PROTECTING PARK LANDS FROM ENCROACHMENTS

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by

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The subject, "Protecting Park Lands from Encroachments" is a very popular one today. The literature of conservation, civic, recreation and park organizations, is full of articles dealing with the problem of protection of park lands from uses for other purposes. For example, the last seven issues of "Planning and Civic Comment", the magazine of the American Planning and Civic Association, contain 195 articles, 17 or almost 10 percent of which deal specifically with one or another park area where an encroachment is imminent. As individuals and as professional groups, many of us are spending significant portions of our time in this essential but negative type of activity.

The problem of protection of the parks is beginning to receive wide attention from a significant segment of the population. It is a battle that is fought on many fronts and, in every instance, possesses a greater element of drama than is usually found in civic affairs. It may even replace the "Western" as a subject for television shows, and, to a certain extent, it has fallen into the same difficulty as the "Western". People involved in the problem are very often separated into the "good guys" and the "bad guys". The hero of the drama is always the poor, innocent park area — the villain is always the evil highway, dam, university or other project that will take over the park area. The villain is frequently represented or envisioned as a bulldozer chewing the beauties of nature into little pieces.
Unfortunately, this oversimplification does not tell the whole story. In all fairness I think that there is something to be said on both sides. Some professional consultants, such as our office, do both park and conservation work as well as highway design, university planning and other activities that conceivably can be of an "anti-park" nature. Our experience with a great number of the problems in connection with park encroachment have led us to believe, however, that there are certain basic principles and standards that can be used to resolve these problems.

In order to establish such principles and standards it is useful to: first, go back and carefully define the purpose and need for park and recreation areas; and second, to examine the character, strength and merits of the various conflicting land uses and the groups that are active in promoting their development.

From the point-of-view of park and recreation interests the dangers are very great. Not only is our limited amount of park and recreational area in extreme danger of becoming even more inadequate, but the many civic groups that should be working together on such common problems as park, school, highway and other facets of urban development, are wasting their time arguing with each other. A good fight may prove entertaining or even enlightening; however, it seldom brings about civic progress.

**Purpose of and Need for the Parks**

Except for a few scattered and relatively insignificant areas the provision of open space for parks was not deemed necessary until about the middle of the last century. As cities grew and it became more and more difficult for the average individual to reach the open country by a short walk, civic leaders cast about for some method of mitigating the adverse effects of continuous and uninterrupted urban development. In the words of Joseph Prendergast of the National Recreation Association, "They advocated the preservation of large areas within cities to serve as retreats for the people, for rest in an environment of peace,
quietness, and natural beauty, and for such forms of active recreation as would not destroy the essential quality of the areas as places of inspiration and enjoyment of the beauties of nature."

The prototype of the municipal park, of course, is Central Park in New York City. Frederick Law Olmsted was one of the designers of the park and had much to do with its development in the early years. Fortunately, Mr. Olmsted left a considerable volume of literature dealing with the origins of Central Park, the plans that were prepared for the park and the theory and philosophy underlying the park movement. In 1893, after he had done a very considerable amount of municipal park work, Mr. Olmsted stated that he reserved the term "park" - "for places distinguished not for trees or for groups and masses of trees, or for flowers or statues, or roads or bridges, or for collections of these and other fine things, nor for landscapes as painters use the term, nor for anything related to what the word garden formerly meant, and in common popular use means now. I reserve the word park for places with breadth and space enough, and with all other needed qualities to justify the application to what you find in them of the word scenery, or of the word landscape in its older and more radical sense, which is much the same as that of scenery."

In a further discussion of the word "park" in a paper delivered before the American Social Sciences Association in 1880, Mr. Olmsted stated as follows:

"Scores of times I have heard plain country people, Northern and Southern, Eastern and Western, describe something they had seen as 'park-like', or 'pretty as a park', or as 'a perfect natural park'. It might be Blue Ridge table-lands, oak openings further west, mesquite-grass prairies beyond the Trinity, or passages of the Gennesee Flats or Connecticut Bottoms. What did the word mean? Nothing in the least practical. It reported nothing of the soil, of the water-power, of quarries, or quartz lodes. It told of a certain influence of conditions solely of scenery - soothing and reposeful influences."
To the early park people the park was, first of all, scenery and although there was a very considerable public debate and much conflict over the use of a park area for active recreation, we do not find uncertainty on this question on the part of the designers of Central Park. Olmsted states that the opportunity for and stimulus to active exercise in the open air was of great benefit to mental and moral vigor, and that these factors were prominent in their minds when Central Park was designed.

During the latter part of the last century and the first two decades of this century, the park and recreation movement had a great expansion. County and regional park systems were developed; systems of state and national parks were initiated. In 1934, the National Park Service reported to the National Resources Board that:

"The public recreation movement in America represents a conscious cultural ideal of the American people, just as the great system of public education represented such an ideal. It takes rank with the system of public education as a necessary addition to the cultural enjoyment of the nation. Its supreme objective is the promotion of the general welfare through the creation of opportunities for a more abundant and happier life for everyone."

Over the period of a century the provision of park areas as a means of preserving natural scenery for the use and enjoyment of this and future generations and the setting aside of permanent open space for use for active recreation of all types has become a well understood and respected activity on the part of all levels of government: municipal, county, state and national. In fact, the provision of these recreation and park areas is probably one of the few types of public service that is common to all our levels of government.

The combination of a rapidly growing population, improved economic conditions for this population and increasingly greater amounts of leisure time have vastly increased the need for park and recreation areas. We were all familiar with the statistics that have been developed on this subject and with their implications again to all of the levels of government that provide park and recreation area.
It is rather astonishing to observe that the basic purpose of the park area and the basic need for park area is virtually the same as it was a hundred years ago. It would seem at first glance that with the universal use of the automobile every family could get out into the country and enjoy the open air without the need for provision of public open space. This, however, is not true. The New York Times, on April 22, 1957 in discussing this problem indicated that, in the New York area, it would not be too long until it would require the average family one full day to get to a lake or seashore and another day to get back. The vast decentralization of the urban area has frequently made it more difficult to find unspoiled open space today by automobile than it was 100 years ago by foot or horse and buggy.

The basic need for park area is well illustrated by the experience of the Cook County Forest Preserve District. The Cook County Forest Preserve includes 40,000 acres of land; 80 percent of this land is wild or semi-wild in character and 60 percent is forested. Within the Chicago metropolitan area there is a forest preserve within a one-half hour ride of four million persons. On a single week end in the summer some 400,000 persons, or 10 percent of the total metropolitan population, will be found using the forest preserves. The forest preserves include facilities for active recreation but, as can be seen from the basic use statistics, they primarily are devoted to the preservation of natural scenery. The need and appreciation of this endeavor is well illustrated by the attendance.

The scenery provided and protected by the park areas does not have to be spectacular or unusual. In a small New Mexico city the preservation of a handful of native cottonwoods along the Pecos River is as appreciated by the population as are the tremendous fir trees in Stanley Park in Vancouver. Americans love their country and all of its wide variety of scenery, whether it be of the extraordinary variety to be included within a national park, of unusual character appropriate for a state park, of regional interest in a county park or forest preserve, or of purely local character - a handful of trees or a rock outcrop - to be part of a city park.
It can thus be concluded that no change has occurred in the basic purposes of the park areas in the past 100 years. The preservation of scenery and the provision of space for active recreation are needed far more badly now than they were at that time and we find ourselves more in agreement with Wordsworth than his own contemporaries when he said,

"One impulse from a vernal wood
May teach you more of man,
Of moral evil and of good,
Than all the sages can."

It is difficult to measure the precise extent of our need for park area. In 1942, the National Resources Planning Board estimated that we needed four million acres of additional state park land, yet in the period 1939 to 1952 only 500,000 acres were acquired. The Twentieth Century Fund in 1950 estimated the need for 276,000 acres of additional municipal park land. Probably no city can boast that it has adequate park and recreational area properly developed and maintained; fewer could state that provision is being made progressively for acquisition and development of the additional land needed to serve the increasing needs of a rapidly growing population. As the country grows the areas of scenic beauty, the natural park sites, become more precious. Because of this scarcity, someday those that are left will become imbued with a quality of sacredness in a manner similar to the Temple Grounds in Japan.

The Encroachments

A dictionary defines the word "encroach" as to "trespass upon the property or rights of another; stealthily or by gradual advances; to make gradual in-roads or to advance beyond proper limits". For the purpose of this discussion, encroachment could be defined as any change that would prevent land dedicated for or appropriate to park purposes from being used for its intended purpose, that is, for scenery, using the term in its broadest sense, or for recreation.
Encroachments are not a new thing insofar as park development is concerned. Being open, or considered by some to be "vacant" land not bringing about any "economic" return, a park area is always vulnerable for use for some other purpose. There are no specific or universally accepted standards as to what should or should not go into a park area. For example, in many cities cultural facilities such as art and natural history museums are located in parks. The following statement is found in the book that Olmsted wrote on the design of Central Park:

"Although in later years the designers of Central Park expressed regret that any large public building had ever been permitted within its areas, nevertheless in the beginning the inclusion of some museum or shelter for educational collections formed part of the original conception of a park for New York."

In discussing the facilities to be located in Central Park, Olmsted went on to say:

"The very 'reason for being' of the Park is the importance to the city's prosperity of offering to its population, as it enlarges and becomes more cramped for room, opportunity of pleasurable and soothing relief from building, without going too far from its future center. What else than this purpose justifies the reservation from commercial enterprise of more than a hundred blocks of good building-land right in the line of the greatest demand? Building can be brought within the business of the Park proper only as it will aid escape from buildings. Where building for other purposes begins, there the Park ends. The reservoirs and the museum are not a part of the Park proper: they are deductions from it."
After many years of park experience, however, Olmsted's ideas became much more definite. In 1895, Mr. Olmsted gave the following as his mature opinion on buildings and parks:

"Are not fine buildings, statues, monuments, great additions to a park?"

"Nay, they are deductions from it."

"Do they not add greatly to the value of the Central Park?"

"Nay, they take much from its value as a park. They would be worth more to the city if they were elsewhere."

I am sure that almost all of us would concur wholeheartedly with Mr. Olmsted's opinion. Actually, anything in a park that interferes with its enjoyment as scenery or with its use as an active recreation area is an encroachment, excluding, of course, those necessary utilities and facilities that are accessory to the actual use and enjoyment of the park area.

The amount of encroachment depends partly upon the peculiarities of park location. Farsighted men in 1868 set aside 1400 acres for public park purposes immediately next to what is now downtown San Diego. This is Balboa Park. With such a central location this area is quite susceptible to encroachment and over the past 91 years has been, in effect, reduced to 1201 acres with 45 acres going to two high schools, 38 to a freeway, 93 to a naval hospital, 17 to city shops and 22 to miscellaneous non-park uses. This is despite the successful defense of the park against even greater encroachments.

Types of Encroachments

We can list five general categories of encroachments that are prevalent today:

1. The most common type of encroachment is the highway. The multi-billion dollar highway program with its emphasis on the limited access freeway is undoubtedly the most prevalent present-day culprit. The high standards for these highways
require wide rights-of-way of at least 200 and more frequently 300 feet in width. In a closely built-up city it is extraordinarily expense to purchase continuous strips of land 200 to 300 feet wide; even with the many billions at their command the highway program seems always to be running in excess of the amounts budgeted by the highway engineers. Consequently, highway officials are greatly tempted by the presence of any open, publicly-owned land, the use of which would save right-of-way costs and be most useful for current budgetary purposes. As a result, in almost every city in the country some highway department or highway engineer has proposed a freeway through a park area, and in almost every such instance a bitter public controversy has resulted.

Probably the most notable of these controversies has been the attempts - unsuccessful to date - to build a freeway through Rock Creek Park in Washington. St. Louis had an earlier experience with this type of thing when the city approved construction of an expressway along the south side of Forest Park in 1933. This was a relatively short length of expressway but now it is to have connections at both ends and the construction that was completed in 1936 is, of course, inadequate for present traffic loads. The highway occupied 27 acres of park land originally. The widening and other improvements will increase this to 45. There are a total of 1400 acres within the park. The construction of a highway through a park may be only a beginning; future widenings may take even more land.

Other cities in which serious conflicts have occurred have been Louisville, Los Angeles and San Francisco. In San Diego, three freeways will go through Balboa Park; however, they will occupy ravines within the park which cannot be used for any other purpose. In contrast to other areas the location of freeways through Balboa Park have received the general approval of the park people and of the city officials of that city. An unnecessary difficulty with most highways through parks results from current characteristics of highway design. Very few highway departments employ landscape architects and even fewer fully utilize their services in fitting the highway to the landscape in the first instance. Where highways are built thorough parks roughshod design magnifies the conflict.
It is interesting to note the official position of the state highway authorities on the matter of use of park area for highway purposes. The following is quoted from a discussion of, "Opportunities for New Route Locations", a part of A Policy on Arterial Highways in Urban Areas published by the American Association of State Highway Officials in 1957:

"Favorable locations (for new highway routes) may be found within or along the boundaries of parks and other sizable tracts of city or institutional property that disrupt the regularity of a rectangular street pattern. These locations have the advantage of minimum property damage and few intersection problems. Such open and possibly wooded areas, however, are valuable assets to a community and opposition to their use for highways will develop. Narrow strips along the edges of sizable parks might be used for highways. Where more park space is desired, these strips might be replaced by acquiring other areas for parks."

This discussion concludes with the following statement:

"In any event, arterial routes most likely of development will be those that incur the least damage to existing culture and development and at the same time provide reasonable service to traffic at reasonable cost."

2. Colleges, institutions and schools have created conflicts also. A notable example of a conflict of this type has been the endeavor of the University of Illinois to locate a new campus in the Chicato area and to utilize Forest Preserve land for this purpose. To date this has not been successful. In other cities, public schools have occupied park area as have hospitals and other institutions.
3. Construction of the Union Square Garage in San Francisco demonstrated that automobiles could be parked either in or under a park. In many of the central areas of American cities there are small ornamental parks or squares and there is a constant pressure to use these as parking lots. Sometimes this has been successful; in most instances, however, it has not been successful and in a few it has been stopped by legal action.

4. While municipal parks are not affected to any great extent, the very widespread construction of dams on rivers and streams has created conflicts with State and national park areas. The most notable of these was the proposal to flood the Dinosaur National Monument. It has taken a most strenuous campaign on the part of park and conservation people to prevent this encroachment. A difficulty encountered here, as is the case with other types of encroachments, is that if one is permitted the door may be opened for many more. This point was emphasized by Mr. Tom Wallace of the Louisville Courier Journal in discussing the Dinosaur controversy when he made the following statement:

"The conspirators against the national parks include those who would see the heart of Dinosaur traded for regional good will. They include also those, more numerous and potent, who hunger for the widespread pickings which would follow establishing the precedent that use of parks as parks is not of primary importance. Already fat, yet of good appetite, they sit silently, waiting for the feast, as the vultures wait on the Parsee Towers of Silence in Bombay. Those who wait menace the existence of all of the national parks."

5. There are a very considerable number of miscellaneous encroachments. These include fire stations, city maintenance buildings, almost every conceivable type of public or quasi-public activity that would require a building. In a number of instances both existing and potential park lands have been severely damaged by construction of
drainage improvements. In the Baton Rouge area, for example, the straightening and deepening of flood channels and the spoil banks along these channels has seriously impaired the scenic value of many stream valleys in the area.

Reasons for Encroachment

There are three major reasons for the encroachments:

The first is the intense competition for land areas within our urban communities. Land values have risen rapidly to the point where provision of a site for any urban project is a major item of expense. Many of the uses that constitute encroachments such as highways, parking lots, schools, hospitals, dams, etc. have a well organized, well financed and vigorous minorities in support of them. Under these circumstances it becomes increasingly difficult for public officials and municipal councils to preserve land for what appears to be only the growing of a few trees.

The second reason has to do with relative values in our society. The average family with an annual income of between $5000 and $6000 per year, after taxes, will spend 27 percent of its income for food and 25 percent for shelter; clothing takes 14 percent and the automobile 10 percent. In contrast, expenditure for recreation is 4 percent, twice the expenditure for tobacco. The expenditure for the automobile of 2-1/2 times as much as the expenditure for recreation does not mean necessarily that the average family is 2-1/2 times interested in his automobile as it is in recreation. It does mean, however, that a far greater part of our overall economy is dependent on the automobile and that there is a far greater financial interest on the part of a far greater segment of the population in seeing that we take care of highways and other facilities needed for the automobile. Further, it has only been in recent years that any sizable group has appeared willing to dedicate time, effort and money to the preservation of scenic beauty and to the provision of public recreational facilities. There is no question, however, but that the great majority of the population has sincere appreciation for beauty and a desire for adequate and convenient recreational areas. To date, this segment is not so well organized and not so forceful in expressing its views.
The third reason is that our systems of governmental organization and operation are more and more designed to concentrate on the parts of a problem and to ignore the whole. If we have a highway problem; we establish a highway department. If a parking problem arises; a parking authority follows. If slums are to be eliminated; a renewal agency must first be formed. All of this may be well and good but these are all special purpose agencies. They are interested in only their part of the problem and not interested in the whole problem which is the development of a decent urban and rural environment for all of our people. Thus, if a park gets in the way of a highway, or a parking lot it is not a question as to which is the best for all concerned but merely a question of who can bring up the biggest guns and make the loudest noise.

Preventing the Encroachments

In order to prevent encroachments of the public park areas a five-point program is necessary.

1. A Comprehensive Plan

Encroachments of the park areas are only one of a great many conflicts of land use that occur in both urban and rural areas. In a rural area, for example, the use of an individual piece of property for a junk yard, an automobile salvage yard or a cluster of billboards may depreciate property over a considerable surrounding area. Certainly these are encroachments. Frequently, in an urban area the best sites for shopping centers or for industrial districts are pre-empted by residential uses. These are encroachments also.

Basically, encroachments cannot be prevented until we are able to find a method whereby each parcel of land is used for its highest and best purpose and all of these various conflicts are eliminated. The primary need is for a carefully thought out comprehensive plan and then rigid adherence to the plan on the part of all persons using land, all public agencies, and particularly the special purpose agencies.
It should immediately be emphasized at this point that any comprehensive plan will be subject to change and improvement. The proposal here is not to place a "straightjacket" on urban and rural development but is rather to seek some method whereby we can develop the parts in an improved relationship to the whole.

Insofar as the park areas are concerned a well worked out comprehensive plan may disclose a surprising number of things about them. Some park areas may be poorly located, some may be too large or too small in relation to the use of adjacent property and the over-all communitywide needs. A comprehensive plan may even find that in a few instances it will be necessary for a highway to go over or for a subway to go under a park. In common with many of our land uses in our cities, parks have frequently been located in a haphazard and illogical pattern in the past. No land use should be looked upon as "sacred" or immovable by the happenstance of it being where it is.

In the development of a comprehensive plan there should be much greater apportionment on the part of park officials. Open space in the form of parks and school grounds provides a major part of the basic structure of any community. The location of these areas is a major planning function; the park officials should have a major part to play in the development of the comprehensive plan. Too often this is not the case. In many cities the superintendent of parks doesn't even have an office in the city hall and doesn't become involved in city affairs to the extent of other department heads.

2. A Public Land Reserve

One reason why there has been so much pressure on the park areas and so many instances of encroachment of the parks is that all our public agencies are "hamstrung" by their inability to own and hold land areas. Whether it be a highway department, a college, a school system, or a park system, there just simply is not an adequate amount of publicly-owned property. There are two reasons for this. The first is that we look upon the buying and selling of land as a completely commercial occupation.
It is a method of making money - a "business". Second, we do not have adequate respect for the land itself because until recently we have had so much of it. If an individual ruined an odd square mile or two, here or there, no one was particularly concerned. This attitude, of necessity, is changing.

In urban areas, particularly, the increase in land value is entirely attributable to the growth of the community. There is no reason why this increment in value should rebound to a few individuals, and this very small segment of the population should obtain this monetary benefit. This is not justice but injustice and it is high time that our communities recaptured some of these increases in land value. A capital gains tax on increments of land value would be simple to levy and collect, and would make it possible for the community as a whole to recapture part of this increase in value. This money should then be used for the purchase of park sites, school sites, highway rights-of-way and other needed public lands. It could also be used for purchasing development rights and the creation of greenbelts around our cities. Public ownership of all or most stream valleys would be possible.

If we had plenty of money for purchase of right-of-way there would not be the great economic compulsion to use up park property for highways and other non-park uses.

3. Public Support

The most favorable aspect of the entire encroachment problem is that - by and large - the people as a whole are on the side of the park and conservation interests. Park people, however, have not done enough to bring about public support. They should make a common cause with the garden clubs and the conservation interests.

The New York Park Association and the Louisville "Save our Parks" organization are examples of what can be done to develop permanent public support. The Oglebay Institute in West Virginia, for example, collects $65,000 per year to help in park improvement in a community of 60,000 people.
The St. Louis area has two notable examples of obtaining public support. The Missouri Botanical Garden, as has been true of so many endowed institutions, had difficulty in meeting its financial needs up until a few years ago. A group known as "Friends of the Garden" was organized. The cost of membership is nominal per year. A member of the organization is invited to various functions at the garden and to previews of exhibitions. This has been a most effective way to obtain public support. A similar group has been organized by our Art Museum known, again, as "Friends of the Art Museum". This group has collected significant amounts of money for purchase of new exhibits; several parties are given per year. This, too, has been a very effective method of providing public interest and public support.

A citizens' organization of a similar type would be useful and effective in every city in promoting park development in addition to preventing any possible encroachments. Proposals having to do with the parks, for example, could be referred to the citizens' organization for review. The presence of several hundred leading citizens at public hearings and council meetings held to consider park problems can be extremely effective.

4. Additional Legislation

New York City has shown how effective it is to place the park areas in a public trust. In New York, park lands can be released for non-park uses only with approval of the park commissioner and with approval of the council. The procedure that is required to release park land for another use is very time-consuming and provides more than enough opportunity to arouse and organize public interest and public support. A similar type of trust arrangement would be established in all our communities with park land going into a trusteeship and extreme difficulties placed in the way of anyone releasing it from the trust.

At least in recent years, the highway officials have seemed to be the worst offenders in the introduction, or proposed introduction, of inappropriate uses into park areas. Almost all encroachment
problems, however, have come from special purpose organizations. The basic problem here is that we have delegated to small groups of officials these single purpose responsibilities. We have given them money, power, and a set of blinders that prevents them - sometimes legally prevents them - from seeing the entire picture. In many cases, the local community has little, if any, effective control over the special purpose agencies.

Legislation of two types would be helpful. The first would be a requirement that no highway - or other improvement - be built in a city or county by any agency - state, federal or local - without the approval of the local city or county officials, where there was an adequate official comprehensive plan. The second would be some type of board of review at the state level to pass on all major public improvements such as highways, dams or institutions to make sure that these did not unduly damage land that is of scenic, scientific, cultural or archeological importance. Both of these suggestions would require a considerable amount of study; both would probably require constitutional amendments in most states; both will be needed, however, if there is ever to be any sensible control and direction of either urban or rural development in this country.

5. Greatly Improved Park Area

One reason why there have been so many encroachments or proposed encroachments of park areas is that the park areas themselves have not been developed or maintained in a manner that would seem to warrant their preservation for park use. In the early days of park development, Olmsted, for example, looked upon a park as a "work of art" and in discussing the design for Central Park he had the following to say:

"The Park throughout is a single work of art, and as such subject to the primary law of every work of art, namely, that it shall be framed upon a single, noble motive, to which the design of all its parts, in some more or less subtle way, shall be confluent and helpful."
Speaking more along the same subject, Mr. Olmsted went on to say:

"Returning to the specific dominant function of Central Park, as an instrument for producing certain beneficially refreshing effects on the minds and nerves of city dwellers, what were the qualities believed to be requisite in such an instrument?

"It was assumed, in a common-sense, empirical way, that they were to be sought among the qualities of those places to which city dwellers in Europe and America actually resorted with most satisfaction for refreshment from urban strain and weariness. The qualities of such places were subjected to constant penetrating analysis, the results of which are in part set forth among the writings of the designers which follow, and are more definitely embodied in the work of art which they created to accomplish the end in view.

"For since that end was to produce an effect primarily psychological — to give a refreshing enjoyment — the means to that end was conceived as primarily an esthetic means, as a work of scenic art before all else."

Except perhaps in a few instances such as the parks in Oakland, California, we do not particularly look upon the park as a "work of art" any more. I think we must all admit that we have not given adequate attention to design, to landscape effects, and to the whole problem of the park area as primarily an area of scenic beauty. The fact that we have not done so is one of the reasons why encroachments of the public parks are possible.

In order to make each park a "work of art" involves, of course, the use of trained landscape architects of great ability. If we decided tomorrow to make every park in the United States
a "work of art" it would not be possible to do so. The qualified people are simply not available to undertake the task. However, perhaps one reason why so many landscape architects end up as city planners is because they do not have opportunity for developing works of art of this type in the practice of landscape architecture.

It is high time that we revive Mr. Olmsted's principle and develop each park as a true work of art.

Summary

The program to be followed in each city must, of course, be adjusted to the particular community. However, to prevent encroachments of the park areas we need better comprehensive plans, more public land, more public support, improved legislation and, most important of all, improved park areas.
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The subject, "Protecting Park Lands from Encroachments" is a very popular one today. The literature of conservation, civic, recreation and park organizations, is replete with articles dealing with the problem of protection of park lands from uses for other purposes. As individuals and as professional groups, many of us are spending significant portions of our time in this essential but negative type of activity.

The problem of protection of the parks is beginning to receive wide attention. It is a battle that is fought on many fronts and one that possesses a greater element of drama than is usually found in civic affairs. It may even replace the "Western" as a subject for television shows, and, to a certain extent, it has fallen into the same difficulty as the "Western". People involved in the problem are very often separated into the "good guys" and the "bad guys". The hero of the drama is always the poor, innocent park area—the villain is always the evil highway, dam, university or other project that will take over the park area.

Unfortunately, this oversimplification does not tell the whole story. In all fairness I think that there is something to be said on both sides. Experience with a great number of the problems in connection with park encroachment indicates that there are certain basic principles and standards that can be used to resolve these problems. To establish such principles and standards it is useful to: first, carefully define the purpose and need for park and recreation areas; and second, examine the character of the various conflicting land uses and the problems of the groups that are active in promoting their development.

From the point of view of park and recreation interests the dangers are very great. Not only is our limited amount of park and recreational area in extreme danger of becoming even more inadequate, but the many civic groups that should be working together on such common problems as parks, schools, highways and other facets of community development, are wasting their time arguing with each other. A good fight may prove entertaining or even enlightening; however, it seldom results in civic progress.

Purpose of and Need for the Parks

With a few exceptions, the pro-
vision of open space for parks was not deemed necessary until about the middle of the last century. As cities grew and it became more and more difficult for the average individual to reach the open country by a short walk, civic leaders cast about for some method of mitigating the adverse effects of continuous and uninterrupted urban development. In the words of Joseph Prendergast of the National Recreation Association, “They advocated the preservation of large areas within cities to serve as retreats for the people, for rest in an environment of peace, quietness, and natural beauty, and for such forms of active recreation as would not destroy the essential quality of the areas as places of inspiration and enjoyment of the beauties of nature.”

The prototype of the municipal park is Central Park in New York City. Frederick Law Olmsted was one of the designers of the park and had much to do with its development in the early years. Fortunately, Mr. Olmsted left a considerable amount of literature dealing with the origins of Central Park, the plans that were prepared for the park and the philosophy underlying the park movement. In 1893, after he had done a very considerable amount of municipal park work, Mr. Olmsted stated that he reserved the term “park”—"for places distinguished not for trees or for groups and masses of trees, or for flowers or statues, or roads or bridges, or for collections of these and other fine things, nor for landscapes as painters use the term, nor for anything related to what the word garden formerly meant, and in common popular use means now. I reserve the word park for places with breadth and space enough, and with all other needed qualities to justify the application to what you find in them of the word scenery, or of the word landscape in its older and more radical sense, which is much the same as that of scenery.”

To the early park people the park was, first of all, scenery. Although there was debate and conflict over the use of a park for active recreation Olmsted states that the opportunity for and stimulus to active exercise in the open air was of great benefit to mental and moral vigor, and that these factors were prominent in their minds when Central Park was designed.

During the latter part of the last century and the first two decades of this century, the park and recreation movement had a great expansion. County and regional park systems were developed; systems of state and national parks were initiated. In 1934, the National Park Service reported to the National Resources Board that:

The public recreation movement in America represents a conscious cultural ideal of the American people, just as the great system of public education represented such an ideal. It takes rank with the system of public education as a necessary addition to the cultural enjoyment of the nation. Its supreme objective is the promotion of the general welfare through the creation of opportunities for a more abundant and happier life for everyone.

Over the period of a century the provision of park areas as a means of preserving natural scenery for the use and enjoyment of this and future generations and the setting
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aside of permanent open space for all types of active recreation has become a well understood and respected activity on the part of all levels of government: municipal, county, state and national. In fact, the provision of recreation and park areas is one of the few types of public service that is common to all levels of government.

It is rather astonishing that the basic purpose and need for park area are virtually the same as they were a hundred years ago. At first glance it might appear that, with the universal use of the automobile, every family could get out into the country and enjoy the open air without public provision of open space. This, however, is not true. The New York Times, on April 22, 1957 in discussing this problem indicated that, in the New York area, it would not be too long until it would require the average family one full day to get to a lake or seashore and another day to get back. The vast decentralization of the urban area has frequently made it more difficult to find unspoiled open space today by automobile than it was 100 years ago by foot or horse-and-buggy.

The experience of the Cook County Forest Preserve District demonstrates present-day needs for open space. This forest preserve includes 40,000 acres of land, 80 percent of which is wild or semi-wild in character and 60 percent of which is forested. Within the Chicago metropolitan area there is a forest preserve within a one-half hour ride of four million persons. On a single week-end in the summer some 400,000 persons, or 10 percent of the total metropolitan population, will be found using the forest preserves. The forest preserves include facilities for active recreation but, as can be seen from the basic use statistics, they primarily are devoted to the preservation of natural scenery. The need for and appreciation of this endeavor on the part of the metropolitan population is well illustrated by the attendance.

The scenery provided and protected by a park area need not be spectacular or unusual. In a small New Mexico city the preservation of a handful of native cottonwoods along the Pecos River is as appreciated by the population as are the tremendous fir trees in Stanley Park in Vancouver. Americans love their country and all of its wide variety of scenery, whether it be of the extraordinary variety to be included within a national park, of unusual character appropriate for a state park, of regional interest in a county park or forest preserve, or of purely local character—a small grove of trees or a rock outcrop—to be part of a city park.

No essential change has occurred in the basic purposes of park areas in the past 100 years. The preservation of scenery and the provision of space for active recreation are needed far more badly in the middle of the 20th than in the middle of the 19th Century. The combination of a rapidly growing population, improved economic conditions for this population and increasingly greater amounts of leisure time have expanded the need for park and recreation areas. We were all familiar with the statistics that have been developed on this subject and
with their implications to all government agencies that provide park and recreation area.

It is difficult to measure the precise extent of our need for park area. In 1942, the National Resources Planning Board estimated that we needed four million acres of additional state park land, yet in the period 1939 to 1952 only 500,000 acres were acquired. The Twentieth Century Fund in 1950 estimated the need for 276,000 acres of additional municipal park land. Probably no city can boast that it has adequate park and recreational area properly developed and maintained; fewer could state that provision is being made progressively for acquisition and development of the additional land needed to serve the increasing needs of a rapidly growing population. As the country grows the areas of scenic beauty, the natural park sites, become more precious. The study of the National Park Service, “Our Vanishing Shore Line” demonstrates the extent of our need and the dangers of our situation. Time is running out on us.

The Encroachments

A dictionary defines the word “encroach” as to “trespass upon the property or rights of another; stealthily or by gradual advances; to make gradual in-roads or to advance beyond proper limits”. For the purpose of this discussion, encroachment could be defined as any change that would prevent land dedicated for or appropriate to park purposes from being used for its intended purpose, that is, for scenery, using the term in its broadest sense, or for recreation.

Encroachments are not a new thing insofar as park development is concerned. Being open, or considered by some to be “vacant” land not bringing about any “economic” return, a park area is always vulnerable for use for some other purpose. There are no specific or universally accepted standards as to what should or should not go into a park area. For example, in many cities cultural facilities such as art and natural history museums are located in parks.

In discussing the facilities to be located in Central Park, Olmsted went on to say:

The very “reason for being” of the Park is the importance to the city’s prosperity of offering to its population, as it enlarges and becomes more cramped for room, opportunity of pleasurable and soothing relief from building, without going too far from its future center. What else than this purpose justifies the reservation from commercial enterprise of more than a hundred blocks of good building-land right in the line of the greatest demand? Building can be brought within the business of the Park proper only as it will aid escape from buildings. Where building for other purposes begins, there the Park ends. The reservoirs and the museum are not a part of the Park proper: they are deductions from it.

After many years of park experience, however, Olmsted’s ideas became much more definite. In 1895, Mr. Olmsted gave the following as his mature opinion on buildings in parks:

“Are not fine buildings, statues, monuments, great additions to a park?

“Nay, they are deductions from it.

“Do they not add greatly to the value of the Central Park?

“Nay, they take much from
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its value as a park. They would be worth more to the city if they were elsewhere."

I am sure that almost all of us would concur wholeheartedly with Mr. Olmsted’s opinion. Actually, anything in a park that interferes with its enjoyment as scenery or with its use as an active recreation area is an encroachment, excluding, of course, those necessary utilities and facilities that are accessory to the actual use and enjoyment of the park area.

The amount of encroachment depends partly upon the peculiarities of park location. Farsighted men in 1868 set aside 1,400 acres for public park purposes immediately next to what is now downtown San Diego. This is Balboa Park. With such a central location this area is quite susceptible to encroachment and over the past 91 years has been, in effect, reduced to 1,201 acres with 45 acres going to two high schools, 38 to a freeway, 93 to a naval hospital, 17 to city shops and 22 to miscellaneous non-park uses. This is despite the successful defense of the park against even greater encroachments.

Types of Encroachments

We can list five general categories of encroachments that are prevalent today:

1. The most common type of encroachment is the highway. The multi-billion dollar highway program with its emphasis on the limited access freeway is undoubtedly the most prevalent present-day culprit. The high standards for these highways require wide rights-of-way of at least 200 and more frequently 300 feet in width. In a closely built-up city it is extraordinarily expensive to purchase continuous strips of land 200 to 300 feet wide; even with the many billions so lavishly provided the highway program seems always to be running in excess of the amounts budgeted by the highway engineers. Consequently, highway officials are greatly tempted by the presence of any open, publicly-owned land, the use of which would save right-of-way costs. As a result, in almost every city in the country some highway department or highway engineer has proposed a freeway through a park area, and in almost every such instance a bitter public controversy has resulted.

Probably the most notable of these controversies has been the attempts—unsuccessful to date—to build a freeway through Rock Creek Park in Washington. St. Louis had an earlier experience with this type of thing when the city approved construction of an expressway along the south side of Forest Park in 1933. This was a relatively short length of expressway but now it is to have connections at both ends and the construction that was completed in 1936 is, of course, inadequate for present traffic loads. The highway occupied 27 acres of park land originally. The widening and other improvements will increase this to 45. The construction of a highway through a park may be only a beginning; future widenings may take more land.

Other cities in which serious conflicts have occurred have been Louisville, Los Angeles and San Francisco. An unnecessary diffi-
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culty with most highways through parks results from current characteristics of highway design. Very few highway departments employ landscape architects and even fewer fully utilize their services in fitting the highway to the landscape in the first instance. Where highways are built through parks roughshod design magnifies the conflict.

It is interesting to note the official position of the state highway authorities on the matter of use of park area for highway purposes. The following is quoted from a discussion of "Opportunities for New Route Locations", a part of A Policy on Arterial Highways in Urban Areas published by the American Association of State Highway Officials in 1957:

"Favorable locations (for new highway routes) may be found within or along the boundaries of parks and other sizable tracts of city or institutional property that disrupt the regularity of a rectangular street pattern. These locations have the advantage of minimum property damage and few intersection problems. Such open and possibly wooded areas, however, are valuable assets to a community and opposition to their use for highways will develop. Narrow strips along the edges of sizable parks might be used for highways. Where more park space is desired, these strips might be replaced by acquiring other areas for parks."

This discussion concludes with the following statement:

"In any event, arterial routes most likely of development will be those that incur the least damage to existing culture and development and at the same time provide reasonable service to traffic at reasonable cost."

There is little comfort to be obtained from these words. Legal difficulties, too, have been encountered in using highway funds to replace park land in another location.

2. Colleges, institutions and schools have created conflicts also. A notable example of a conflict of this type has been the endeavor of the University of Illinois to locate a new campus in the Chicago area and to utilize Forest Preserve land for this purpose. To date this has not been successful. In other cities, public schools have occupied park area as have hospitals and other institutions.

3. Construction of the Union Square Garage in San Francisco demonstrated that automobiles could be parked either in or under a park. In many of the central areas of American cities there are small ornamental parks or squares and there is a constant pressure to use these as parking lots. Sometimes this has been successful; in most instances, however, it has not been successful and in a few it has been stopped by legal action.

4. While municipal parks are not affected to any great extent, the very widespread construction of dams on rivers and streams has created conflicts with state and national park areas. The most notable of these was the proposal to flood the Dinosaur National Monument. It has taken a most strenuous campaign on the part of park
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and conservation people to prevent this encroachment. A difficulty encountered here, as is the case with other types of encroachments, is that if one is permitted, the door may be opened for many more.

5. There are a very considerable number of miscellaneous encroachments. These include fire stations, city maintenance buildings, almost every conceivable type of public or quasi-public activity that would require a building. In a number of instances both existing and potential park lands have been severely damaged by construction of drainage improvements. In the Baton Rouge area, for example, the straightening and deepening of flood channels and the spoil banks along these channels has seriously impaired the scenic value of many stream valleys in that area.

Reasons for Encroachment

There are three major reasons for the encroachments:

The first is the intense competition for land areas within our urban communities. Land values have risen rapidly to the point where provision of a site for any urban project is a major item of expense. Many of the uses that constitute encroachments such as highways, parking lots, schools, hospitals, dams, etc. have a well organized, well financed and vigorous minorities in support of them. Under these circumstances it becomes increasingly difficult for public officials and municipal councils to preserve land for what appears to be only the growing of a few trees.

The second reason has to do with relative values in our society. The average family with an annual income of between $5000 and $6000 per year, after taxes, will spend 27 percent of its income for food and 25 percent for shelter; clothing takes 14 percent and the automobile 10 percent. In contrast, expenditure for recreation is 4 percent, twice the expenditure for tobacco. The expenditure for the automobile of 2 1/2 times as much as the expenditure for recreation does not mean necessarily that the average family is 2 1/2 times interested in his automobile as it is in recreation. It does mean, however, that a far greater part of our over-all economy is dependent on the automobile and that there is a far greater financial interest on the part of a far greater segment of the population in seeing that we take care of highways and other facilities needed for the automobile. Further, it has only been in recent years that any sizable group has appeared willing to dedicate time, effort and money to the preservation of scenic beauty and to the provision of public recreational facilities. There is no question, however, but that the great majority of the population has sincere appreciation for beauty and a desire for adequate and convenient recreational areas. To date, this segment is not so well organized and not so forceful in expressing its views.

The third reason is that our systems of governmental organization and operation are more and more designed to concentrate on the parts of a problem and to ignore the whole. If we have a highway problem, we establish a highway department. If a parking problem arises, a parking authority follows.
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If slums are to be eliminated, a renewal agency must first be formed. All of this may be well and good but these are all special purpose agencies. They are interested in only their part of the problem and not interested in the whole problem which is the development of a decent urban and rural environment for all of our people. Thus, if a park gets in the way of a highway, or a parking lot, it is not a question as to which is the best for all concerned but merely a question of who can bring up the biggest guns and make the loudest noise.

Preventing the Encroachments

In order to prevent encroachments of the public park areas a five-point program is necessary.

1. A Comprehensive Plan

Encroachments of the park areas are only one of a great many conflicts of land use that occur in both urban and rural areas. In a rural area, for example, the use of an individual piece of property for a junk yard, an automobile salvage yard or a cluster of billboards may depreciate property over a considerable surrounding area. Certainly these are encroachments. Frequently, in an urban area the best sites for shopping centers or for industrial districts are preempted by residential uses. These are encroachments also.

Basically, encroachments cannot be prevented until we are able to find a method whereby each parcel of land is used for its highest and best purpose and all of these various conflicts are eliminated. The primary need is for a carefully thought out comprehensive plan and then rigid adherence to the plan on the part of all persons using land, all public agencies, and particularly the special purpose agencies.

Any comprehensive plan is subject to change and improvement. The proposal here is not to place a "straightjacket" on urban and rural development but is rather to seek some method whereby we can develop the parts in an improved relationship to the whole.

Insofar as the park areas are concerned a well worked out comprehensive plan may disclose a surprising number of things about them. Some park areas may be poorly located, some may be too large or too small in relation to the use of adjacent property and the over-all communitywide needs. A comprehensive plan may even find that in a few instances it will be necessary for a highway to go over, through, or under a park. In common with many land uses in our cities, parks have been located in a haphazard and illogical pattern in the past. No land use should be looked upon as "sacred" or immovable by the happenstance of it being where it is.

In the development of the comprehensive plan there should be much greater participation on the part of park officials. Open space in the form of parks and school grounds provides a major part of the basic structure of any community. The location of these areas is a major planning function; the park officials should have a major part to play in the development of the comprehensive plan. Too often this is not the case. In many cities the superintendent of parks doesn't
even have an office in the city hall
and doesn't become involved in city
affairs to the extent of other de-
artment heads.

2. Additional Legislation

New York City has shown how
effective it is to place the park areas
in a public trust. In New York,
park lands can be released for non-
park uses only with approval of the
park commissioner and with ap-
proval of the council. The pro-
cedure that is required to release
park land for another use is very
time-consuming and provides more
than enough opportunity to arouse
and organize public interest and
public support. A similar type of
trust arrangement should be estab-
lished in all our communities with
park land going into a trusteeship
and extreme difficulties placed in
the way of anyone releasing it from
the trust.

At least in recent years, the high-
way officials have seemed to be the
worst offenders in the introduction,
or proposed introduction, of in-
appropriate uses into park areas.
Almost all encroachment problems,
however, have come from special
purpose organizations. The basic
problem here is that we have de-
egated to small groups of officials
these single purpose responsibilities.
We have given them money, power,
and a set of blinders that prevents
them—sometimes legally prevents
them—from seeing the entire pic-
ture. In many cases, the local com-
community has little, if any, effective
control over the special purpose
agencies.

Legislation of two types would
be helpful. The first would be a
requirement that no highway—or
other public improvement—be built
in a city or county by any agency—
state, federal or local—without the
approval of the local city or county
officials, where there was an adequate
official comprehensive plan. Some
state city planning acts contain
provisions of this type; none of
these has proved to be strong
enough in actual practice, however.
The second would be some type of
board of review at the state level to
pass on all major public improve-
ments such as highways, dams or
institutions to make sure that these
did not unduly damage land that is
of scenic, scientific, cultural or
archaeological importance. Both of
these suggestions would require a
considerable amount of study; both
would probably require constitu-
tional amendments in most States
to be really effective; both will be
needed, however, if there is ever to
be any sensible control and direction
of either urban or rural develop-
ment in this country.

3. A Public Land Reserve

One reason why there has been
so much pressure on the park areas
and so many instances of encroach-
ment of the parks is that all our
public agencies are "hamstrung"
by their inability to own and hold
land areas. Whether it be a highway
department, a college, a school
system, or a park system, there
just simply is not an adequate
amount of publicly-owned property.
There are two reasons for this. The
first is that we look upon the buying
and selling of land as a completely
commercial occupation. It is a
method of making money—a "busi-
ness". Second, we do not have ade-
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quate respect for the land itself because until recently we have had so much of it. If an individual ruined an odd square mile or two, here or there, no one was particularly concerned. This attitude, of necessity, is changing for the better as land becomes scarcer and more valuable.

In urban areas, particularly, the increase in land value is entirely attributable to the growth of the community. There is no reason why this increment in value should rebound to a few individuals, and a tiny segment of the population obtain this monetary benefit. The community should recapture some of the increases in land value that the community has created. A capital gains tax on increases in land value would be simple to levy and collect. This money should be used for the purchase of park sites, school sites, highway rights-of-way and other needed public lands. It could also be used for purchasing development rights and the creation of greenbelts around our cities. Public ownership of all or most stream valleys would be possible.

If we had plenty of money for purchase of right-of-way there would not be the great economic compulsion to use up park property for highways and other non-park uses.

4. Public Support

The most favorable aspect of the entire encroachment problem is that—by and large—the people as a whole are on the side of the park and conservation interests. Park people, however, have not done enough to bring about public support. They should make a common cause with the garden clubs and the conservation interests.

The New York Park Association and the Louisville "Save our Parks" organization are examples of what can be done to develop permanent public support. The Oglebay Institute in West Virginia, for example, collects $65,000 per year to help in park improvement in a community of 60,000 people.

The St. Louis area has two notable examples of obtaining public support. The Missouri Botanical Garden, as has been true of so many endowed institutions, has had difficulty in meeting its financial needs. A group known as "Friends of the Garden" was organized. The cost of membership is nominal per year. A member of the organization is invited to various functions at the garden and to pre-views of exhibitions. This has been a most effective way to obtain public support. A similar group has been organized by The Art Museum known, again, as "Friends of the Art Museum". This group has collected significant amounts of money for purchase of new exhibits. This, too, has been a very effective method of providing public interest and public support.

A citizens' organization of a similar type would be useful and effective in every city in promoting park development in addition to preventing any possible encroachments. Proposals having to do with the parks, for example, could be referred to the citizens' organization for review. The presence of several hundred leading citizens at public hearings and council meetings held to consider park problems can be extremely effective.
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5. Greatly Improved Park Areas

One reason why there have been so many encroachments of park areas is that
the park areas themselves have not been developed or maintained in a
manner that would seem to warrant their preservation for park use.
Many are poorly developed and maintained, do not present a good
appearance and are not too effectively used.

In the early days of park development, Olmsted, for example,
looked upon a park as a “work of art”. In discussing the design for
Central Park he had the following to say:

“The Park throughout is a
single work of art, and as such
subject to the primary law of
every work of art, namely, that
it shall be framed upon a single,
noble motive, to which the de-
sign of all its parts, in some
more or less subtle way, shall be
confluent and helpful.”

Except perhaps in a few in-
estances such as the parks in Oak-
land, California and some in Colo-
rado Springs, for example, we do
not particularly look upon the park
as a “work of art” anymore. I think
we must all admit that we have not
given adequate attention to design,
to landscape effects, and to the
whole problem of the park area as
primarily an area of scenic beauty.
The fact that we have not done so
is one of the reasons why encroach-
ments of the public parks are
possible. No one in Japan would
propose a superhighway through a
Temple Garden. Nor would one
be proposed here through a park
that was a true work of art.

In order to make each park a
“work of art” involves, of course,
the use of trained landscape archi-
tects of great ability. If we decided
tomorrow to make every park in the
United States a “work of art” it
would not be possible to do so. The
qualified people are simply not
available to undertake the task.
However, perhaps one reason why so
many trained landscape architects
are found practicing as city planners
is because they do not have op-
portunity for developing works of
art of this type in the practice of
landscape architecture.

It is high time that we revive
Mr. Olmsted’s principle and develop
each park as a true work of art.
Over the long run this is our best
protection against encroachment.