

# Public Opinion on Land Use Policies

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Land use policies always have been an important part of local government administration.<sup>1</sup> In 1974, U.S. Supreme Court Justice Thurgood Marshall Jr. noted that zoning “may indeed be the most essential function performed by local government.”<sup>2</sup> Although public administrators have long believed that land use policies are important, recent high-profile court decisions, such as *Kelo v. City of New London*, have placed land use in the public spotlight.<sup>3</sup> Public support for land use policies has become even more relevant in an age of collaborative planning and ballot measures addressing land use.<sup>4</sup>

Although debates rage across the country, western North Carolina has experienced particularly hard-fought battles over land use. This region of twenty-three counties still contains large parcels of undeveloped and underdeveloped land, leading to strong feelings both supporting and opposing land use policies. Few counties in the region have countywide zoning, and questions over property rights, zoning, and land use planning often dominate local politics.<sup>5</sup> Consequently, public administrators in the region frequently struggle with how to shape policy debates to gain support for land-use planning and zoning initiatives.

Although land use planning and zoning are generally considered unpopular in the area, recent developments

suggest that the tide may be turning. In February 2007, the Jackson County commissioners passed a subdivision moratorium before embarking on a comprehensive countywide plan for land use.<sup>6</sup> Later that year, the commissioners weathered stinging editorials and protests by real estate developers to pass the county’s first comprehensive land-use plan. As a tribute to this accomplishment, the commissioners were recognized with the governor’s Municipal Conservationist of the Year award in 2008.

Perhaps sensing the importance of public engagement in shaping land use policies, the Community Foundation of Western North Carolina and the Southwestern Commission, the council of government serving Region A (the state’s seven westernmost counties), sponsored a series of workshops in the region. The process began with interviews and small-group discussions and resulted in a “toolbox” of planning guidelines for western North Carolina.<sup>7</sup>

Given the increased attention to land use policies, evaluating how the public feels about them is important. This article focuses on public opinion in western North Carolina in two key areas: land use planning and zoning. It begins with a brief history of land use policies and a discussion of the nature of the opposition to land use planning and zoning. Next, it describes a survey of western North Carolina residents that we conducted in 2007, and discusses and analyzes the results. It concludes with practical suggestions for navigating controversies about land use policy.

**Some western North Carolina residents view zoning and land use planning as an assault on property rights.**

## Land Use Policies

In the United States, land use policies date to the late 1800s, when citizens agreed to divide land into zones, specifying the

type of development that might occur in each.<sup>8</sup> The number of cities and states that adopted such policies increased in the early part of the twentieth century, but the decisions were not without controversy. Although some property owners challenged the constitutionality of land use policies, the legality of zoning was affirmed in the 1926 Supreme Court case *Village of Euclid v. Amber Realty Company*.<sup>9</sup>

Support for zoning in North Carolina has mirrored developments nationally. The General Assembly gave cities zoning power in 1923, and land use plans accelerated considerably after World War II. It gave counties zoning power in 1959, but many waited until the 1980s and the 1990s to pass regulations.<sup>10</sup> Recent planning and development debates in North Carolina have centered on smart-growth and growth-management policies.<sup>11</sup>

The planning field has many approaches to addressing community needs and growth management. Local governments have opted for transportation plans, neighborhood development plans, and a variety of other emerging smart-growth initiatives to handle growth and development.

Despite the rise of a variety of growth-management initiatives, the two principal terms in discussing land use policies are “land use planning” and “zoning.” A land use plan “is based on projections

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of population growth and land development patterns that have implications for public facilities, transportation, and economic development as well as housing, cultural and natural resource protections, and community appearance.”<sup>12</sup> Zoning is a key component of any land use plan. Richard Ducker, an authority on land use, notes, “Of all the programs, tools, and techniques associated with land use planning, zoning is perhaps the best known.”<sup>13</sup> William Fischel, an expert on the economics of zoning, calls zoning “a collective property right that is used by the municipality to maximize the net worth of those in control of the political apparatus.”<sup>14</sup>

Land use planning and zoning can take on negative connotations in the public mind. In Houston, Texas, the “only major U.S. city without zoning,” residents have consistently resisted efforts to introduce land use planning.<sup>15</sup> A 1993 referendum on the issue failed 47%–53% with help from a coalition of low-income whites, low-income blacks, Hispanics, and affluent voters.<sup>16</sup> One reporter noted, “[A] large number of voters with moderate incomes and diverse ethnic backgrounds had the quaint notion that property owners are more capable of controlling their real estate destinies than a panel of bureaucrats with the proper political connections.”<sup>17</sup> The same sentiment can be found in areas of western North Carolina, where zoning and land use planning are seen as an assault on property rights, pitting longtime residents and newcomers against one another.<sup>18</sup>

In an earlier survey on the subject, we found that support for zoning initiatives is highest among liberals, newcomers to the region, more highly



**Table 1. Distribution of Western North Carolina Residents' Opinions on Zoning and Land-Use Planning Policies, 2007**

	Zoning	Land Use Planning
Strongly against	18%	11%
Somewhat against	21%	22%
Somewhat in favor	35%	33%
Strongly in favor	26%	33%
Number of respondents	470	429

*Note:* Numbers may not add up to 100% because of rounding.

educated people, and older residents. We also demonstrated an important link between zoning and trust in local government, arguing that “trust affects policy choice and determines how much power citizens grant to local administrators.”<sup>19</sup>

Given the importance of public opinion on land use policies, we address three new questions in this article. First, what is the current level of support for land use planning and zoning in western North Carolina? Our earlier work used data collected in 2003, so it made sense to conduct a follow-up study to see how opinion had changed. Second, do people express higher levels of support for land use planning or for zoning? Third, how do the patterns of support for these two policies compare? The answers to these three questions should help both public officials and scholars understand the nature of public support on this vitally important yet contentious issue.

## The Approach

We surveyed residents of the twenty-three westernmost counties in North Carolina. Many residents of these counties wish to preserve property rights, whereas many others see the need for stricter zoning laws. This region is an ideal one to study because it is predominately rural. Most studies of land use policies have relied on samples of major urban areas.<sup>20</sup>

We surveyed more than one thousand residents whom we identified through random-digit dialing. The sampling frame included both land lines and cell phones. The survey asked residents about a variety of political and economic topics in western North Carolina and took about twelve minutes to complete. Of those whom we reached, 47 percent answered our questions. After taking into account the people who were unreachable, we achieved a 24 percent response rate.<sup>21</sup> Complete results from this survey can be found on the website of the Institute for the Economy and the Future at Western Carolina University.<sup>22</sup>

Using computer-assisted telephone interviewing, live callers asked roughly half of the residents about their opinions on land use planning, and the other half about their opinions on zoning. The response options in both samples were Strongly against, Somewhat against, Somewhat in Favor, and Strongly in Favor. There was not a No Opinion choice. Because no respondent was asked both questions, the respondents were not able to compare the two and base their answer to one question on their answer to the other question. This approach also prevented respondents from drawing distinctions between the two concepts even though they might have felt similarly about both.

## Support for Land Use Policies

Twenty-six percent of the respondents were strongly in favor of zoning (see Table 1). In our 2003 survey, fewer than 20 percent of respondents were strongly in favor of zoning. This comparison suggests that public support for zoning may be increasing in western North Carolina. The two sets of results are not entirely comparable, however, because our 2007 survey did not include a No Opinion option, whereas our 2003 survey did.

Regarding our question about which policy registered higher levels of support, respondents to the zoning question were more strongly against zoning policy than respondents to the

**Table 2. Variables Predicting Western North Carolina Residents' Opinions on Zoning and Land-Use Planning Policies, 2007**

	Zoning	Land Use Planning
Age	+	+
Proportion of life in western NC	–	–
Asheville resident	N.S.	N.S.
Education	+	+
Political conservatism	–	N.S.
Women	N.S.	N.S.
Number of respondents	416	392

*Note:* The plus sign (+) indicates a positive relationship with zoning or land use planning at the significance level of  $p < .05$ , meaning that as this attribute rises, so do opinions on land use planning or zoning. The minus sign (–) indicates a negative relationship with zoning or land use planning at  $p < .05$ , meaning that as this attribute rises, opinions on zoning or land use planning decrease. N.S. indicates no statistically significant relationship.

land-use planning question were against land-use policy (18 percent compared with 11 percent). As mentioned earlier, 26 percent of respondents to the zoning question were strongly in favor of the policy, as opposed to 33 percent of the land-use planning group being strongly in favor of that policy. In other words, residents of western North Carolina seem to approve of land-use planning more than they approve of zoning. This is not surprising, given that zoning has become highly politicized and that planning often is viewed as a guide, not a mandatory regulation of private actions. Land use planning is a concept that has received more support from proponents of property rights.

To determine patterns of support for land use planning and zoning, we ran a multivariate statistical model to test the influence of six variables:

- Age
- Proportion of life lived in western North Carolina
- Resident of Asheville (the largest city in the sample) or not



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- Education
- Political conservatism
- Sex

Many of these variables were found to be significant predictors of support for zoning in our previous survey.<sup>23</sup>

The patterns of support are similar across the two groups (see Table 2). Older people, people who have lived in western North Carolina a smaller proportion of their lives, and more highly educated people are more likely to support both zoning and land use planning policies. Education's liberalizing effect on opinions is well established, but it is surprising that education affects opinions on these issues, even while controlling for ideology. Similarly, it is surprising that older people have significantly different opinions about land use planning and zoning than their younger counterparts. The finding regarding people who have lived in western North Carolina a smaller proportion of their lives is less surprising, for newcomers to the region are commonly assumed to feel different about growth and development than those who grew up in the region.

Another unexpected finding is that although liberals are more likely than their conservative counterparts to favor zoning, political ideology has no influ-

**Table 3. Probability of Strong Support for Zoning and Land-Use Planning Policies among Western North Carolina Residents, 2007**

	Strongly Supporting Zoning		Strongly Supporting Land Use Planning	
	Lowest Value	Highest Value	Lowest Value	Highest Value
Age	.11	.36	.20	.52
Proportion of life in western NC	.37	.15	.47	.23
Education	.05	.39	.23	.43
Conservative ideology	.39	.13	.44	.29

ence on opinions on land use planning. Zoning appears to be more politicized than land use planning.

The results suggest statistically significant differences for many of the variables, but what is the substantive significance? What difference does it really make if you are a newcomer or a life-long resident? A young person or an old person? An undereducated person or a well-educated person? To understand the substantive influence of these patterns better, we computed the probability of people at the highest and lowest value of each independent variable strongly supporting zoning and land use planning, controlling for all the other predictors (see Table 3).

The results suggest that the youngest person in the sample (eighteen years old) has a .11 probability of strongly

supporting zoning, compared with a .36 probability for the oldest person in the sample (ninety-six years old). For land use planning, the probabilities range from .20 to .52.

Proportion of life in western North Carolina has a strong influence on public opinion for both policies. Someone who has lived in the region less than a year has a .37 probability of strongly supporting zoning and a .47 probability of strongly supporting land use planning, compared with probabilities of .15 and .23 respectively for someone who has lived his or her entire life in the region. Clearly a divide exists between these groups.<sup>24</sup>

The biggest differences between the lowest and highest values are in education and ideology. As we suspected, ideology is a much more powerful



influence on opinions on zoning than it is on land use planning, providing further support for our contention that zoning tends to be more politicized. Similarly, education has a much bigger effect on opinions on zoning than it has on opinions on land use planning.

## Conclusion

In an age of increasing citizen involvement in land use decisions, public administrators should strive to understand public opinion. Our results contribute to this cause in three ways.

First, they demonstrate a relatively high degree of support for both land use planning and zoning. More than 60 percent of residents were strongly in favor or somewhat in favor of land use planning and zoning.

Second, they indicate that the public is generally more supportive of land use planning than it is of zoning. Public administrators and elected officials who are considering both land-use planning and zoning alternatives would be well advised to stress land use planning, for it is more likely to draw support than zoning is.

Third, they suggest that certain demographic groups are much more likely to support these policies than others. Specifically, older people and people who have lived in western North Carolina a smaller proportion of their lives are more likely to support both zoning and land-use planning policies. Liberals and more educated people are more likely to support zoning and land use planning than their conservative and less educated counterparts, but the effects are less pronounced for land use planning.

These results should be of considerable interest to public administrators who seek to understand how the public is likely to respond to their land use initiatives. The results also will help elected officials who may wish to understand how supporting or opposing land use policies will affect their public standing. Public administrators might consider beginning community dialogues with a discussion of more generic terms, like land use planning, before addressing

specific policies, such as zoning. Beginning with more general, accepted terms may help unite administrators and the public rather than create divisions before dialogue has begun.

## Notes

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2. Owens, *Introduction to Zoning*, 2.

3. *Kelo v. City of New London*, 545 U.S. 469 (2005); Charles Lane, "Justices Affirm Property Seizures," *Washington Post*, June 24, 2005, p. A1; Terry Pristin, "Voters Back Limits on Eminent Domain," *New York Times*, November 15, 2006, p. C6.

4. Elisabeth R. Gerber and Justin H. Phillips, "Development Ballot Measures, Interest Group Endorsements, and the Political Geography of Growth Preferences," *American Journal of Political Science* 47: 625–39 (2003); Carmen Sirianni, "Neighborhood Planning as Collaborative Democratic Design," *Journal of the American Planning Association* 73: 373–87 (2007).

5. Jennifer Garlesky, "Growth, Development Drive Jackson Commissioners Race," *Smoky Mountain News* (western NC), April 30, 2008, [www.smokymountainnews.com/issues/04\\_08/04\\_30\\_08/fr\\_elec\\_jackson.html](http://www.smokymountainnews.com/issues/04_08/04_30_08/fr_elec_jackson.html); Owens, *Introduction to Zoning*.

6. Becky Johnson, "Moratorium Opponents Suffer Setback," *Smoky Mountain News* (western NC), May 23, 2007, [www.smokymountainnews.com/issues/05\\_07/05\\_23\\_07/update\\_moratorium.html](http://www.smokymountainnews.com/issues/05_07/05_23_07/update_moratorium.html).

7. For more about this initiative, see [www.mountainlandscapesnc.org](http://www.mountainlandscapesnc.org).

8. Owens, *Introduction to Zoning*.

9. *Village of Euclid, Ohio v. Amber Realty Company*, 272 U.S. 365 (1926); Windsor, "The Political Economy."

10. Owens, *Introduction to Zoning*.

11. Richard D. Ducker and David W. Owens, "A Smart Growth Toolbox for Local Governments," *Popular Government*, Fall 2000, pp. 29–41; Hannah Holm, "The Evolution of State Initiatives in North Carolina," *Popular Government*, Fall 2000, pp. 21–28.

12. Richard D. Ducker, "Community Planning, Land Use, and Development," in *Municipal Government in North Carolina*, ed. David M. Lawrence and Warren Jake Wicker (2d ed. Chapel Hill, NC: School of Government, University of North Carolina at Chapel Hill, 2006), 558.

13. Ducker, "Community Planning," 561.

14. William A. Fischel, "Zoning and Land Use Regulation," in *Encyclopedia of Law and Economics*, ed. Boudewijn Bouckaert and Gerrit De Geest (Ghent, Belgium: University of Ghent, 1999), 404, <http://encyclo.findlaw.com/>.

15. Bill Schadewald, "The Only Major U.S. City without Zoning," *Houston Business Journal*, April 7, 2006, <http://houston.bizjournals.com/houston/stories/2006/04/10/editorial1.html>.

16. Kevin M. Southwick, "The Dead Zone—Houston, Texas Residents Vote against Zoning Ordinance," *Reason*, February 1994, pp. 50–52.

17. Schadewald, "The Only Major U.S. City."

18. Christopher A. Cooper, H. Gibbs Knotts, and Kathleen Brennan, "The Importance of Trust in Government for Public Administration: The Case of Zoning," *Public Administration Review* 68: 459–68 (2007).

19. Cooper, Knotts, and Brennan, "The Importance of Trust," 459.

20. Gerber and Phillips, "Development Ballot Measures"; Sirianni, "Neighborhood Planning."

21. Calling took place from mid-afternoon through evening on weekdays and from late morning to early evening on weekends. The sample consisted of 5,295 phone numbers that were selected using random-digit dialing. Of these numbers, 817 were ineligible (i.e., nonworking, disconnected, business, or nonqualified), 2,193 were unreachable (i.e., we received no answer, got a busy signal, or reached an answering machine), and 1,206 were refusals. Information was collected from a total of 1,079 respondents. We are 95 percent confident that our results are accurate within 3 percent. Four hundred seventy respondents provided answers to the zoning question, 429 respondents provided answers to the land-use planning question, and 180 people whom we reached refused to answer.

22. Western Carolina University, Institute for the Economy and the Future, <http://ief.wcu.edu>.

23. In our previous study, we examined opinions on zoning, not land use planning. See Cooper, Knotts, and Brennan, "The Importance of Trust."

24. See Kathleen Brennan and Christopher A. Cooper, "Rural Mountain Natives, In-Migrants, and the Cultural Divide," *Social Science Journal* 45: 279–95 (2008).