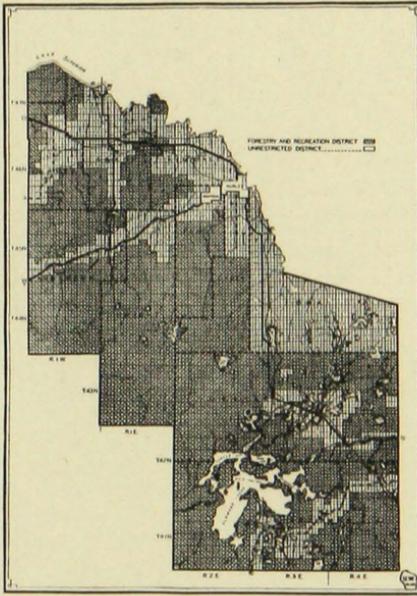


# Zoning Minnesota Lands

O. B. JESNESS AND R. I. NOWELL



Zoning Map of Iron County, Wisconsin

UNIVERSITY OF MINNESOTA  
AGRICULTURAL EXTENSION DIVISION



# Zoning Minnesota Lands

O. B. JESNESS and R. I. NOWELL<sup>1</sup>

THE word "zoning" is new in discussions of rural land problems, but it is one which is fast becoming popular. While its application to rural land is a recent development, the principle of zoning as a form of public control of the use of property is well established. Zoning has been employed extensively in larger cities as a means of regulating the kinds of use to which property may be put in different districts. For example, it may be employed to keep industrial or business establishments from encroaching upon a residential area in such a way as to reduce the value of the residential property in the area. In short, zoning under urban conditions is used mainly for the protection of established property uses and values.

The application of zoning to rural lands, likewise, is for the purpose of giving some control over the uses for which the lands are employed. The need for zoning in rural lands, however, arises primarily from the fact that certain uses may involve unnecessary expenditures of public money in the performance of public services. Restrictions may be warranted, therefore, as a protection to the taxpayers.

Illustrations of the need for zoning are supplied by areas in which there is considerable undeveloped land, such as is found in parts of the cut-over regions of Minnesota and the other lake states. Lack of direction and control of land use in such areas has resulted in many isolated settlements that involve high costs for roads, schools, and other public services. As an example, the public expense involved in transporting to school the children of 28 isolated homes, selected at random in one county in Minnesota, averaged \$185 a family. Yet the average tax levy on these farms was only \$10. Because part of the taxes were delinquent, the total tax payments of these 28 families represented only about 3 per cent of the public costs of transporting their children to school, without providing anything for other services. A similar situation arises in connection with roads. In 13 typical cases of roads provided at public expense for one or two families, the taxes paid by the benefited families in 1932 covered less than 8 per cent of the costs of the roads, without any allowance for the costs of schools or other services. It is obvious that public interest will be served by the elimination of conditions of this sort.

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The item of direct public expense, however, is not the only consideration. Isolated settlers frequently are on the less desirable lands and their incomes suffer in consequence. They lack, also, the advantages of established community life, and, where they are in forest areas, their presence often adds to the fire hazards.

The objective in zoning is to avoid the repetition of past mistakes of isolated settlement and to discontinue bringing unsuitable land into agricultural use. It is also to direct new settlement to suitable land. It cannot interfere with existing uses of land, but where these are inadvisable, extension of such uses to other lands may be curbed.

### **Relation to Land Classification**

Zoning and land classification do not conflict. They are parts of the same program. Zoning may be described as a logical step to follow classification. Land classification has for its purpose the designation of the suitability of land for specific uses in the light of both physical and economic conditions. Thus some lands may be classified as agricultural; others as forest lands; still others as being primarily recreational land, and so on. Classification to be adequate must be based upon careful consideration of all important factors. Land may be potentially well suited for farm use from the standpoint of soil, topography, and climate. Yet other factors, such as location, lack of transportation, inaccessibility to market, cost of bringing into cultivation, and a lack of need for increasing the agricultural output, may indicate that its present development for farm use is not feasible.

Zoning makes classification effective in that it sets up control over the use of land. Thus, lands classified as non-agricultural may be placed in a zone restricted to further settlement and agricultural development. Such a step will prevent new settlers from going on to unsuited land to suffer loss and disappointment. Costs which would otherwise fall upon the taxpayers to supply public services to such settlers will be reduced because settlers will be directed into unrestricted areas where such services are already available or where settlement is likely to become sufficient to justify provision for the needed services.

### **Has Rural Zoning Been Tried?**

Wisconsin has taken the lead in extending zoning to rural land, by passing an act giving counties authority to adopt zoning ordinances. Several counties in northern Wisconsin already have zoning ordinances in force and some other counties are, as this is written, in the process of enacting similar ordinances. It should be clearly understood that the

law does not compel counties to zone lands. Whether or not to adopt a zoning ordinance is a decision for the county to make, and the enactment of ordinances is, therefore, the result of approval given the plan by people in the localities affected. Approval so given is a recognition of the fact that northern Wisconsin is faced with important land-use problems that require solution, and of the fact that zoning is one of the means to that end. The situation in northeastern Minnesota is essentially similar to that in Wisconsin.

### Steps in Zoning

If Minnesota is to adopt the plan of zoning rural lands, the first step will be to pass a state law giving authority for the adoption of county zoning ordinances or regulations. In view of the benefits obtainable from proper zoning, such authority probably will be provided by the legislature. The enactment of zoning legislation has been recommended by the Land Utilization Committee appointed by the governor in 1932 to consider problems of land-use in northern Minnesota.

Such an act of the legislature will merely give the authority and outline the methods to be employed. Actual zoning will be worked out locally in line with the provisions of the legislation. The exact provisions of the law will depend on legislative decisions, and, until such a law has been passed, it will be impossible to outline in detail all the steps. However, the general features are sufficiently clear, and the major steps may be suggested.

First of all, information regarding the land and its uses in a given county must be assembled and considered. Information as to the land already in farms and its state of development should be available; also a knowledge of the soil types and their distribution; facts as to existing school districts, location of school houses, information on school population and facilities; data having to do with tax-delinquent lands that revert to public ownership; information as to state or federal ownership of land in counties where such a ownership may be a considerable factor in establishing zone boundaries; and in regions where recreation represents an important land-use, information regarding recreational facilities and opportunities.

It will be helpful to show as much of this information as possible on maps, in order that it may be related directly to the establishment of districts or zones of land-use. With such information and a general knowledge of the local situation, a board of county commissioners, or a committee designated by such a board, should be able to outline a map showing a zoning plan and to draw up for consideration a zoning ordinance.

Because a program of zoning requires the co-operation and support of local people, the next step should be to hold a series of meetings in different parts of the county, to acquaint the people with the program and to obtain their suggestions with regard to desirable changes. If a tentative program of zoning is approved by the people, the next steps are to consider carefully suggestions for changes, to draw up the ordinance in final form, and then to adopt it.

While a plan of zoning should meet as far as possible the wishes of local people, it is desirable that counties should work together and that state agencies should co-operate in the development of plans for zoning, in order that there may be as much uniformity as possible in the program. Natural areas and land-use districts exist without regard to political boundaries, and land classification cannot be limited or distorted by such boundaries. Zoning, which after all is a method of giving legal effect to classification, should recognize this, and adjacent counties should co-ordinate their zoning programs. Co-operation with state agencies is highly desirable because such agencies have assembled considerable information which bears on the problems of classification and zoning.<sup>2</sup> Moreover, any zoning plans adopted will have an intimate relationship with programs for developing state and national forests, game preserves, and recreational areas, and counties will wish to develop their plans in harmony with the plans for land-use already under way.

## A Representative Zoning Ordinance

The zoning ordinances enacted by Wisconsin counties illustrate the important features of such enactments. The one in force in Vilas County may be cited.<sup>3</sup> This ordinance provides for districts based on three kinds of use, namely, forestry, recreation,<sup>4</sup> and unrestricted. The boundaries of each of these districts are shown on a map of the county which is made a part of the ordinance. The uses permitted in each district are set forth as follows:

### District No. 1—Forestry District

In the forestry district no building, land, or premises shall be used except for one or more of the following specified uses:

1. Production of forest products
2. Forest industries

<sup>2</sup> "A Program for Land Use In Northern Minnesota," published by the University of Minnesota Press, includes a more detailed discussion of zoning and related land-use problems.

<sup>3</sup> See "Making the Best Use of Wisconsin Land Through Zoning," Special Circular, Extension Service of the College of Agriculture, the University of Wisconsin. 1934.

<sup>4</sup> Counties not having considerable recreation areas will not find it necessary to have separate recreation districts.

3. Public and private parks, playgrounds, camp grounds, and golf grounds
4. Recreation camps and resorts
5. Private summer cottages and service buildings
6. Hunting and fishing cabins
7. Trappers' cabins
8. Boat liveries
9. Mines, quarries, and gravel pits
10. Hydro-electric dams, power plants, flowage areas, transmission lines, and sub-stations
11. Harvesting of any wild crop such as marsh hay, ferns, moss, and berries

(Explanation: Any of the above uses are permitted in the forestry district, and all other uses, including family dwellings, shall be prohibited.)

#### **District No. 2—Recreation District**

In the recreation district all buildings, lands, or premises may be used for any of the purposes permitted in District No. 1, the forestry district, and, in addition, family dwellings are permitted.

(Explanation: Any of the above uses are permitted in the recreation district and all other uses, including farms, shall be prohibited.)

#### **District No. 3—Unrestricted District**

In the unrestricted district, any land may be used for any purpose whatsoever, not in conflict with law.

The ordinance is not retroactive. That is, it does not compel farmers who are in areas placed in a restricted district to give up their homes or to discontinue the use of their land for farming. A non-conforming provision in the ordinance specifically gives permission to continue the use of any building or land existing at the time of the adoption of the ordinance, even tho such use is contrary to the specifications for the district. However, if the non-conforming use is discontinued, any future use must be in accord with the requirements of the ordinance. An ordinance, of course, cannot lay down rules for all time. The future may bring changes making adjustments in district boundaries and regulations desirable, and authority is provided for the making of such alterations.

Provisions also are included for the enforcement of the ordinance, penalties being prescribed for failure to abide by its requirements. Enforcement, of course, is important if the regulations are going to serve satisfactorily the intended objective of providing a better land-use program.

## YOURS FOR THE ASKING

We trust that this bulletin on zoning of Minnesota lands has proved interesting and instructive. Perhaps you would like to obtain bulletins of the experiment station and extension service dealing with other subjects in the field of agricultural economics, such as:

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Systems of Farming in Eastern and Southern Min- nesota .....	Bulletin 276
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