
<u>Coast and Geodetic Survey</u>	<p>No direct involvement. Mapping produced is useful in establishing water based recreation sites and defining limits of flood plains.</p>
<u>Dept. of Interior</u>	
<u>Bureau of Mines</u>	<p>Offers technical and sometimes financial assistance in investigations of existing and proposed quarrying and mining, and sandpit operations.</p>
<u>Non-Departmental Agencies</u>	
<u>Federal Aviation Agency</u>	<p>Establishes standards that have a direct affect upon airport site size, limits and dimensions of clear zones, approach zones, flight cones, etc. Within these zones are opportunities for reservation of open space.</p>
<u>Federal Power Commission</u>	<p>Studies multiple purpose river basin developments; regulates water power projects affecting navigable waters or government lands. Supervisory duties on conservation purposes.</p>
<u>Housing and Home Finance Agency</u>	
<u>Federal Housing Administration</u>	<p>Popularly associated with home loans, also encourages the dedication of open space in proposed FHA insured subdivisions and discourages urban sprawl by hesitance in insuring subdivisions inaccessible to the extension of public utilities.</p>
<u>Veterans' Administration</u>	<p>Loans up to \$26,000 provided for purchase, development, and management of rural, recreational, and farm properties; also encourages open space dedication and discourages urban sprawl.</p>

Source: Atlanta Region Metropolitan Planning Commission, "OPEN LAND/Regional Problems and Opportunities", Atlanta Region Comprehensive Plan, June, 1964, pp. 60-69.

Land and Water Conservation Fund Act of 1965. This Act makes available to states 50 per cent Federal matching funds for the planning, acquisition, and development of outdoor recreation areas.

An earlier grant program, entitled the Open Space Land Program, was established in 1963 under the direction of the Urban Renewal Administration. This program provides 50 per cent grants for the cost of acquiring land for open space purposes by the local governing bodies. Applications for these grant funds have been undertaken in the Wichita-Sedgwick County area in connection with a proposed golf course, a zoo site, and smaller park developments.

In all, the recent actions at the Federal level are long needed attempts to place open space, parks, and recreation in the proper perspective. It will be well to keep continually informed of the far-reaching steps being taken. The beneficial effects of such programs to local citizens cannot be overemphasized.

II. STATE

The following State of Kansas agencies have the most direct effect on open space lands as defined in this thesis:

1. Kansas State Forestry, Fish, and Game Commission
2. Kansas State Park and Resources Authority
3. Kansas State Highway Commission
4. Kansas State Historical Society
5. Kansas State Water Resources Board
6. Kansas State Department of Economic Development
7. Kansas State Board of Health

8. Kansas State Board of Agriculture
9. Kansas State Soil Conservation Service
10. Kansas State College Extension Service
11. Kansas State Geological Survey
12. Kansas State River Controls Agencies
13. Kansas State Penal Institutions

These agencies cooperate with and complement existing Federal agencies and generally function in an administrative and regulatory capacity. Some of them, such as the State Park and Resources Authority and the State Historical Society, have been granted rights by State legislation to acquire land for conservation, preservation, and recreation purposes. Most State agencies lend technical assistance to local governing bodies for the development of certain open space projects, but there appears to be no specific State financed grants-in-aid program to local governing bodies for open space, park, and recreation purposes.

The previous listing indicates the multiple interests involved in open space, parks, and recreation. It appears, therefore, that there is a need for interagency coordination at the State level, to provide for proper conservation, preservation, and development of existing open space resources. This nation-wide need, strictly from the outdoor recreation standpoint, has prompted the Outdoor Recreation Resources Review Commission to recommend that: "Each state should establish within its government a focal point for the consideration of outdoor recreation."²

²Outdoor Recreation Resources Review Commission,

This focal point would be a state counterpart office of the Federal Bureau of Outdoor Recreation and should have the authority to:

1. Develop broad recreational policies implemented by a long range plan.
2. Continually appraise the State's recreational needs.
3. Coordinate and appraise related programs at all government levels and in private enterprise.
4. Cooperate with the Federal Bureau of Outdoor Recreation.
5. Encourage cooperation among public, voluntary, and commercial organizations and agencies involved in recreational pursuits.

It is important to note that the State of Kansas has a focal point through which Federal, State, and local governmental agencies concerned with open space, parks, and recreation may coordinate their actions.

Action by the Kansas State Legislature in 1965 created the Kansas Joint Council on Outdoor Recreation. This council is composed of fifteen members representing most of the State agencies previously listed. The action taken by the Legislature placed the responsibility of developing a state-wide comprehensive plan with the Joint Council. The State plan was completed in 1966 and is composed of sections prepared by the State Forestry, Fish, and Game Commission, the State Highway Commission, the State Historical Society, and the State Park and Resources Authority.

The Joint Council assigned the majority of the responsibility for compiling the State Outdoor Recreation plan

to the Kansas State Park and Resource Authority. The Park and Resource Authority acts as the supporting staff agency for the Joint Council and is assigned the task of regulating federal grant funds that became available under the Land and Water Conservation Fund Act of 1965. The eligibility of local governmental units to receive grant funds is dependent upon the inclusion of proposed projects in a state comprehensive outdoor recreation plan. It is strongly recommended that local agencies concerned with open space, parks, and recreation cooperate to the fullest extent possible with the State Plan. This cooperation could lead to local financial assistance.

Local public projects which are in accord with a State's comprehensive outdoor recreation plan may receive Federal grants-in-aid through the State agency designated to receive Federal funds.³

III. LOCAL

In the Wichita-Sedgwick County area, the local governmental entities concerned with open space, parks, and recreation are the County; cities of the first, second, and third class; townships; and watershed districts. All of these local governing bodies have specific powers established by Kansas State Statutes to provide for open space, park, and

³United States Bureau of Outdoor Recreation, Fact Sheet on the Land and Water Conservation Fund Program Under Public Law 88-578 (78 Stat. 897), September 9, 1964, p. 4.

recreation facilities within the confines of their jurisdictional boundaries.

County

Sedgwick County, through the Board of County Commissioners, can establish and maintain park and recreational grounds and levy up to .50 mills not to exceed \$100,000 for annual acquisition, improvement, and/or maintenance of the property.⁴ When a county lake is involved, the limit is increased to \$150,000. Information on the ad valorem taxes indicates a .045 mill was levied by the Board of Sedgwick County Commissioners for park and recreational grounds in 1964 and a .037 mill was levied in 1966. These amounts are far below the allowable limit.

Recent legislation has made it impossible for the County to form into a park district. This district would be administered by a County Park Board of five members which could issue non-tax supported revenue bonds through the Board of County Commissioners for the development of revenue producing park and recreational facilities. This recent action also provides for zoning of the lands adjoining the lakes in the park district. In this instance, the lakes must be three hundred acres or more in size and zoning provisions are

⁴Franklin Garrick, Kansas Statutes Annotated, (Vol. II), 1964.

limited to a distance of two hundred yards back from an established shore line. The proper use of this zoning provision would insure the open space character of a lake setting.

City of the First Class

Traditionally, the responsibility for providing adequate open space, park, and recreational areas for the urban dwellers has remained with municipal governments. In the City of Wichita, the Board of Park Commissioners carries out the task of providing for park and recreational needs. The Park Board is also responsible for the municipal airport and forestry operation in the City of Wichita.

One interesting and important fact is that the Park Board is not limited to the confines of the City Limits when acquisitions of park lands are involved. The Park Board has the authority to purchase park land to a limit of five miles beyond the City Limits. This authority gives definite flexibility to the Board for acquiring park lands in advance of development. The Park Board also may, through the Board of Wichita City Commissioners, issue revenue bonds to finance revenue producing recreational facilities. The operation of the Board and its 172-man staff is financed primarily from approximately sixty per cent of a "Special Contributions Fund" which has been established by local ordinance to finance operational expenses of the Park Board, Library Board, and the

Wichita Art Museum. The estimated amount that was expended from this fund in 1965 for park and recreation operation is \$664,232⁵ which approximates slightly more than \$2.00 per capita per year. This figure does not include the expenditures made for the retirement of outstanding general obligation bonds issued for park and recreational purposes. Even if it did, the total expenditure per capita per year in the City of Wichita for park and recreational facilities would be low in comparison to cities of similar size and character.⁶

The Board of Park Commissioners of the City of Wichita, with financial limitations under which it operates, is by far the most active local unit of government in the field of parks and recreation.

The majority of influence on open space at the municipal level comes from the exercise of police powers through the recommendations of the Wichita-Sedgwick County Metropolitan Area Planning Commission. These powers within the City are not nearly so limited as they are in the outlying areas of the County. Through the use of various zoning and subdivision techniques, much can be done to enhance future development with purposeful open space. Some of the differing techniques

⁵Department of Administration, Budget and Management Division, City of Wichita 1965 Budget Brief, p. 15.

⁶Oklahoma City Director of Finance, (An Unpublished Statistical Report Presented to the Mayor and Council of Oklahoma City, Oklahoma), February 26, 1965.

will be discussed in the following chapter of this thesis.

Cities of Second and Third Class

In the cities of the second and third class in Sedgwick County, park and recreational responsibilities are generally handled by the particular city council.

Cities of the second class such as Derby, Haysville, and Valley Center, Kansas, may establish a board of park commissioners consisting of five members and levy a one mill public parks tax. At present, the cities of Derby and Haysville have local park boards but have not established a tax mill levy for public park purposes. Park and recreation activities are financed primarily from the general fund of the particular city. Valley Center has not established a park board. Its one small park is also maintained through finances provided in the city's general fund. In each case, these cities rely partially on facilities provided by local school districts to meet their recreational needs.

The cities of third class in Sedgwick County appear to be limited in the establishment of park boards. The governing body of each city is authorized to establish and maintain a park by bond election. The operation of this facility would be financed from the general fund of the city. One interesting point concerning cities of the third class is that they may attach a distant outlying park to the city. This park must be within eight miles of the city. The city may levy taxes on the property surrounding the park, limited to eleven mills and

subject to a protest petition signed by twenty-five per cent of the surrounding owners. This method might be of some benefit to the smaller communities, but, generally speaking, park and recreational facilities should be located as close as possible to the people they are intended to serve.

The preceding determinations indicate that the smaller cities in Sedgwick County are financially restricted in their efforts to provide park and recreational facilities.

It is interesting to note that in 1962, a vote for a park tax levy in the city of Haysville, Kansas, was defeated, and in the following year the budget of the Haysville Park Board was reduced from \$5,700 to \$3,500.⁷

When the local people are unwilling to pay for or unable to financially support adequate park and recreational facilities, there are two alternatives:

1. Do not provide the facilities.
2. Search out other sources of financial aid.

This thesis strongly recommends the latter. The smaller cities would do well to keep constantly aware of the actions being taken by State and Federal agencies concerning open space, parks, and recreation. Each city should be informed on how to take advantage of any available financial assistant programs.

⁷Oblinger & Smith, Planning Consultants, Wichita, Kansas. Preliminary Reports, Haysville Comprehensive Plan, Community Facilities Study, January, 1965, p. 2.

The cities of the second and third class may also influence the proper development or preservation of their open space resources by establishing planning commissions to provide for logical development through zoning and subdivision regulations. The cities of Derby, Haysville, Valley Center, and Mulvane, Kansas, either have, or are in the process of preparing, a comprehensive plan for their individual areas. The preparation and pursuit of the goals and objectives of the individual comprehensive plans can aid in providing adequate open space, parks, and recreation in the separate communities.

Townships

The exercise of zoning and subdivision regulations are not restricted to the cities. They may also be undertaken by the townships through the Board of County Commissioners. Townships also may acquire a park or parks and issue bonds for that purpose, limited to \$20,000. A maximum tax of two mills may be levied in the township for park acquisition, improvement, and maintenance. A maximum of one mill may be levied for acquisition, and a maximum of one mill may be levied for annual operation and maintenance.

Watershed Districts

Another possibility that should be considered is the role that watershed districts play in providing open space, parks, and recreation areas. The very nature of an officially formed watershed district makes it one of the most instrumental local

governmental entities directly concerned with the conservation and preservation of natural open space areas. This concern is not limited entirely to agricultural purposes. The watershed district is provided assistance by the Federal Government under Public Law 566:

... for solving major problems of erosion; flood damages; the management of water for agricultural uses; the development of water supplies for industrial, recreational, and municipal use; and the improvement of fish and wildlife facilities.⁸

A watershed district is a local unit of government with powers and authority similar to other local units insofar as taxation and operation are concerned. It is limited in Kansas to a two mill levy for its entire operation, including any expenditures for recreational improvements. Federal grants are provided to a varying degree, depending on the purposes for which improvements are made within the district.

In Sedgwick County there are two active watershed districts, the Andale District and the Spring Creek District. Several other districts have received and are receiving consideration for formation.

The two active districts located in western Sedgwick County contain eleven water retaining structures. The lakes formed by these structures provide focal points of outdoor recreational activities and sanctuaries for fish and wildlife.

⁸State Soil Conservation Committee, Topeka, Kansas. Watershed Report, December, 1964, p. 4.

The conscientious efforts of conservation and preservation practices carried on in the watershed districts should be strongly supported by urban and rural dwellers alike. The potentials of small lake and wildlife sanctuaries in the outlying rural areas are too often overlooked and abused. Closer cooperative efforts should be undertaken to promote better understanding, appreciation, and promotion of the natural resources in rural watershed districts.

To summarize, Table III briefly indicates the authority available to each local governmental entity for open space, park, and recreational purposes.

Upon reviewing the past and present activities of the local governmental units, it is concluded that the County, cities of the second and third class, townships, and watershed districts are sparingly involved in open space, parks, and recreation. As continued emphasis is placed on satisfying open space, park, and recreational needs in the Sedgwick County area, local units of government should substantially expand their activities in these particular fields. The present financial limitations under which the various local units are now operating will have to be relieved and supplemented by monies from other sources. Additional financing is of prime importance to the expansion of open space, park, and recreational activities of the local governmental units. It alone, however, should not be relied upon to do the entire job. Differing methods of administrative achievement should also be investigated,

TABLE III

GOVERNMENTAL AUTHORITY AT THE LOCAL LEVEL
FOR OPEN SPACE PURPOSES

Local Entity Involved
In Open Spaces, Parks,
and Recreation

Authority Available Under State Law

Sedgwick County	Park Boards	Park Districts	Planning Commissions	Zoning and Subdivision Regulations	Development of and Levying Taxes for Park and Recreational Facilities
Cities of 1st Class					
Cities of 2nd Class					
Cities of 3rd Class					
Township					
Watershed Districts					

evaluated, and attempted. It is most important that a battery of tools be developed to cope with the rapidly increasing desires for open space, parks, and recreation.

IV. PRIVATE ACTION

The most important single force in outdoor recreation is private endeavor--individual initiative, voluntary groups of many kinds, and commercial enterprises.⁹

Various governmental units provide general access to the out-of-doors and to recreational facilities, but a tremendous amount of the total recreational demand is met through private action.

It is interesting to note that during the year of 1958, 581 different organizations sponsored 4,759 recreational activities in the Wichita-Sedgwick County area.¹⁰ The types of sponsoring organizations included churches, civic organizations, commercial enterprises, country clubs, cultural groups, lodges, professional societies, tax-supported agencies, schools, and others. Of the total, only nine were public tax-supported organizations.

In the inventory compiled at that time, nearly one-half (277) of the organizations listed for recreation or leisure time activity were commercial in nature. They included bowling

⁹Outdoor Recreation Resources Review Commission, op. cit., p. 157.

¹⁰Community Planning Council, Wichita's Leisure Time, September, 1961, p. 157.

alleys, amusement parks, theaters, riding stables, driving ranges, swimming beaches, skating rinks, etc. These types of recreational facilities will continue to be provided for by private enterprise when sufficient demand exists.

General access to the out-of-doors and simple facilities should be made available to everyone, but the more specialized activities are among the good things of life that must be paid for by the individual who wishes them.¹¹

Private action by noncommercial groups and individuals working toward fulfillment of common goals is an effective means of satisfying recreational demands. In the Wichita-Sedgwick County area such groups include the Wichita Zoological Society, actively promoting a new zoo for the Metropolitan Area; the Wichita Audubon Society, presently working toward the acquisition of land for the development of a conservation center; the Wichita Historical Museum Association, concerned with the preservation of historical objects and information; and a recently formed branch of the Isaak Walton League, devoted to the conservation of natural resources and preservation of wildlife. In the inventory previously mentioned, over one-half (295) of the organizations listed were of the noncommercial type. These types of organizations sponsored a very large majority of recreational activities that took place during the year analyzed.

¹¹Outdoor Recreation Resources Review Commission, loc. cit.

Sponsorship of recreational activities is not the only aspect of private action to be considered. Other actions include donations, gifts, bequests by individuals, private development of public recreational areas, creation of common open spaces through proper design by private developers and, individual support of governmental action to provide funds for the creation of additional open space, park, and recreational facilities.

Private park foundations have met with considerable success in various parts of the country. They are generally nonprofit organizations, dedicated to the preservation of open space, park, and recreational areas. They often accept and hold donated land until the governmental body needs it and is financially able to develop and maintain it. They also receive cash donations which are invested in additional land purchases. Being nonprofit in nature, these foundations provide an inviting opportunity for people of substantial means to secure regular tax deduction benefits by scheduling donations of land over several years.

To further cultivate private actions, the governmental agencies should stimulate and encourage diversified commercial recreation. Government should, also, promote greater public recreational use of private lands and waters and give all feasible support to noncommercial private groups and individuals in their attempts to reach common open space, park, and recreation objectives. Private gifts and donations for open space,

park and recreation purposes should be encouraged.

Private groups and individuals, in turn, should make their intentions and wishes known to governmental agencies. Requests for information on open space, parks, and recreation should be made, and a continual awareness of governmental efforts to meet increasing open space, park, and recreational needs should be maintained. Groups and individuals intending to acquire and/or develop lands in urbanizing areas should seek information on new open space design techniques which would increase the park and recreation possibilities within the proposed projects. Proper techniques should enhance urban development while remaining in compliance with development regulations administered by various governmental entities. When improper limitations are found in the existing rules and regulatory measure, they should be pointed out, and more desirable solutions should be offered. The use of creative ideas and innovations to provide a desirable living environment will result from continued cooperative governmental and private action.

Communication between governmental bodies and private groups and individuals is very necessary to determining the needs of the community and to what degree these needs are being met.

CHAPTER III

METHODS OF PRESERVING OPEN SPACE

The methods suggested for preserving open space range from complete public ownership to self-imposed restrictions placed on private lands by the land owners (deed restrictions, as an example). Specific methods that local units of government might use in open space considerations will be examined briefly. The full range available to public agencies is suggested by general categories of:

1. Acquisition of full rights,
2. Acquisition of less than full rights,
3. Public guides to private development,
4. Assessment and tax policies, and
5. Encouragement and influence to private actions.

I. FULL RIGHTS

Full rights in property for open space, parks, and recreation purposes may be obtained by local units of government through eminent domain, negotiated purchase, transfer of public ownership, exchange of public and private lands, acquiring tax delinquent properties, conversion of public use, combining of public use, excessive condemnation, and gifts and donations by private organizations and individuals.

Eminent Domain

The use of the right of eminent domain by a public body is the taking of and paying for private land for a public purpose. In the Wichita-Sedgwick County area, the right of eminent domain presently rests with the city councils and commissions, the Sedgwick County Commission, school districts, the Wichita Urban Renewal Agency, and the Wichita Board of Park Commissioners within five miles of the City of Wichita. The power has been little used outside the Wichita City Limits for park, recreation or open space purposes.

Direct Purchase

The direct purchase method of acquiring and preserving open space is preferred by the Wichita Board of Park Commissioners for acquiring land. This method, authorized by State Statutes, has been used extensively to expand the Wichita park and airport facilities.

The Wichita Board of Park Commissioners is authorized to expend up to \$300,000 from the proceeds of the sale of general obligation bonds for capital improvements. This authorization by Kansas State Statutes is intended to provide funds not only for improvements, but for land acquisition as well. Revenue bonds may also be used for developing improvements if the intended facilities will produce an income for retirement of the debt.

Direct purchase is the most assuring method available for preserving open space, but this presents major financial problems when large areas are considered for acquisition. Leases and leases with option to buy could possibly be used to preserve open space on a large scale; but legislation may be required to permit governmental units to acquire leases for conservation and preservation purposes. The lease agreement would offer short-range advantages in terms of capital outlay; but it would not guarantee against high land prices if future purchase became desirable or necessary. Leases and leases with options to buy have not been used by the local governmental units in Sedgwick County.

Other less expensive methods of securing full rights are: transfers, purchase of tax delinquent properties, and conversion of public uses.

Transfers

Transfers are simply the shifting of ownership and maintenance of property from one public agency to another. A transfer of ownership has been used in the City of Wichita to acquire park property from the Federal government. In 1960, 130 acres of a Federal defense housing project were transferred to the City of Wichita; and, in turn, to the jurisdiction of the Park Board. This method is one of the least expensive ways for local public bodies to acquire and preserve

open space. However, the opportunity to make use of the method seldom exists.

Exchanges

Exchanges are the trading of public and private properties. Exchanges have been used to a minor extent in the Sedgwick County area. The infrequent use of this method is partly due to the difficulty of finding willing participants that own property of adequate size properly located for open space, park, and recreational purposes. There is also the problem of establishing an exchange value that is equitable for all parties to the agreement.

Tax Delinquent Properties

Purchase of tax delinquent properties, disposed of at public auction is also an inexpensive method for local governmental entities to acquire full rights to property. If used in conjunction with exchanges, it might be possible to acquire well-located areas for open space, park and recreation purposes. Procedural difficulties of tax settlements and exchanges would make such a method questionable. If this method is not associated with an exchange program, acquisition of property in this manner is not recommended. It would result in public ownership of a scattering of small unrelated parcels of limited value to a total park system. This method of acquiring full rights to property for open space, park, and recreational purposes has not been used in Sedgwick County.

Conversion of Public Use

Conversion of public use is illustrated when property acquired for a certain public purpose is converted to open space, park, and recreation facilities when the original use is discontinued. Existing and future land-fill sites are an example. The Wichita Board of Park Commissioners is on record as favoring the use of land that has been reclaimed through sanitary land-fill operations for future park and recreational purposes.

The Wichita Park Board has three previously completed landfill sites totaling approximately one hundred and sixty-five acres. One of these sites has been in use as a park for several years. The other sites are undergoing preparations for future park and recreation use by the public. The Park Board has also entered into an agreement with the Wichita Department of Public Works for the conversion of a present landfill site into a future park. The Park Board will assume the operation of the park following the completion of the landfiling operation by the Department of Public Works. The Public Works Department is filling the area in accordance with a plan designed by the staff of the Park Board. When completed, the area will contain a lake surrounded with sculptured ground forms.

The Wichita Board of Park Commissioners has also converted abandoned borrow pits into useful open space, park, and recreation areas. One area is one hundred twenty acres in size

and contains a variety of land and water recreation equipment. The area was previously used by the Kansas State Highway Department to provide material for highway construction.

Conversion of use of publicly owned property in the manner indicated above is strongly recommended. It allows a public body to take advantage of the open space potential of the site.

Combining Public Open Space Type Uses

The combining of public open space uses is illustrated by the location of a school site adjacent to a park. This combination of public areas complements the functions of each facility. It allows for the grouping of recreation facilities in a way that will avoid a duplication of effort by the public agencies involved.

The Wichita Board of Education and the Wichita Park Board have followed a policy of coordinating the land purchases whenever possible. This policy has led to the creation of several school-park areas in the City of Wichita. The Park Board has park facilities on school sites with the agreement of the School Board to allow the general public the use of the facilities. This type of cooperative arrangement has proved to be successful and is expected to continue in the future. It has been recommended in past master plans of the City of Wichita.

The only major problem associated with this method is one of scheduling of funds for the concurrent acquisition of

property by separate public agencies. It is difficult to find two public agencies that are both prepared financially to acquire property at the same time.

Although acquisition of full rights to property is the most permanent assurance of preserving open space, there is a need to explore other methods of preserving large areas. It should be possible for public agencies to use these methods, and the methods should insure a feasible purchase price if acquisition of full rights becomes necessary in the future. Due to the increasing costs of acquiring property and the limited financial resources that exist, public agencies are beginning to consider methods of acquiring less than full rights in land at a lower price.

II. LESS THAN FULL RIGHTS

The acquisition by public agencies of less-than-full-rights in property means that the acquiring agency purchases only those rights which are necessary to perform a certain function. Restricting certain types of development by the purchase of development rights from private property owners is an example. There are several methods that a public body might use to preserve open space without going to the large expense of acquiring full rights in property. Some of these are purchase and lease-back arrangements, purchase and sell-back, use permits, and conservation easements.

Purchase and Lease-Back

Purchase and lease-back may be used to acquire less than full rights to land. In this instance, the public purchases the land and leases it to private interests for restricted open space uses; thereby, controlling the development rights on the property. This method has not been used to a great extent for park and recreation purposes in the Sedgwick County area. It is in use around the municipal airport and on one farm where city water pumps are located. A major disadvantage of this type of arrangement is that the public becomes a landlord with management responsibilities.

Purchase and Sell-Back

Purchase and sell-back with certain restrictions on use by a public agency can achieve the same results and eliminate the problems of management. In this instance, the land is purchased outright and then sold back to private interests with the public retaining the development rights as it wishes.

Two new approaches to purchase and re-sale have been suggested by Charles Abrams of the Harvard-Massachusetts Institute of Technology, Joint Center of Urban Studies, and Marion Clawson of Resources for the Future, Inc.¹ Mr. Abrams has suggested government purchase of large tracts of undeveloped land which would be planned for development with adequate open

¹Housing and Home Finance Agency, Urban Renewal Administration, Preserving Urban Open Space, 1963, p. 14.

space. The land would then be re-sold to private developers to be constructed according to the plan. Mr. Clawson recommends creation of suburban development districts as local governmental units to guide the development within the community to completion; thereafter, disbanding. Traditionally established local governments in this case would have to restrict development to the districts in order to preserve surrounding open space. For these methods to work, it would necessitate public support of complete governmental control of land development. Particular attention would be focused on the problems of restricting development from privately owned lands outside the developing governmental districts. Purchase and sell-back has not been used in the Sedgwick County area.

Use Permits

Use permits might be secured by public bodies for specific activities, such as hunting, fishing, boating, horseback riding, etc., on privately owned land. These permits have been found useful by the National Park Service. They have not been used locally.

Conservation Easements

Several conservation easement programs have been used in different cities and states to provide for conservation of open land. Wisconsin has developed a program of obtaining easements for many purposes other than conservation. They include easements for hunting, fishing, and hiking. The ten-year, fifty

million dollar, program to develop a state-wide system of recreation and conservation areas is financed by a one-cent state cigarette tax.

The States of Connecticut, Maryland, Minnesota, New Jersey, and New York have also taken action to permit acquisition of less than fee interests through easements. The Commonwealth of Pennsylvania in 1963 approved a seventy million dollar bond issue to finance a long-range outdoor recreation land acquisition program, twenty million of which is earmarked for grants to local governments. In connection with this action, the City of Philadelphia has embarked on a cooperative program with four adjacent counties to acquire open land or rights-in-land to provide open space buffers for the delineation of neighborhood districts within the City. The program is also aimed at the preservation of stream valleys and river frontage and the provision of adequate public recreational areas. These and other similar programs indicate the growing concern of citizens toward preserving open space and providing recreational facilities.

The advantage of the use of easements in most cases is economy. The land remains in private ownership and on the tax rolls. The price for acquiring the easement is relatively small. In one Wisconsin case, it was twenty-five per cent of the cost of fee simple title. The word "easement" is often associated with highway and flowage right-of-way easements; the cost of which often approaches costs of acquiring fee simple

title. The easement considered here would leave the landowner maximum use of his property for open space purposes in the future. (See Fig. 1.)

The easements may be used for all associated open space purposes--conservation, recreation, control of urban sprawl, aesthetic preservation, etc. Maintenance expense depends upon the extent to which improvements are made for park facilities or recreational activities within the easement areas. Otherwise, the maintenance is left strictly in private hands.

In the Wichita-Sedgwick County area, easements have been used primarily for flood control, utility, and access purposes. A major flood control easement in the Wichita-Sedgwick County area is one containing the Wichita-Valley Center flood control project.

The project offers possibilities for certain additional public uses, such as hiking, bicycling, horseback riding trails, wooded areas, and scenic development. Its use for such purposes depends upon the extent to which other than flood control improvements may be made to the project. Its use would also depend on the ability of some agency to accept the responsibility for developing and maintaining such other improvements. The flood control project has the potential of providing a framework of connecting links between major open space, park, and recreation areas on a metropolitan basis. This would be accomplished through cooperation and inter-agency action.



Fig. 1. The application of a conservation easement to an area of natural beauty and attraction.

Of all the methods and devices now in use or available for the preservation of open space, the cooperative use of easements is presently receiving the most attention. Advantages to the landowner have been suggested as follows:

1. Because other landowners in the area are covered by the plan, he gets flank protection.
2. Integrity of an agricultural area is assured; thus, protecting him from adverse land uses.
3. Tax protection: He escapes the vicious spiral that is forcing many farms into subdivisions. Assessments cannot be raised to match value of the land for subdivisions since the land legally cannot be subdivided.
4. Enhancement of value of the rest of his property, because of the guarantee provided by the easement, values of abutting land is increased.²

The advantages to the public have been stated as follows:

1. Achieves conservation of prime land without having to bear fee simple costs.
2. Land remains on the tax rolls.
3. No maintenance costs; the landowner maintains it.
4. Most important, the land remains productive and alive.³

Disadvantages have also been enumerated. They are:

1. The easement rights must be described with great specificity to meet legal requirements.
2. A severe financial strain may be imposed on the acquiring government by simultaneous acquisition either of the fee or easements--simultaneous acquisition being necessary to protect all of the land in a proposed area against subsequent conflicting or harmful development.
3. Focus on the land's development potential could lead to an overstatement of this potential by each owner; thus, inflating the cost of easements.⁴

²William H. Whyte, Open Space Action, Outdoor Recreation Resources Review Commission, Study Report 15, 1962, pp. 17-18.

³Ibid.

⁴Urban Renewal Administration, Housing and Home Finance Agency, Preserving Urban Open Space, February, 1963, p. 28.

Because of the disadvantages indicated here, it appears that the easement technique alone is not sufficient. This, however, should not lead to disregard of the method. Coupled with other measures, it can still be an effective tool. Zoning, assessment policies, etc., together with the conservation easement device might all be used in aiding preservation and conservation of open space.

III. PUBLIC GUIDES TO PRIVATE DEVELOPMENT

Public guides to private development include zoning and subdivision control under the police power. The limits of these powers and the areas in which they may be exercised are determined by State law. Zoning controls may be exercised by townships with the approval of the Board of County Commissioners by all cities and by half of the County itself. Subdivision regulations may be instituted only by cities for the land within their corporate limits and within the three-mile peripheries outside the city limits.

In Sedgwick County, the Board of County Commissioners has established zoning jurisdiction in the three-mile peripheries of Wichita, Haysville, Derby, Valley Center, and Mulvane. In addition, it has approved the establishment of township zoning for Grand River Township.

Cities in the Wichita-Sedgwick County area that have zoning ordinances for land within their corporate limits are Wichita, Haysville, Derby, Mulvane, Valley Center, and Cheney.

Of these cities, Wichita and Haysville have adopted subdivision rules and regulations, and the City of Derby is in the process of adopting such rules and regulations.

Zoning for the City of Wichita and for the areas within the three-mile peripheries of Wichita, Haysville, and Derby is processed through the Wichita-Sedgwick County Metropolitan Area Planning Commission. The Planning Commission makes recommendations for approval or denial of requested zoning changes to the City Commission of Wichita or the Board of County Commissioners for land within their jurisdictions. All cities listed, except Wichita, have independent city planning commissions and often operate in cooperation with the Wichita-Sedgwick County Metropolitan Area Planning Commission for matters occurring within their corporate limits.

There appears to be adequate authority from State Statutes to establish zoning on all land within the county if it is the desire of the county commission and the several governing bodies to do so. At the present time, however, a large portion of urbanizing counties are unzoned; and, therefore, many of the streamways and wooded areas in rural areas receive no protection from zoning controls.

Zoning and subdivision controls now existing in the Sedgwick County study area do little to encourage proper use of open space on a regional scale for conservation, recreation, and park purposes. Certain new zoning and subdivision techniques are available, however, which might be used to

strengthen existing ordinances and to provide for those areas now unzoned. These are large lot zoning, agricultural zoning, flood plain zoning, density zoning, timed development, planned development districts, required dedications, and compensable regulations.

Large Lot Zoning

Large lot residential zoning is used to provide lower development density in suburban areas. Minimum lot sizes have been established anywhere from two to as large as ten acres. While the requirements of large lot zoning may not provide interconnected public open spaces, they aid in forestalling premature development, and thus preserve open space for an interim time period.

This preservation is accomplished, in part, by the necessity of developing expensive dwellings on the oversized lots in order to make large scale subdivision of land economically feasible. Few individuals would purchase a \$10,000 house on a \$10,000 lot. The demand for the expensive lots is relatively low when compared with the demand for subdivisions oriented toward the middle class, moderate income individual.

This large lot zoning technique is presently used by the Board of Sedgwick County Commissioners to provide low residential densities in airport approach zones. These zones extend approximately 10,000 feet from the end of the main runways and are 4,000 feet in width at their widest point. The

allowable residential density within the zones is one dwelling unit per two acre lot. This requirement has proved successful in restricting dense residential development from the hazardous areas surrounding local airports. However, the large lot zoning techniques alone cannot guarantee permanent preservation of open space.

Agricultural Zoning

Agricultural zoning has been successfully used in various parts of the United States. The basic purpose of agricultural zoning is to restrict urban development from certain highly productive farming areas. This zoning category also assures the continued agricultural use of the land for as long as the owner desires.

This type of zoning is of some value for preserving open space in outlying areas of counties. However, property has a development potential near urban centers. This brings about increased taxation which in turn may force a zoning change allowing the property to be converted into urban development.

Therefore, agricultural zoning cannot be completely relied upon to preserve open space for long periods of time when faced with the approach of urbanization. If agricultural zoning was combined with other techniques such as preferential assessment and deferred taxation, its usefulness as a method of preserving open space could be extended. These other methods

mentioned will be discussed in a following section regarding assessment and tax policies.

The cities and counties in Kansas have the authority to establish agricultural zoning within their respective jurisdiction. The cities in the Sedgwick County study area have not taken steps to exercise this authority.

Flood Plain Zoning

Flood plain zoning, wherein certain lands subject to flooding are restricted to open space uses, is another method by which open space may be preserved. In the Wichita area, informal flood plain zoning is effected through the enforcement of the subdivision regulation ordinance:

As a matter of policy, no new residential subdivisions are approved in a flood plain unless the grade of the subdivision is brought to three feet above the level of the highest flood on record.⁵

Flood plain zoning related to the mapped flood plain of streams allows for the conservation of the natural waterway and protects the public from hazards of flooding. This technique can be very useful in achieving open space objectives and appears to be acceptable as a justifiable use of the police power by the courts.⁶

⁵Richard F. Babcock, Chicago, Illinois, and Warren V. Oblinger, Wichita Kansas, - Zoning and Subdivision Techniques - A Report on Contemporary Land Use Control Methods, p. 42.

⁶Urban Renewal Administration, Housing and Home Finance Agency, op. cit., pp. 14-15.

Density or Cluster Zoning

Density or cluster zoning and development is a method whereby the developer may reduce the size of individual lots below the normal minimum requirements. This may be done if compensating amounts of useful open space are retained within the total site.

The illustration in Figure 2. indicates the end result of cluster or density zoning. The first design represents a typical suburban subdivision. It contains ninety-four lots and 11,600 feet of streets and utilities. The second design represents cluster planning. The subdivision still contains ninety-four lots. However, the lineal amount of streets and utilities has been reduced to 6,000 feet, and the total site contains a large amount of purposely connected open space.

This technique has saved land for community uses such as playgrounds, tot-lots, parks, sitting areas, etc. It has reduced the public expense of constructing roads and utilities and has separated automobile traffic from living areas. This method may also reduce the average cost per dwelling unit for site preparation. These savings could all be placed back into the project in the form of park and recreational facilities. Such a reinvestment would increase the saleability of each lot.

Timed Development

Timed development is a zoning technique used to divide communities into:



Conventional subdivision



Cluster subdivision

Fig. 2. An illustration of open space type development.

Source: York County Planning Commission, York County Subdivision Design Handbook, p. 55.

1. Districts containing utilities in which development is permitted.
2. Districts lacking, but intended to receive, utilities in which development is postponed.
3. Districts without services which are intended to remain as permanent open space.

By officially mapping districts for permanent open space, this technique raises the question of the public body taking rights without just compensation to private landowners. Development is permanently discouraged by restricting the extension of utilities into certain designated areas. The legal problems associated with this method limits its usefulness to public agencies. It is not in use in the Sedgwick County area.

Planned Development Districts

A planned development district is one in which flexible zoning and subdivision regulations have been combined to allow the unified development of large tracts of land where standard zoning provisions do not justly apply. It permits the grouping together of various housing types (i.e., duplexes, garden apartments, and high rise apartments) on one site without the necessity of seeking the proper zoning classification for separate portions of the total site. This technique is presently used in the Wichita area under the title of Community Unit Plan. Such a technique is useful for retaining open space areas in relation to specific developments; but it is of little value in creating a complete unified system of open space throughout an entire metropolitan area.

Required Dedications

Required dedications of land for schools, parks, or other open space purposes at the time of subdivision is authorized in some states. However, Kansas law does not provide cities or counties the authority to require such dedications. The existing subdivision rules and regulations for the City of Wichita provide for the encouragement of such dedications, but do not make them mandatory. Dedication of small parcels through permissive legislative authority has not been actively encouraged. Public agencies responsible for development and maintenance of such areas have little use for scattered, small, and unrelated segments of land. Dedication should only be encouraged in large subdivision development where the number of future inhabitants will create a definite need for a park, school, or recreation site. In the Wichita-Sedgwick County area, dedications of land by private developers have not been made. The needs of preserving park or school sites have been pointed out to the appropriate public agencies by the Planning Department. The agencies have contacted developers and made land purchases when funds were available.

Compensable Regulations

The use of compensable regulations is a proposal developed by Jan Krasnowiecki and James C. N. Paul, of the University of Pennsylvania, and Anne Louise Strong of the Urban Renewal Administration. It would:

... let local governments pay compensation to owners affected by regulations that preserve the open character of their land and thereby reduce its value.⁷

The property to be affected would be appraised at its value immediately prior to the application of the development restrictions. This appraisal would establish the owners guaranteed value. If the property was sold at a loss on a later date, the public agency would reimburse the property owner the difference between the original appraised and the lower selling price. The creators of this method point out that it would commit local governments to an unknown financial liability for an indefinite period of time. For this reason, it is doubtful that local governments in the Sedgwick County area would use the method.

All of the methods previously mentioned assist in preserving open space in an urbanizing area. Flood plain zoning, agricultural zoning, and density or cluster zoning, appear to offer the most potential for preserving desirable open spaces on a continuing basis. However, the use of zoning authority will not completely insure that lands will remain permanently open.

In the case of agricultural zoning, for instance, the zoning provision may be cumulative - allowing residential as well as agricultural land use. Also, zoning changes may be granted to farmers wishing to "sell off" part of their land to

⁷Ibid., p. 29.

subdivision. This may be done to capitalize on the increased value of the land for development purposes or to relieve the landowner of increasing tax burdens. In any case the open space would be destroyed.

Zoning is rightfully limited. Therefore, investigation must be extended to other methods of preserving open space. Additional methods could be provided through the revision of assessment and taxing policies.

IV. ASSESSMENT AND TAX POLICIES

Tax assessment is made on the basis of fair market value. When open land adjacent to urban areas is assessed, the fair market value is often determined by the nearness and type of urban development. As urbanization moves outward, the development potential of adjacent open land increases. When the adjacent open land is urbanized, the land farther out becomes more valuable for development purposes. This process continues and creates a spiraling land value effect. In each instance property taxes increase. Many rural landowners cannot afford additional taxes. Therefore, the land is subdivided and sold for urban purposes.

Several solutions have been offered to protect open lands from being taxed into development. These include preferential assessment and deferral of taxes.

Preferential Assessment

Preferential assessment is a method of taxing land on the value of its actual use and not on the value of its potential uses. There are questions as to the constitutionality of such a method. Also, the method presents the assessor with the problem of distinguishing between truly open space uses and facades for subsequent development. Preferential assessment has not been used in the Sedgwick County area. However, it has been used to advantage in other areas to preserve agricultural land and golf courses near urban areas.⁸

Deferral of Tax Payment

Deferral of tax payment is a method by which the payment of a major portion of normal property taxes is deferred so long as land is kept for open space purposes. If the land is sold for urban development purposes, the deferred taxes, to a certain limit, become due. Although there are certain assessment problems with this method, it would offer assistance in periodic preservation of open space. This method is not used in the Sedgwick County area.

Of the taxing procedures briefly mentioned here, preferential assessment and deferred taxation appear to offer the best possibilities for preserving open space if they are combined with previously mentioned methods concerning zoning and acquisition.

⁸Whyte, op. cit., pp. 5-7.

In summary, this chapter has presented an inventory of the various methods available to preserve open space in urbanizing areas. It has also indicated the extent to which certain methods have been used by the local governmental units in the Wichita-Sedgwick County study area. After comparing and evaluating the various methods listed, a conclusion was reached that the following techniques offer the best possibilities of being combined for the preservation of open space in an urbanizing area:

1. Agricultural zoning
2. Flood plain zoning
3. Density or cluster zoning
4. Preferential assessment
5. Deferred taxation
6. Conservation easements
7. Direct purchase of fee simple title

CHAPTER IV

AN ILLUSTRATED EXAMPLE

To illustrate the combining of various methods to preserve open space, the following graphic presentation was developed to apply to a hypothetical urbanizing area.

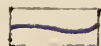
Assume that a short distance from a growing urbanized area there exists a rich fertile stream valley similar to that illustrated on Plate I. This valley contains an abundance of native vegetation, intermingled with the stream channel and surrounding productive farmland.

The area is within an official watershed district and the scatteration of water impoundments indicates the active participation by the landowners in the district's conservation program. The crop production is high, and many progressive farming techniques are in use, indicating the farmers' devotion to their profession and their intention to remain so.

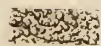
Development pressures haven't affected the area, but many local residents have a growing awareness of approaching urbanization and the spiraling land values and tax increases it brings. The possibility of increased land taxes forcing the change of farm property into urban uses is becoming the common topic of discussion in group meetings and private conversations. This concern is brought to the attention of the governing body

EXPLANATION OF PLATE I

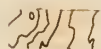
A hypothetical open space area



Streams and lakes

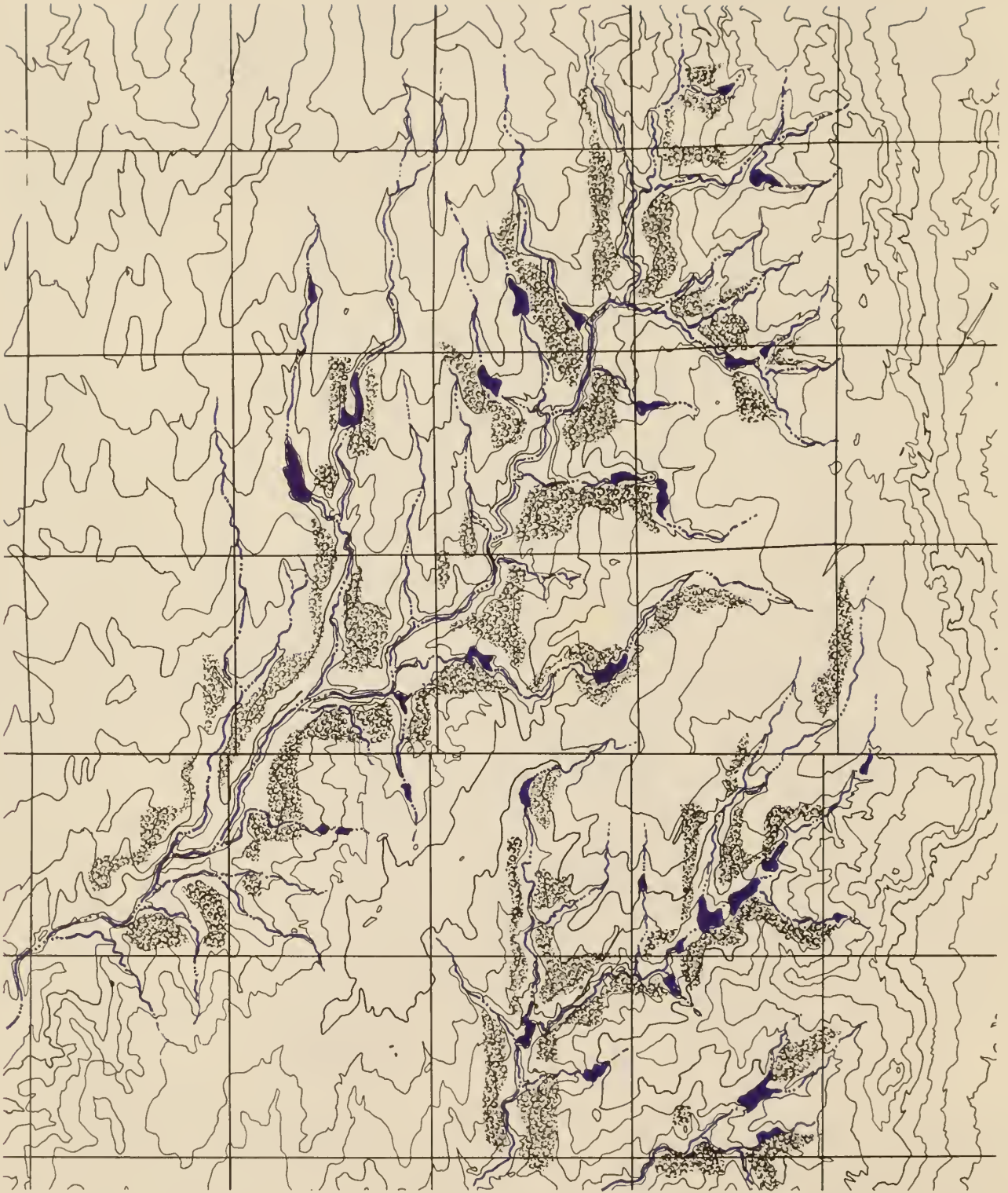


Native vegetation



Topography

PLATE I



most directly related, with a plea that some solution be offered.

At this time it is discovered that the governing body is not completely unaware of the feelings that exist. It has, through land use studies and analysis, recognized the economic value of continued agricultural production in the area. The governing body has also recognized the aesthetic value of the natural character of the area. A potential flood hazard to the existing downstream urban areas would be created should the entire upstream area be converted to intensive urbanization. With these thoughts in mind, the governing body acts through its planning agency in cooperation with local citizens and organizations and establishes the limits of flood plain and agricultural zoning in the area as indicated on Plate II.

The farm operators feel that this is a step in the right direction. However, they desire a stronger assurance that their land will be assessed and taxed on its agricultural use alone and not on its potential development use. They push strongly for preferential assessment within the agriculturally zoned area. This they are granted. The governing body feels that it, too, must have some assurance that the farming intentions in the area are sincere, and that the higher sale price that land brings for development will not encourage the farm owners to sell out after operating with the tax benefits for several years. Such action on the farmers' part would allow premature scattered development and create urban sprawl.

EXPLANATION OF PLATE II

The application of zoning controls

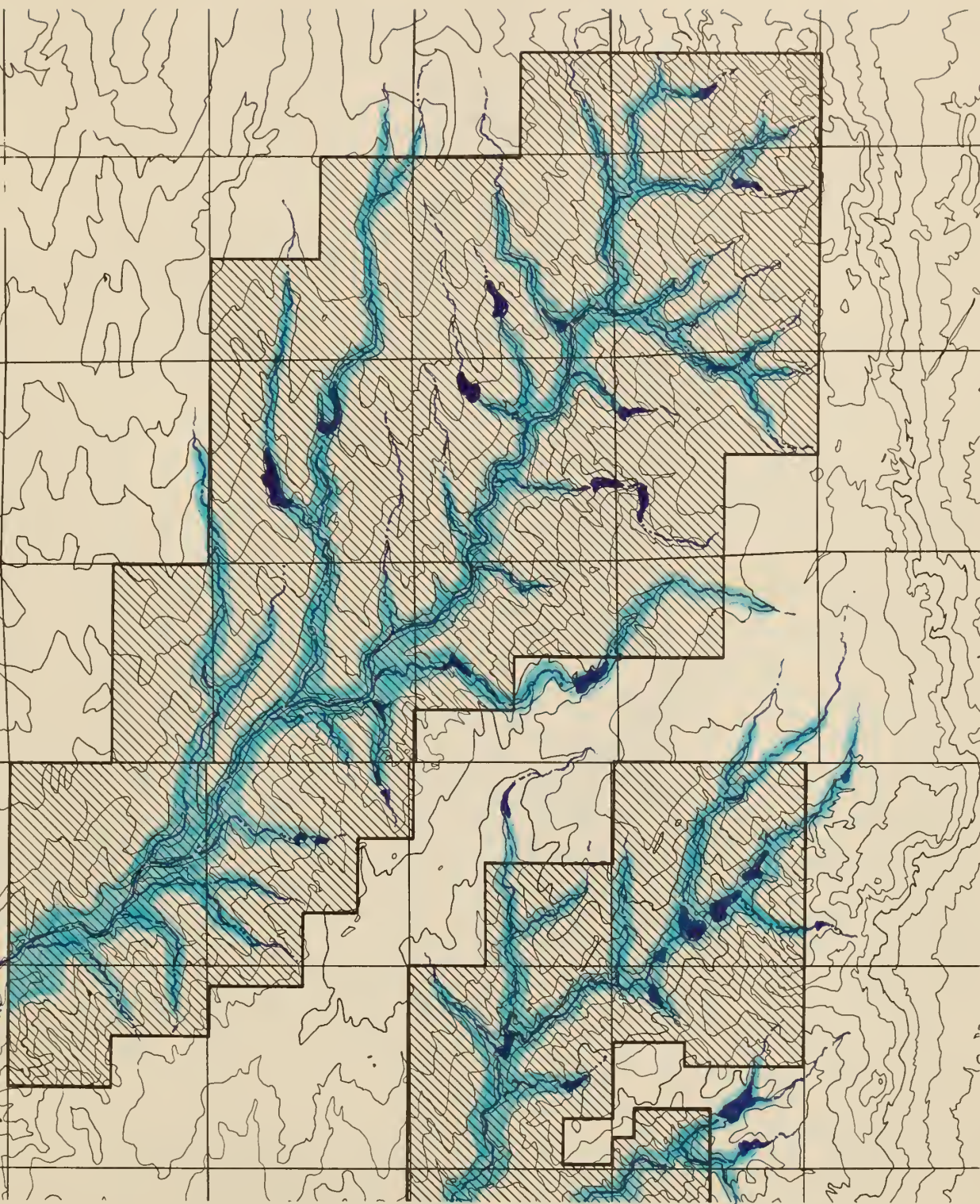


Agricultural zoning with deferred taxation



Flood plain zoning

PLATE II



What is settled upon is a system of preferential assessment with deferred taxation. In case of eventual sale of the land for other than open space purposes, the farmer would be responsible for back taxes. In this situation, the land owners are obligated to pay the difference between the lower taxes they have paid with benefits of preferential assessment, and the higher taxes they would have paid had the land been continually assessed for its development potential. The total financial obligation would be for a specified number of years previous to the time of sale.

The farm operators, feeling that their interests are protected, give general acceptance to this arrangement. The governing body in turn is satisfied and believes it has a meritable method of discouraging premature urban sprawl and maintaining the highest and best uses in the area; thereby, promoting the health, safety, and welfare of the urban and rural dwellers alike.

During the discussions between landowners and public officials, a large amount of attention has been focused upon the natural beauty of the stream channel and its adjacent wooded areas. Although the major concern to this point has been with the preservation of the area's agricultural integrity, the discussions have generated a conscious awareness of the existing aesthetic qualities in the area that heretofore has been taken for granted.

If the agricultural use of the area is endangered by approaching development, the natural unused streamway and forest lands are in an even more precarious position. The beauty of the areas and the fact that they are not currently used to produce an income make them a natural attraction for urban use and very susceptible of being the first to be sold for development purposes. This fact is recognized, and the general feeling is that these special areas need protective measures stronger than those presently provided by the zoning and taxing provisions.

The campaign to preserve the areas of natural beauty finds its strongest advocates in the urban and suburban dwellers. A voice of support is raised from private groups and organizations formally interested in nature and outdoor activities. Support also comes from many individuals who have had the privilege of access granted to them by private landowners so that they might enjoy the pleasures of hunting, fishing, camping, etc. in various fields, woods, ponds, and streams in the area.

These groups and individuals realize that the steps taken thus far do not insure any part of the area against development. They only promote the agricultural interest as long as the landowners wish to continue their farm operation. What is sought is a more permanent assurance that the stream channel and adjacent woodlands will remain intact, natural in character, and free of development.

A governmental body directly concerned with the aesthetic qualities of nature (i.e., a park and recreation commission) is approached with requests to permanently preserve these natural areas. Being aware of the current interests and realizing that its financial resources are not sufficient to acquire fee simple title to the entire stream channel and adjacent woodlands, the governmental body embarks on a less-than-full-rights method of preserving the natural quality of the area. It chooses to acquire a conservation easement similar to that previously illustrated in Figure 1 on page 51.

In cooperation with interested groups and individuals and with the assistance of a planning agency, the limits of a conservation easement are established. The boundary includes the streamways and adjacent natural areas as indicated on Plate III.

The landowners affected by the easement are contacted and informed of the public feelings, desires, and proposals. During the negotiations for the easement, it is explained that the public park agency wishes to purchase only the development rights to that part or parts of land which contain the natural open space qualities well worth preserving for the enjoyment of all present and future generations. Further, that the easement does not provide general public access into the area, and if access into or through the easement area is desired in the future (with a system of hiking and riding trails, for

EXPLANATION OF PLATE III

The establishment of a conservation easement



Conservation easement boundary

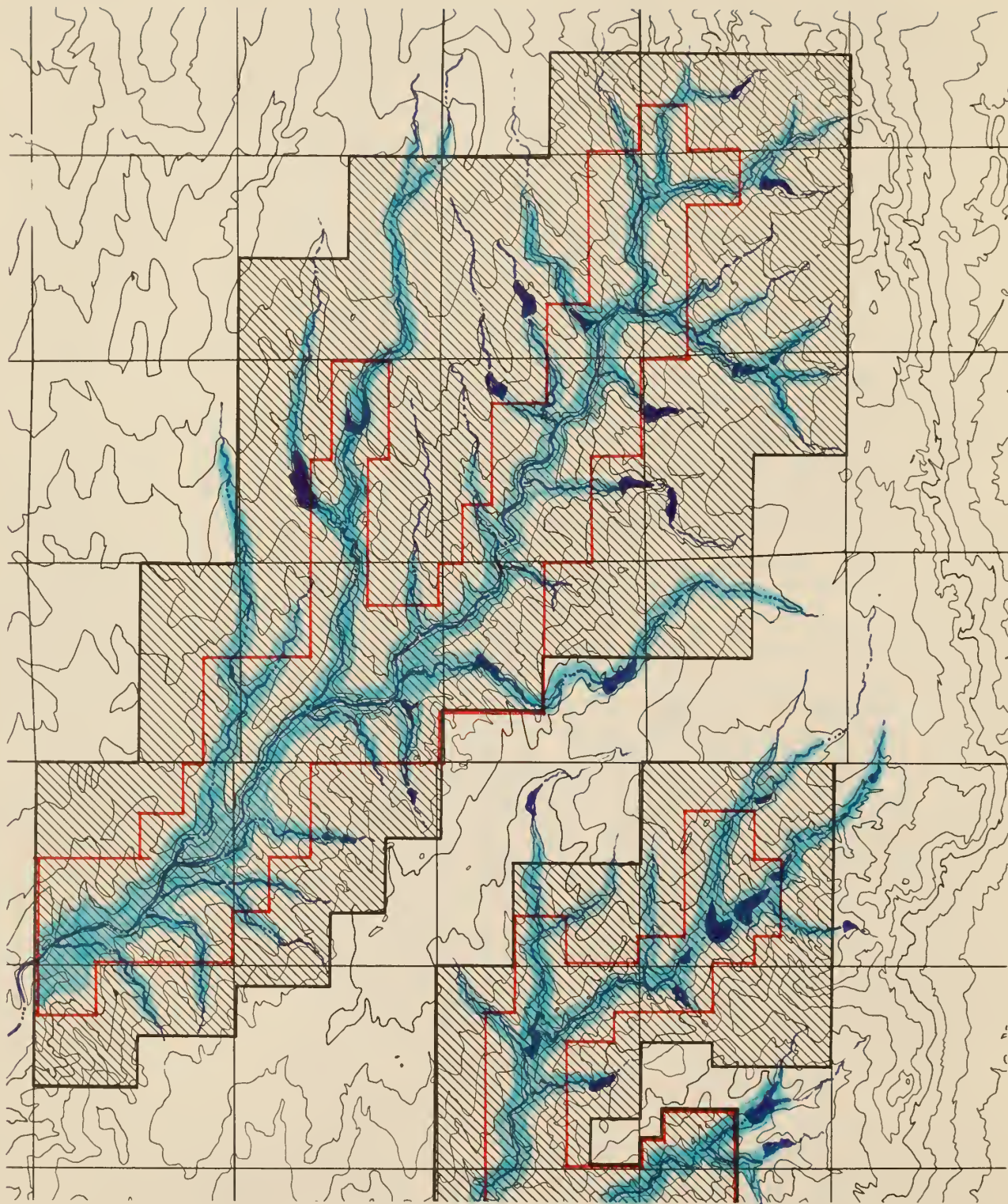


Agricultural zoning with deferred taxation



Flood plain zoning

PLATE III



example), the public body will have to re-negotiate for that purpose. The farmer is free to continue using the land as before and to fully benefit from any income derived therefrom. The development rights are purchased, and the conservation easement is established in perpetuity, thereby forever existing regardless of an eventual change in the ownership of the land.

As the years pass, the urban area continues to grow and expand in the direction of the stream valley. Eventually, as is indicated in Plate IV, the urban area has drawn very near to the illustrated area.

At this time, the governing body responsible for the provision of park and recreational facilities (i.e., a metropolitan park and recreation commission) determines that a certain amount of accessible public land will be needed to serve the future population expected in and around the area. It acquires, in advance of development, five sites of varying size, type, and distribution in relation to the particular park and recreation standards followed. It is discovered that in the area illustrated, it is possible to acquire sufficient acreage of land at reasonable prices because the land has remained undeveloped. The park sites are located in a proper spacial pattern unhindered by scattered development. This has been brought about by the continued existence of agricultural zoning and deferred taxation for Site A; agricultural zoning, flood plains zoning, deferred taxation and conservation

EXPLANATION OF PLATE IV

The acquisition of public park land in advance
of approaching urban development






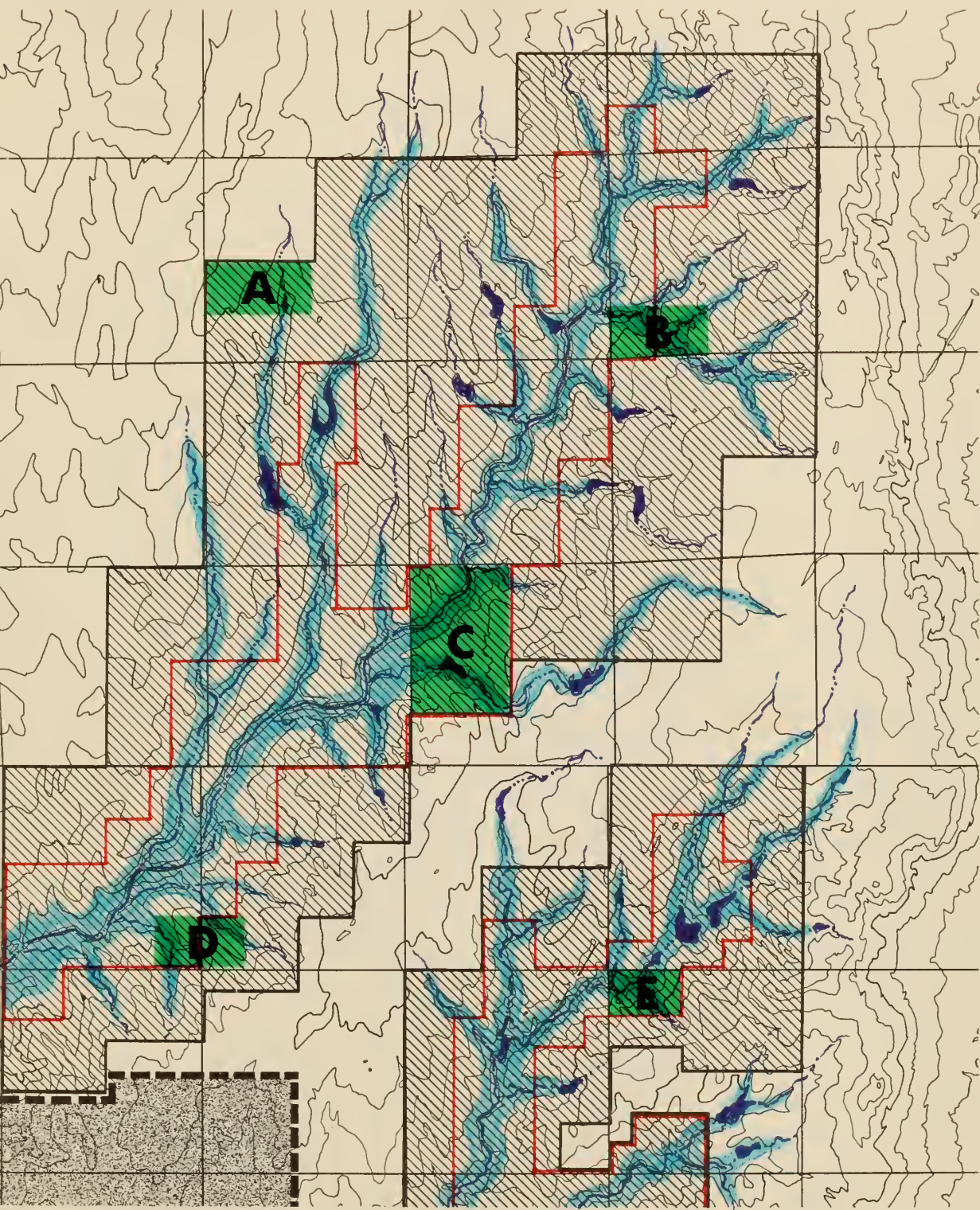
-  Property acquired for public park purposes
-  Approaching urban development
-  Conservation easement boundary
-  Agricultural zoning with deferred taxation
-  Flood plain zoning

PLATE IV



easement for sites B and D; and the complete inclusion within the conservation easement of sites C and E.

Eventually, urbanization pushes outward, utilities are extended, and development begins to enclose the illustrated area as indicated in Plate V.

At this time, a transformation of uses begins to take place. For example, many of the older farm operators may decide to sell their land and retire from the farming practice. Bear in mind that they are under no pressure from urbanization to do so. They are still protected by zoning and taxing provisions.

After the decision to sell is made, it is discovered that there are two possible types of transactions. The land may be sold for a similar open space purpose at its lower open farm land value or a zoning change may be requested, the deferred back taxes can be paid, and the land may then be sold at a higher price for a more intense urban use. It is assumed that the latter possibility will appear the most desirable to the seller.

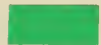
It is here that the governing body must exercise great discretion. Should hasty and unwise decisions be made concerning zoning changes, the entire open space concept of the area is jeopardized and possibly doomed to failure. The intended purposes to which the land is to be put must be thoroughly understood and carefully evaluated before changes are granted. It is assumed that the governing body, through

EXPLANATION OF PLATE V

The conversion from rural to urban use



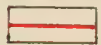
Rural areas converted to open space type urban development



Property acquired for public park purposes



Intense urban development



Conservation easement boundary

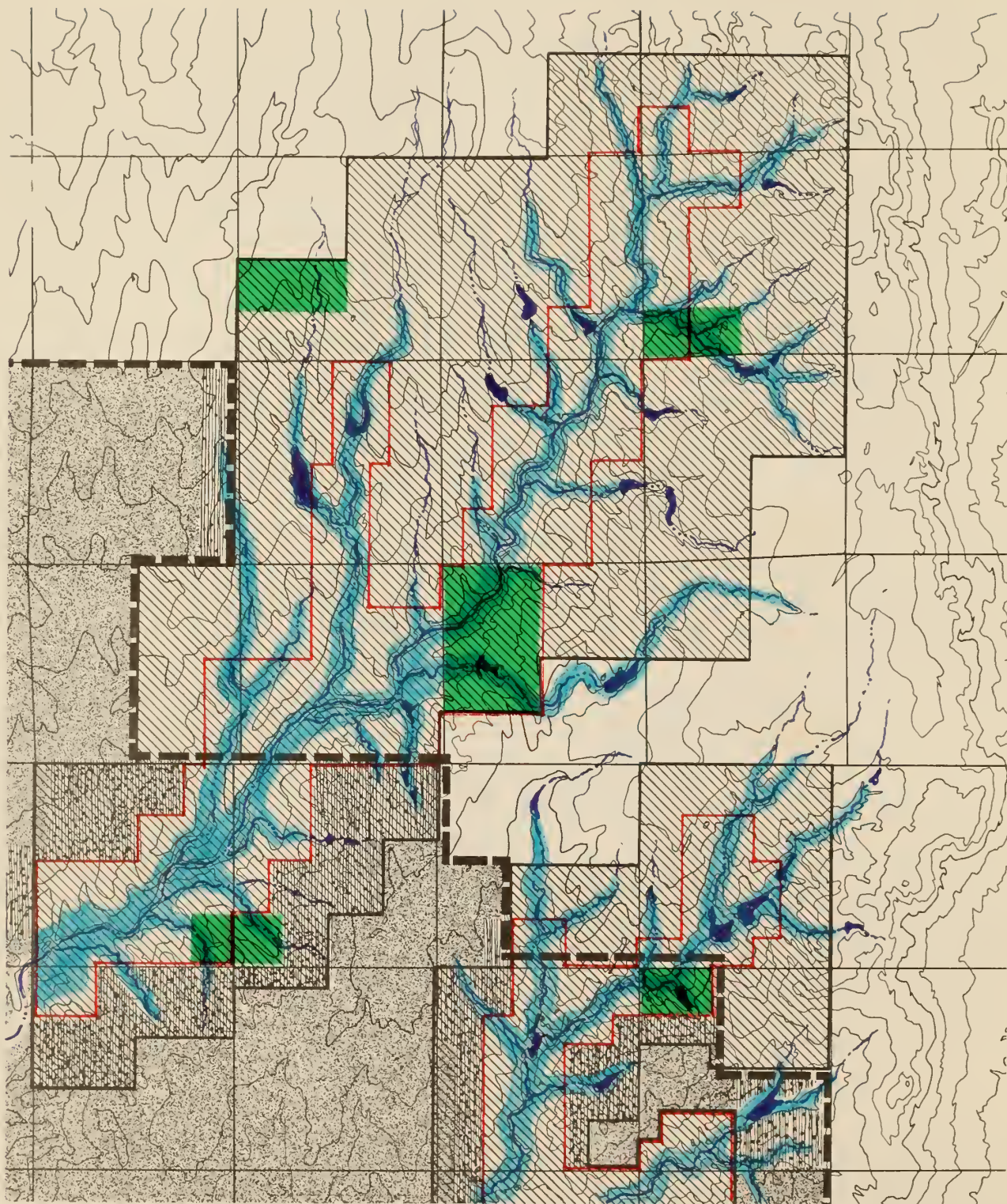


Agricultural zoning with deferred taxation



Flood plain zoning

PLATE V



its planning agency, follows a policy of granting zoning changes provided the type of zoning requested promotes the preservation of the natural character of the area. The governing body grants the requested zoning change and encourages cluster or density type development similar to that illustrated in Figure 2 on page 59. The governing body has maintained an understanding and acceptance of the cluster type of development throughout the area by keeping interested groups and individuals informed of the latest techniques of preserving natural character and incorporating open space with development through innovative design techniques. Once these steps are taken, a great deal of faith is placed with the private developers to provide the urban open space quality desired by the public and private groups and individuals.

As time passes, the urban area continues to expand until the entire stream valley area becomes surrounded by development. What remains is a large area of open space as illustrated on Plate VI within which a variety of public and private open space activities may take place. The sufficiency of its size provides for hunting preserves, fishing waters, park areas, hiking and riding trails, and nonrecreational open space uses such as farms, cemeteries, estates, etc. The entire natural setting is immediately accessible to and incorporated within the growth pattern of the urban area. Through the combined coordinated actions of public and private groups

EXPLANATION OF PLATE VI

The remaining open space



Open space

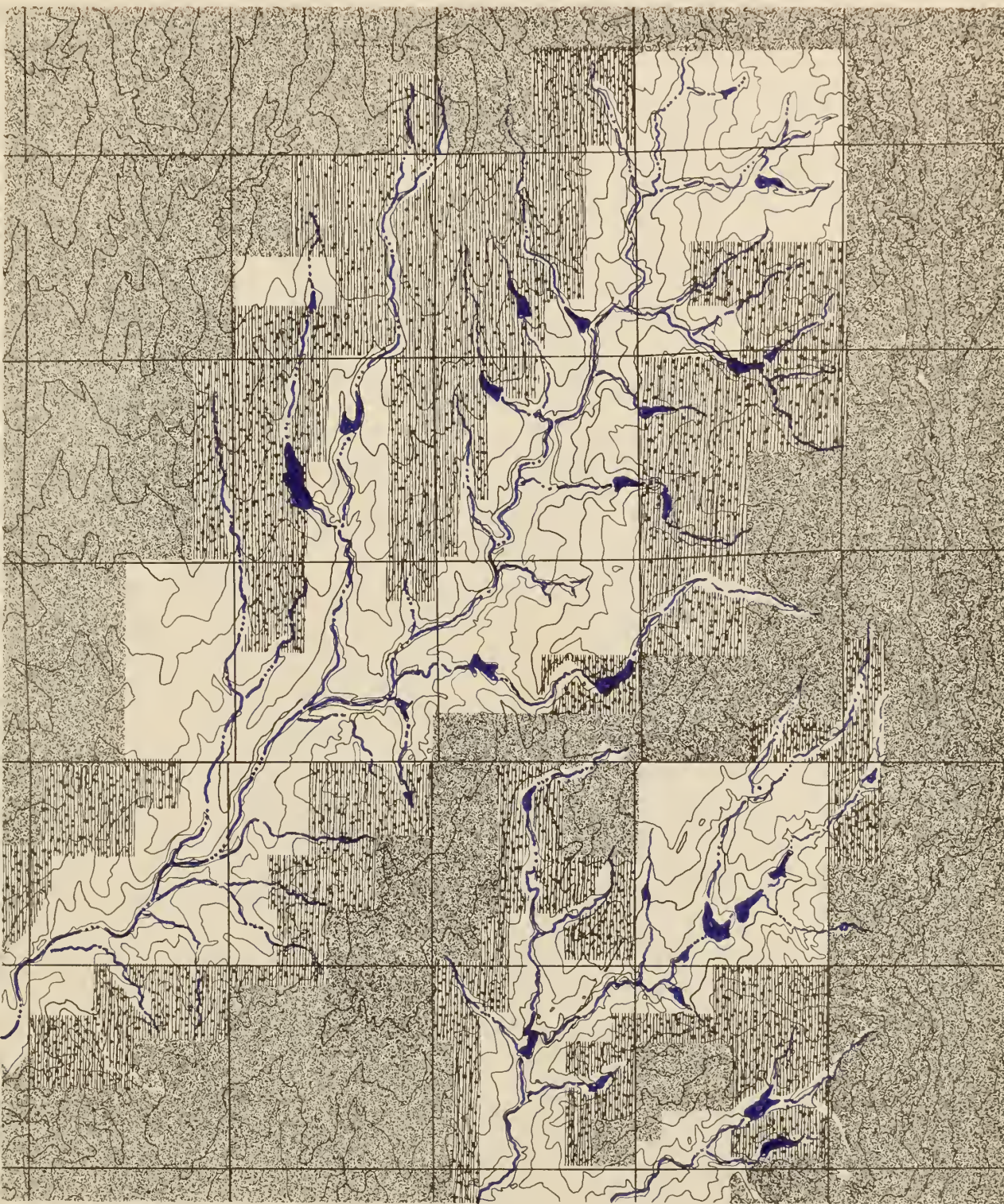


Open space type development



Intense urbanization

PLATE VI



and individuals, the aesthetic quality of the area has been preserved for the enjoyment of all.

The entire combination of efforts is summarized in Plate VII.

Productive and efficient farm operations have been retained by (1) agricultural zoning and deferred taxation. The natural drainage channels have been preserved by (2) flood plain zoning. A large area containing an abundance of natural character and beauty has been preserved by (3) acquiring a conservation easement. Ample public park acreage has been provided by (4) public acquisition in advance of development. An attractive natural living environment has been provided by (5) the responsible actions of private developers in conformance with density zoning and cluster design encouragement from public officials. These efforts collectively relieve the monotony of (6) dense urbanization.

Together, steps 1, 2, and 5 have illustrated the use of public guides to private development. Step 3 has illustrated the acquisition of less-than-full-rights to private property land. Step 4 has illustrated the acquisition of full rights in property by the public body. All of the steps have indicated the importance of gaining the support of private groups and individuals and the necessity of combined coordinated public and private effort.

The previous illustration is not offered as the only possible combination of actions that could have taken place to

EXPLANATION OF PLATE VII

The combined effort







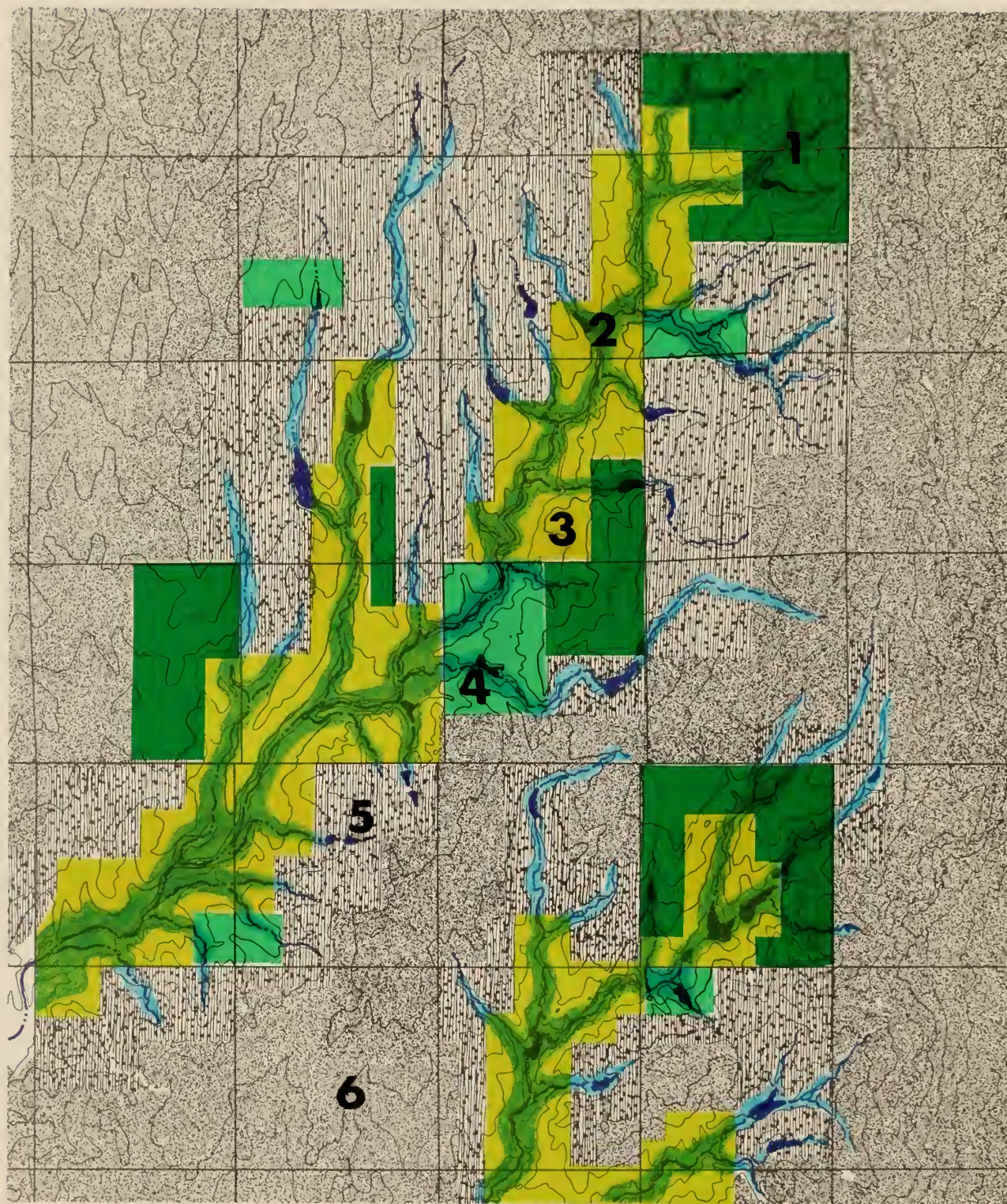
-  Agricultural zoning with deferred taxation
-  Flood plain zoning
-  Conservation easement
-  Property acquired for public park purposes
-  Open space type development
-  Intense urbanization

PLATE VII



achieve the desired result. The important thing is the indication of the result that can be achieved by using a variety of methods to supplement the acquisition of full rights in property by the public body. The need to supplement public acquisition stems from the restrictions imposed on public bodies by the lack of sufficient financial resources and by limited geographic jurisdiction. In the illustration presented, a large majority of the open space land remains in private ownership, under private management, and subject only to those open space controls desired by the public body to preserve the natural character of the area.

Each of the techniques used in the illustration will have its own particular advantages and disadvantages. The method or combination of methods best suited to the preservation of open space for the future can best be determined through the process of trial and error. It is therefore important that the testing of various supplemental techniques be undertaken in urbanizing areas as soon as possible.

CHAPTER V

SUMMARY OF FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

The public and private organizations involved in open space, parks, and recreation have been indicated together with the nature of their involvement. Techniques and methods that might be used by public bodies to provide for open space, park, and recreation areas needed for the future have also been listed.

It has been noted that the Federal government has the largest number of governmental agencies involved directly and indirectly in open space, parks, and recreation. It is also pointed out that the Federal government has found it necessary to create a focal point in the Bureau of Outdoor Recreation to maintain coordination and inter-agency action at the Federal level.

The State of Kansas in turn has realized the complexity with which open space, park, and recreation considerations are woven into various State agency activities and has established the Kansas Joint Council on Outdoor Recreation. The Kansas State Park and Resources Authority, under the direction of the Joint Council on Outdoor Recreation, has the responsibility of developing a comprehensive State park and recreation plan. The Authority is also considered as the State regulating

agency for Federal financial assistance that is available under the Land and Water Conservation Fund Act of 1965. This Act provides financial assistance to state and local governing bodies for planning, acquisition, and development of needed land and water areas for park and recreation purposes.

These progressive actions at the upper levels of government have indicated the importance being placed upon open space, parks, and recreation for shaping present and future living environments.

The involvement in open space, park, and recreation of most local governmental entities has been limited and is in its early stages as compared to the Federal and State governmental levels. There are a number of local units of government that can be and are involved in open space, park, and recreation in the Sedgwick County area, but at present, the bulk of the responsibility lies with the City of Wichita. As Sedgwick County continues to urbanize, other local entities will, of necessity, become more and more involved in open space, park, and recreation. This involvement by the County, cities, townships, and watershed districts will require close coordination and combined efforts. As public open space, park, and recreational needs increase and governmental endeavors increase to meet those needs, the local governing bodies may find it necessary to create their own focal point through which coordination can be maximized and duplication of efforts avoided. This might take the form of a metropolitan type

council, committee, commission, or authority depending on the organizational structure determined to be most desirable at the time of its creation.

Financing has been continually stressed throughout this thesis as the major limiting factor in providing adequate open space, parks, and recreation areas at the local level. The Federal government has recognized this fact and has created grants-in-aid programs to the local communities and states. It is interesting to note that twelve states have also established financial grant programs to assist their local communities in providing open space, parks, and recreation.¹ Kansas does not have a State financed grant assistance program for its local governmental subdivisions. The establishment of such a program should be considered.

In any case, the State should recognize the needs of the local communities during the preparation and periodic revision of the State park and recreation plan. Recognition of special local needs would provide for the quality local governments to receive funds available under the Federal Land and Water Conservation Fund Act of 1965 for open space, parks, and recreational purposes. Local qualification for funds for open space, park, and recreation projects under this Act are

¹National League of Cities, Special Evaluation Report on Value of Federal Open Space Land Program to Cities, February 8, 1965, p. 4.

dependent upon inclusion of specific projects in the State plan.

Locally, efforts should be undertaken to re-evaluate the current taxes levied for park and recreation purposes on rural, suburban, and urban dwellers. A more equitable distribution, comparable to park and recreation expenditures per capita per year of similar metropolitan areas should be sought. The local governing bodies should also make use of financial aid from other sources. This should include a system of fees and charges as well as grants-in-aid programs from other governmental levels.

The acquisition of full rights in property is the most permanent assurance of providing open space, park, and recreational areas needed for the future. The full rights methods have been used most often by local public bodies. These methods restrict the actions of local public bodies due to the limited financial resources available. Therefore, emphasis has been placed on the use of other less expensive methods for preserving open space. The desired result is the incorporation of additional natural open space into the total design of future urban development. It has been indicated that a combination of methods is needed to achieve the desired result.

To further emphasize the combined use of several methods, an illustration has been presented indicating the

sequence of actions taken by public and private groups and individuals.

The specific methods used in the illustration were not given as the only solution of preserving desirable open space for the future. These were given to indicate the importance and urgency of coordinating, attempting, and evaluating a variety of actions that can be used to preserve open space lands.

By vigorously pursuing a coordinated combination of effective actions, many desirable results would be inexpensively obtained in a unified open space, park, and recreational system. Naturalistic areas could be preserved. Development in flood plains could be prohibited, recreational areas could be provided, and the growth of the urban area could be guided.

Throughout the illustration and in the chapters preceding it, the influence of private initiative and effort has been indicated. An attempt has been made to express how private influence is woven into all public decisions and endeavors relative to open space, parks, and recreation in an urbanizing area. It is doubtful that the full contribution of public action support can be accurately measured. To gain the greatest public benefit from these actions, an atmosphere of mutual achievement should be maintained between local governmental bodies and private groups and individuals. This can be

partially accomplished through continuous exchange of ideas and information.

Local governmental bodies can stimulate private actions by encouraging diversified commercial recreation; promoting greater public recreational use of private lands and waters; giving support to noncommercial private groups and individuals in their attempts to reach common open space, park, and recreational objectives; and by encouraging private gifts and donations for open space, park, and recreational purposes. Success in preserving the areas of natural beauty and providing a future living environment amply supplied with open space, parks, and recreation depends heavily upon the individual citizen. Without his support, there can be no effective governmental action.

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CRITERIA FOR THE PRESERVATION OF
OPEN SPACE, PARKS, AND RECREATIONAL AREAS

by

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CRITERIA FOR THE PRESERVATION OF OPEN SPACE, PARKS, AND RECREATIONAL AREAS

In this thesis, the author has attempted to draw together into one document various methods that may be used to preserve property for open space, park, and recreational purposes in an urbanizing area. The benefits of preserving open space in urban development have been given. The involvement of governmental and private officials and organizations in open space, parks, and recreational areas has also been presented. A graphic illustration has been developed to indicate how various preservative methods may be combined to achieve the results desired by government officials, private officials, and various organizations.

An attempt has also been made to describe the role that planning plays in coordinating governmental and private actions.

For the purposes of this study, it was necessary to limit the survey of local governmental units to one geographic area in Kansas. This was partially due to special legislation that applies to specific municipalities rather than to all municipalities throughout the State. A city of a specified population and assessed valuation may be allowed certain privileges by State statutes. Another city of the same population, having a different assessed valuation, may not enjoy these privileges. The location selected for study was the Wichita-Sedgwick County

area. The largest amount of urbanization in Kansas over the past years has occurred in this area, and pressures for development continue to exist.

The methods and procedures of gathering information for this study were: the review of activities by professional and governmental organizations concerned with preserving open space, parks, and recreation areas at the national level; the evaluation of special reports applying to the State of Kansas and the local study area of Sedgwick County; discussions and interviews with local public officials; and review of the minutes of formal meetings of local public agencies.

From these investigations, an inventory was developed which showed the methods used in preserving useful open space. The extent to which the various methods were used in Sedgwick County was indicated.

From the study of the various methods to preserve open space, conclusions were drawn and recommendations were made.

It was concluded that the role of planning is to provide a complete inventory of the methods available to preserve open space, to continually measure the supply of open space, park, and recreation areas against the demand for such areas, and to coordinate the activities of public and private organizations in their attempts to create a better urban environment through the incorporation of useful open space into urban development.

It was also concluded that the local units of government in Sedgwick County, with the exception of the City of Wichita,

are not reserving areas for open space, parks, and recreation purposes in an adequate amount.

A determination was made that a combination of methods was necessary to assure continuous preservation of open space in an urbanizing area. It was discovered that some methods were better suited for combining purposes than others. The better methods were combined in a graphic illustration. The illustration was not applied specifically to the study area of Sedgwick County. It was applied to a hypothetical urbanizing area. This application was done to indicate that the combining of methods to preserve open space could be carried out in other areas faced with the problems of future urbanization.

Throughout the thesis, an attempt was made to express the importance of the supporting actions of private groups, organizations, and individuals.