

League of Women Voters of Minnesota Records

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# A State Water Land & Water Policy Use Policy Winnesota For Minnesota



Soil Conservation Society of America - Minnesota Chapter

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# A State Land and Water Use Policy for Minnesota

The land and water area of Minnesota is a limited resource which must be properly protected and used in order to satisfy the needs of the existing and future projected population. Land and water is needed to provide food and fiber, construction material, water recharge, recreation, wildlife and living space. The way that we use the land and water resource will determine the quality of life afforded to the future citizens of our country.

The Soil Conservation Society of America is an interdisciplinary organization of professional conservationists whose objective is wise land and water use. We are deeply concerned with the management, protection and use of our land and water resource. The Minnesota Chapter, SCSA has developed this position statement to call attention to the need for the development and adoption of a state comprehensive land and water use planning process in Minnesota. This planning process must consider many factors such as soil, water, air, climate, population, transportation, and economic development. As part of the planning process, policies must be formulated which describe the long-range state objectives and the priorities for use of the land and water. It is the hope of the Minnesota Chapter SCSA that the land and water use policy proposed in this publication will provide direction and stimulation to the formulation and adoption of a State Land and Water Use Policy.

THE NEED FOR A STATE LAND AND WATER USE POLICY

The demand today on the land and water resources in the United States is extremely great due to an increasing population in a consumptivetechnical society. This situation dictates that the public become involved in the various facets of land use planning. While private interests should be protected, development of land must function within a framework which protects the public interests. Public attitudes about private property must be changed in order to bring about a collective sense of social responsibility for the manner in which land is used. The concept of private property should be viewed as one among many values that must be balanced, adjusted, protected, and compromised in order to improve the living conditions of all people. The Minnesota Chapter of S.C.S.A. is concerned with certain present land use trends which are not in the long range public interest. Obvious examples of such trends are urban sprawl, loss of valuable agricultural and forest land, pollution of our outdoor recreation areas and urban development on unfavorable sites.

Unfortunately, land use policies, in most cases, are implemented in this country only when deterioration of an area approaches a crisis situation. Some states have been forced to implement emergency programs which often prove to be too little - too late. This must not be allowed to occur in Minnesota.

The development of a rational land and water use policy for the State of Minnesota requires a clear statement of the objectives of such a policy - the desirable future combination of land uses in the state.

Part of the appeal of Minnesota as a place to live is the result of the combination of land uses to be found in the state: (1) a large metropolitan urban center, with many of the amenities that only a high population density can support including art museums, theaters, a state zoo, and professional sports; (2) a large agricultural area, economically diverse and healthy, with a number of cities and small towns; and (3) a large and in part primeval forested area which is valuable not only for production of forest products, but also for wildlife habitat and recreation, a value being increasingly recognized by professionals and laymen alike. In addition, our numerous lakes, streams and rivers contribute substantially to the aesthetic as well as economic values of our state.

Because the attractiveness of Minnesota is largely based on this combination and juxtaposition of land and water uses, any major change in the existing land use pattern should be allowed only within the guidelines of a carefully established series of land use development policies for the state. With the current absence of such policies, land use development proceeds with a minimum of guidance and coordination.

The high amenities of the Minnesota environment face an uncertain future if the existing land use trends continue without guidance. While various state departments either have or are currently developing policies and programs in their own specific area, there is an obvious lack of coordination between the different programs. The result is that the policies and programs often work at cross purposes. Effective coordination

will be achieved only when the state develops and implements a long range land and water use policy. Therefore, a land and water use planning program should be given high priority in Minnesota.

As a minimum, a state growth and development policy should deal with, (1) land as a place to live - pattern of urbanization; (2) land as a natural resource - to be protected; (3) land and water recreation areas - to serve the recreational needs; and (4) an implementation program for the adopted policies.

# PATTERN OF URBANIZATION

In Minnesota, as in the Nation as a whole, a multi-faceted population migration continues. Population shifts in this country are not a recent phenomenon. From the beginning of colonization, settlement patterns have been dynamic. However, the recent acceleration of trends initiated around the turn of the century is resulting in a transformation in the national population distribution. These trends are: (1) rapid population growth of large urban areas; (2) Migration within metropolitan areas of the middle class from the central city out into suburban areas, and (3) Declining population in rural areas and small towns.

# A. Urban Development

# 1. Growth of Urban Areas

Growth trends in Minnesota are similar to national growth trends. The state's population is concentrating around the urban centers of Fargo-Moorhead, St. Cloud, Rochester, Duluth, and especially the Minneapolis-St. Paul metropolitan area. The

suburbanization trend, evident to some degree around all urban centers, is most apparent in the Minneapolis-St. Paul metropolitan area. Usually, this urban growth occurs in a sprawling, uncoordinated manner creating a number of problems for the local communities and citizens alike.

The growth of these urban areas is desirable only if it proceeds with proper guidance.



# 2. $\frac{\text{Migration Out of the Central}}{\text{Cities}}$

Out-migration from the central cities is a problem primarily in large metropolitan areas such as the Twin Cities. In Minneapolis and St. Paul, it has lead to inner city blight and population decline and "unhealthy" competition between the suburbs on a number of economic issues.

The continued deterioration of the central cities is not in the best interest of either the metropolitan area or the state as a whole.

# 3. Population Decrease in Small Urban and Rural Areas

The 1970 population census confirmed the fact that small villages and townships in many areas of rural Minnesota are undergoing population decline that began at the turn of the century. In some cases the decline is due to depleted resources (The Iron Range). In other cases the decline is due to farm consolidation (Red River Valley) or farmland abandonment (North Central Minnesota). The rural areas that have not declined in population are usually those that have developed a new economic base such as recreation in the lakes region. The factors contributing to growth or decline usually translate to economics, and in most of the rural areas of Minnesota the local economy will not support the same number of persons that it once did. The population of such areas will continue to decline until the economic situation changes.

# POLICIES

Growth in urban areas should be encouraged where the physical facilities (such as sewer and water) are available to properly service the growth. Attempts should be made to limit growth in areas where services cannot be provided economically or where services are not scheduled to be provided for some time in the future. In urban areas such as the Minneapolis-St. Paul Metropolitan Area, with demonstrated environmental problems, the state in conjunction with the metropolitan agencies and local governments, should study the feasibility of implementing measures to better control future development. The location of major commercial and industrial facilities such as freeways and airports should be determined by regional decision-making bodies, but with a maximum of local input. Location of these facilities should be compatible with the State Land and Water Use Plan.

The state should continue efforts to locate transportation facilities in a manner that will minimize environmental damage. With the expansion of freight shipping and containerized rail and barge cargos, mixed mode transportation of materials is becoming more widespread. Location of terminal facilities and routes, however, are not being widely coordinated. The state, as part of its land and water use plan should develop comprehensive transportation policies that will: (1) coordinate different models of transportation systems, (2) provide criteria for abandonment of rail lines and (3) minimize waste of fuel resources.

# B. Experimental City Development

Considerable controversy had developed concerning the need for an experimental city to test new technological "break-throughs." Proponents of the project maintain that testing new technological and scientific finds cannot properly be done in our existing urban centers. Opponents maintain that testing new scientific finds in a "controlled" environment removed from existing urban influence will not contribute to resolving existing problems in urban areas. Furthermore, the opponents maintain that the experimental city project is too costly and will

result in damage to the environment.

### POLICY

If the experimental city project is revived again at some future time it is recommended that it be located in an area already under the influence of existing urban development such as the Twin City's Metropolitan Area, both to minimize the environmental impact of the project and also to make the findings directly applicable to existing urban growth problems. Since public funds will be used to finance at least a portion of such a project, every attempt should be made to properly inform the public of the specific proposals, costs, and potential benefits in solving existing problems and environmental effects of such a project.

# C. Pollution Problems

Pollution of our land, air and water resources can materially deteriorate the quality of life presently available in Minnesota. Pollution abatement programs must, however, balance environmental concern with the needs for power and industrial development demanded by our current lifestyle. Pollution control policies must therefore seek to maximize protection of the environment without creating a totally hostile atmosphere for industry.

### 1. Air

The air pollution problems of the state are essentially problems of the urban centers. Transportation modes and patterns must be improved to alleviate the worst single cause of air pollution, the automobile. Temporary dispersal of industry which cannot meet urban air quality requirements should be considered as a necessary step until technology can provide adequate control devices at acceptable costs.

Noise is becoming an increasing problem in the urban areas, especially the noise associated with major freeways and airports. Thus, the location and development around these facilities should be carefully controlled to minimize noise pollution.



### 2. Water

The surface and underground waters of the state are valuable resources which must be preserved for their best use. More information is needed of the "selfcleaning" capability of many of our streams, lakes, wetlands and ground waters as well as their capacities to carry natural and man-made wastes produced every day in our society. This information will then provide the scientific background necessary for realistic and enforceable policies and programs related to waste disposal.

# 3. Land

Using land to dispose of certain wastes is a practical interim solution. However, permanent disposal of wastes by landfill practices does not appear to be a viable solution, since sanitary landfills are potential groundwater pollution "time bombs."

Greater efforts should be made to recycle waste resources using the latest technology available.

Developments on land with unfavorable soil and geologic characteristics result in both economic and social costs. Soils and geologic characteristics should be considered in developing land. If this information is not considered, the social and economic damage resulting from improper land use, such as erosion of soil, sedimentation of waterways and structural failure of buildings should become the responsibility of the developer.

The scenery of the state is a resource which needs protection as much as the state's other resources. Therefore, it is essential that our landscape be protected from the indiscriminate use of unsightly building, dumping, and advertising which degrade the beauty of the land. The right to conduct business and advertise that business is essential to the well-being of our economy. However, business and industry should not be so conducted and advertised as to create a visual blight on the landscape. Screening and proper architectural design should be utilized to minimize visual conflicts between man and nature.

# POLICY

Using land and water carries a responsibility greater than individual interests in private property. The land and water resources of the state are finite and must be protected for future generations. While economic growth is important to create future employment for the citizens of the state, it must be balanced against further degradation of our land, water, and air from pollution. Economic growth can and should take place within a carefully adopted set of environmental guidelines adopted at the state and subregional levels but with a maximum of local input. Although some industries and corporations have taken proper steps to abate pollution, others have done little or nothing to improve their operations. Continued and flagrant violations of adopted pollution standards must not be allowed to continue.

The state has adopted some environmental guidelines and standards to date. However, violations of pollution standards are occuring daily because of inadequate manpower to adequately monitor the programs. Thus, there is a critical need to properly fund and staff an effective environmental monitoring and implementation program for the state.

# NATURAL RESOURCE TO BE PROTECTED

# A. Water Resource

Minnesota is blessed with many excellent lakes, rivers, and

underground water resources.
These resources need our protection and stewardship. The lakes and rivers of Minnesota are valuable as water supplies, recreation attractions, and commercial highways. Every citizen should be responsible for the protection of the state's waters for future users. Our legacy should not be crowded shorelines and dead lakes.

The lands and waters classified as groundwater recharge areas must be protected. Proper use of the groundwater recharge areas entails the enhancement of the soils ability to allow surface water to reach storage. Drainage, contamination and other manmade changes can severely alter recharge lands and pollute the groundwater system. Poor use of



recharge areas may cause serious future problems.

### POLICY

The state should further study and adopt standards and regulations to protect both the surface and underground water resources. These standards and regulations should be closely coordinated with air and land use standards and regulations.

# B. Lakeshore Construction

Most lakeshore and river-front lands located near population centers have already been highly developed for seasonal and year around homes and resorts. In addition, development is continuing in more remote areas as they become accessible through highway construction and as population pressures, combined with high disposable income, increase. Such intensive development destroys or severely reduces the aesthetic appeal of the affected lakes or rivers, and in addition leads to a degradation of the water resource itself through such factors as faulty waste disposal systems and poor lawn fertilization practices.

# POLICY

The state should continue to increase its restrictions on development of all kinds on lakeshores and river fronts. The state took a foreward step in enacting the Shoreland and Flood Plain Acts. Continued monitoring is needed to ensure that the Shoreland and Flood Plain Zoning Ordinances are being enforced. Differential taxation should be used to discourage development directly on or near the water's edge. Development which is allowed, either as resorts or homes, should be constructed with emphasis on preservation of the aesthetic values and in such a manner that no prominent evidence of man's activities is visible from the water.

# C. Protection of Soil Resource

Soil is one of the basic resources necessary for human existence. It has many functions including production of plants for agriculture, horticulture, wildlife and forestry; construction material for engineering practices; fulfilling the water recharge part of the hydrologic cycle; and as a decomposer of organic wastes to their natural state. The soil has many physical and chemical properties which determine the kinds of uses which are most suitable. Misuse of soil results in degradation of valuable land.

Erosion by wind and water is of great concern to the protection of our valuable soil resource. Erosion is still prevalent on much of our agricultural land and is becoming an increasing problem on urban land. It not only causes irreparable damage to the land itself, but the sediment reaching adjacent land, watercourses or lakes results in severe damage. Increased production of row crops and careless development of urban areas without adequate soil conservation management have added to the problem.

### POLICY

The state should develop soil use standards and adopt them as part of a land use policy. These standards and guidelines should deal both with the pollution caused by soil erosion and sedimentation and with problems dealing with structural bearing capacity. Soils information should be required as the basis for both regional and local comprehensive plans.

# D. Forest Lands

Minnesota forests and woodlands

are essential to the state's economy. They provide wood, water,
wildlife habitat, and recreational
opportunity to support a thriving
forest products industry and expanding tourist and recreation
business. Whenever possible,
forest lands should be managed
under the principles of multiple
use, keeping to a very minimum
their dedication to a single use.

# POLICY

Forest land should be managed under the multiple use principle. Developments on forest lands should be planned to impact the least acreage possible and full consideration should be given to the environmental impact of the development. A state policy should recognize that coordination of management of public and private forest lands is essential to the public interest.

# E. Lands Containing Unique Plants and Animals

The geology and climate of Minnesota provides a treasure of varied plant and animal life. The increased intensity of agriculture, urban and recreation use are jeopardizing the unique features of our state. Prairie grasses, wildlife, woodland and lakes and streams are being degraded. Many unique plants and animals are in danger of being lost forever.

### POLICY

A state policy must recognize the vulnerability of endangered plants and animals and the need to protect them. Unique plant and animal communities need to be protected by land acquisitions and land and water use regulations.

# F. Agricultural Land

Prime agricultural land is essential to produce the variety and quantity of food and fiber required to satisfy the growing needs of the nation and the world. The state must maintain this major contribution to its economy. We are among the leaders in such products as soybeans, dairy products, turkeys and sugar beets. Economic forces that are removing prime land from agriculture in our metropolitan areas have resulted in part from urban sprawl, land speculation, land development and increasing assessments and taxes based on land values unrelated to crop productivity.



# POLICY

Prime agricultural land in the state must be permanently and exclusively reserved by land use controls with agriculture recognized as its highest use in both the public and private interests. Agricultural use should be recognized as being as important as urban land use by citizens and local officials alike. Urban development must be shifted away from prime agricultural land. Property taxes on reserved prime agricultural lands should be

based on their agricultural values. This land must also be protected from undue damage from water and wind erosion by the individual farmer on his own initiative or the use of land use regulations where it is necessary to protect this vital resource.

# G. Mineral Land

The State of Minnesota contains several areas of rich mineral deposits such as iron ore, gravel, and buildingstone. The latest to be discovered is the copper-nickel deposit adjacent to the Boundary Waters Canoe Area. We are faced with a dilemma the necessity not only to maintain the precarious balance between the requirements of our growing population and a shrinking natural resource base, but to meet those requirements and at the same time avoid destroying the natural environment that we enjoy. President Theodore Roosevelt had this in mind when he said: "To skin and exhaust the land instead of using it so as to increase its usefulness. will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them."

### POLICY

The mineral lands of the state occupy many areas which have great value for recreation, agriculture, forestry and urban development. We must insure that the exploitation of our mineral resources does not permanently damage the land. Prudent mining of our valuable minerals should result in restoration of the surface to a condition where it can be put to other uses. Whenever possible, the multiple use

of mineral lands should be encouraged to allow compatible occupation during and after exploitation.

# TO BE USED FOR RECREATION AREAS-

Recreation is one of the principal land and water uses in Minnesota. It is not restricted to a particular area of the state and is part of other land uses. The land and water of the state provide excellent fish and wildlife habitat.

Minnesota is fortunate in possessing extensive water and land based recreation resources accessible to much of its population. However, many of the recreation capabilities of the land are being ignored or wasted by imbalanced land treatment. For example, adequate wildlife habitat has decreased to serious levels by urbanization or increasing intensity of agriculture.

Promotion of tourism within Minnesota may not be in the best long-range interest of the State of Minnesota. Crowding of parks and recreation areas is increasingly causing deterioration of the states recreation resources. In addition, many lakes, streams and forests are being degraded by over-use.

# POLICIES

The programs and policies recommended by the Project 80 Report produced by the Department of Natural Resources should be approved and implemented.

The state should develop a water surface zoning program for all



lake basins in the state.

Efforts to consolidate public ownership of lands by purchase, sale and trade agreements should be intensified.

The various types of parks, recreation areas, and public lands owned and operated by various levels of government and private entities should be classified and incorporated into a state in-

formation system. The information system should be structured to facilitate a more comprehensive approach to recreation planning.

Acquisition of wildlife management areas should be accelerated in areas where urban or agricultural development threatens destruction of habitat. Cooperation should be continued between Federal and State agencies and private groups. A comprehensive wildlife habitat acquisition plan will be needed to better facilitate this cooperation.

The promotion of tourism should be a Chamber of Commerce function rather than to be subsidized with state funds since increased tourism will primarily benefit certain economic interests.

# IV. IMPLEMENTATION OF STATE LAND USE AND WATER POLICIES

The major weakness in past attempts to influence land and water use policies is in the implementation of the policies. While many policies have been developed for better land and water use by different levels of government, the implementation of policies has traditionally either been ignored or has been stated so generally as to be of little help to elected officials. This report will deal with three aspects of implementation, (1) level of responsibility, (2) methods, and (3) financing.

# A. Level of Responsibility

Traditionally, land and water use controls have been delegated to local units of government through the enacting of state enabling laws. This is true of such land use controls as zoning, subdivision regulations and the official map.

The basic problem with this approach is that most metropolitan areas are made up of a host of different governmental jurisdictions. For



example, the Twin Cities Metropolitan Area currently contains approximately 280 units of government. Under these conditions it is difficult to achieve unified policies and programs related to land and water use control. Often, many of the policies being adopted by the different units of government are overlapping and often contradictory.

In order to achieve better coordination in the application of land use controls and to improve the effectiveness of the land use control process, the states and regional agencies must begin to play a much more important role in the development process.

The most effective and politically feasible way to better achieve this coordination is to split the authority over the land use guidance system between the states and/or substate districts (regional agencies) and the local units of governments. The State of Minnesota has already made a good start in this direction through the Shoreland and Flood Plain Management Acts and the recently passed Critical Areas Act. This approach should be broadened to include other areas such as natural resource protection areas, major highway interchange areas, etc.

### POLICY

The state is strongly encouraged to pass legislation modeled after the Shoreland and Flood Plain Management Acts and which is applicable to other areas related to land and water use in the state.

# B. Implementation Methods

A second problem in dealing with implementation of land and water use policies has been the legal methods which have been used to attempt to control development. Part of the problem has been due to "weaknesses" in the methods (legal restraints) and also due to a wrong use of the tools. The legal restraints are due to our traditional way of considering land ownership. The courts have differed in their interpretation of how far the police power (land use controls) can go in restricting land owners.

Based upon past experiences, it is unlikely that the public authorities can successfully "guide" urban development so as to protect our natural resources without using all of the available methods in a coordinated way. The alternative would be to purchase all the land subject to future development, which would be prohibitively expensive.

# POLICY

The legislature should be strongly encouraged to pass legislation which would authorize and require the use and application of all methods for guiding development in a coordinated manner. The following methods should be considered:

- 1. Regulatory Devices zoning, subdivision regulations, official map.
- 2. <u>Tax Devices</u> tax deferral on such natural resource lands as agricultural land, woodland, and wetlands.
- 3. Utility Extension Policies sanitary sewers, water, highways, electric and gas lines.
- 4. Advanced Land Acquisition fee title and easements or development rights.

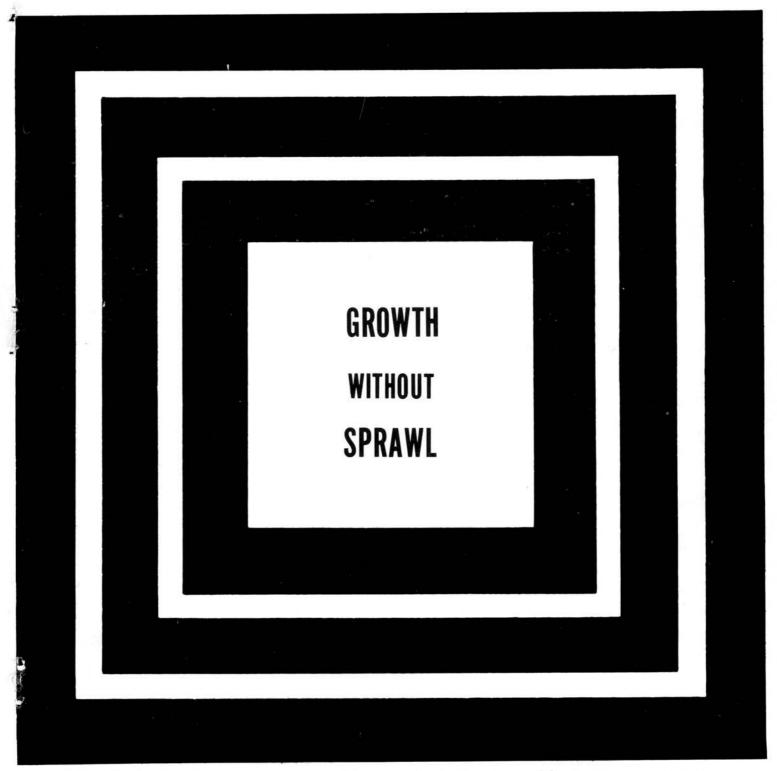
# C. Financing

Another major problem in the past in dealing with implementation of policies related to land and water use has been in financing the programs. Oftentimes the legislature has passed appropriate legislation dealing with land and water use policies without the proper funding. The result has been that either the programs have not been carried out or they have placed local governments in a "fiscal bind."

# POLICY

The State legislature should be strongly encouraged to pass appropriate legislation to properly fund programs related to land and water use control.

# CITIZENS LEAGUE REPORT



How the Twin Cities area can provide amenity in housing without an unnecessary increase in costs of urban services or damage to the environment

# CITIZENS LEAGUE REPORT

"GROWTH WITHOUT SPRAWL"

How the Twin Cities area can provide amenity in housing without an unnecessary increase in costs of urban services or damage to the environment

Prepared by
Citizens League Planned Unit Development Committee
Vici Oshiro, Chairman

Approved by
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September 19, 1973

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# INTRODUCTION

The question of urban growth and its distribution into the surrounding countryside is one that no metropolitan area in the country has been able to come to grips with. There are models in Canada, England, Sweden, and elsewhere in Europe. None of these, however, have been followed in this country.

The issue of growth and sprawl is an elusive one . . . much like the weather. Everyone talks about it, but no one does anything.

It's a tougher question in the Twin Cities area than in many others
. . . given our terrain - its few natural obstacles apart from a couple
of river valleys which can be easily crossed. Consequently, development
can and is occurring in all directions . . . outward into new suburbs and
the countryside beyond the established ring of suburbs around the two
central cities.

In many senses, sprawl is the most complex of all urban problems. It goes to the heart of what local governments do and to the heart of private enterprise in housing and development and the private ownership of land. In spite of all this it cannot be ignored. Indeed, it has not been. It is the top item on the Metropolitan Council agenda for 1973—74, and permeates all discussions about regional improvements such as transit. Least of all, however, can it be ignored by residents and public officials of the built-up urban areas which are becoming the new "central city" and by those concerned about our future environment.

This report takes a new look at the whole issue of sprawl and in doing so looks at it diametrically opposite from the way others have. We see critical decisions now made at the bottom — by the local units of government and by individual land owners. We propose this continue — but under a new development process in which the key actors will be strong, competent local government units working under policies that recognize the interests of people in the state and the region.

# MAJOR IDEAS....

- \* Sprawl has now reached epidemic proportions in the Twin Cities urban area, making the 'sprawl' of the 1950s look high-density by comparison.
  - In the early post-war years we saw 75-foot lots.
  - Today: Commercial subdivision is at one-third acre and even 1 to 5 acre lots, scattering along roads and around lakes into six counties beyond the established metropolitan area.
  - This process is fueled by recent changes in the policy on financing public improvements and services which-while necessary and desirable-have removed some restraints which formerly discouraged urban people from moving into the countryside.
  - The effect of this dispersal is visible in the federal re-definition of 'urbanized area' to include all or parts of 10 counties . . . in battles over school bond issues and year-round schools in Mora and Delano . . . and in the transfer of school records to schools in Wright and Chisago Counties.
- \* This is happening despite the fact that plenty of land--already provided with sewers, streets, water, schools and other urban services and facilities--remains available for development within existing municipalities . . . capable of accommodating the next million future residents of the Twin Cities metropolitan area.
- \* Our present theory and strategy for guiding and directing metropolitan growth is unlikely—it now appears—to be a successful one. Development probably cannot be 'shaped' on the urban fringe by efforts to provide, or to withhold, major roads, sewers, parks or private utilities or commercial facilities. Recent experience clearly suggests that, once people have gone out into the country to live, both common sense and the realities of politics require that essential services and facilities will be, and should be, provided to them. Increasingly, therefore, the critical point in the cycle of development appears to be the point of decision about the location and timing of residential development. This must, we believe, become the foundation of any realistic and successful urban growth strategy.
- \* The dispersal of this urban region into the surrounding countryside raises major questions of equity. The costs of servicing this sprawl are now borne by the residents and the businesses of the existing suburbs and of the central cities. Under present decision-making arrangements, however, they have virtually no voice in the development decisions which perpetuate this sprawl and which impose these costs on them. They must be given a voice.
- \* We believe the consequences of the present trends will be seriously harmful to the people of the Twin Cities area over the long term. Partly it is a matter of rising costs of public services and facilities, at a time of real pressure on public—and private—budgets. Partly, too, we are concerned about the damaging impact on the environment. There is a serious risk, in addition, that unrestrained development on the outer fringe will lead to the abandonment of commercial, industrial, residential and other institutions in the existing developed part of the area . . , frustrating the region's effort to develop a rational transportation system and to maintain some incentives for the redevelopment of the older areas suburban as well as core city.

# IN OUR REPORT

- \* An effort to restrain sprawl is made enormously difficult, however—intellectually and politically—by the fact that it does, demonstrably, provide major benefits to important groups in the population. Most important: It offers the amenity, for some, of life in the woods and by the lakes and streams. Because it occurs in jurisdictions willing to accept partly "unfinished houses and subdivisions, it makes it possible for a significant number of persons to get housing at a lower cost.
- \* No program to guide or shape development should, therefore, be considered unless it also, in other ways, offers these advantages of amenity and reduced housing cost.
- \* Fortunately, it does appear that an alternate strategy is possible. It builds on the practice followed by many of the stronger municipal governments in handling their own development programs . . . and envisions municipal land development controls exercised by municipal governments within a framework of regional policies laid out by the Metropolitan Council, which is the only body through which the legitimate concerns of the developed areas can be given a voice in decisions made on the outlying fringe.

This program can be undertaken without major governmental reorganization. What is needed is for the Metropolitan Council to advance a bill to the 1974 Legislature on behalf of citizens of this region to accomplish the following:

- 1. Permit urbanization only when really suitable. To accomplish this: Officially designate a limited amount of land as "urbanizing". Any land so designated (a) must, in turn, be fully taxed as urban, not rural, and (b) must be served already by urban services, such as municipal sewer, water, storm sewer, streets, and schools, or be part of an adopted plan for receipt of such services within the next 5 years. In all non-urbanizing areas, prohibit commercial and industrial development and allow nothing more intensive than 5-acre or larger lots for single-family dwellings.
- Treat remaining "rural" land fairly. To accomplish this, permit owners of open land which is not designated as urbanizing to be taxed at an agricultural, not urban level.
- 3. Leave basic land-use decision local. To accomplish this, assign local units of government the responsibility of designating land as "urbanizing" and "rural", with review and comment on their actions by regional or state agencies.
- 4. Guard against undesirable side effects of controlled growth, such as possible higher housing costs. To accomplish this: Require the Metropolitan Council and the State Planning Agency to monitor all side effects of these recommended land-use controls, with particular emphasis on their impact on the cost of housing, and report regularly with recommendations to the Legislature. Such reports should indicate the extent to which local subdivision and building codes are assisting to keep housing costs reasonable and are promoting environmentally sound developments, specifically Planned Unit Developments.

### FINDINGS

I. Startling changes trending to dispersal of housing development on the fringe of the metropolitan area are now evident.

What is going on?

A. Agricultural activity is retreating from the urban core leaving huge amounts of vacant land available for new housing development in a 12-county area within 50 miles of the Twin Cities.

Dispersal of housing is occurring in a fringe area encompassing at least 11 counties in Minnesota and one in Wisconsin. Pockets of intensive new development are largely found in a rapidly growing middle and outer ring of suburbs in the 7 core counties - Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver. It is also increasingly scattered in many small towns, along lakes and throughout the rural countryside of 5 others - Wright, Sherburne, Isanti and Chisago Counties in Minnesota and St. Croix County in Wisconsin.

- 1. Land available for development in the urban fringe is dramatically increasing as the number of acres in farm land declines.
  - \* Total farm land acreage in the 11 Minnesota counties decreased by 20% or by 450,000 acres from 1959 to 1969, according to the \*#J.S. Census of Agriculture. This is an area almost 7 times larger than Minneapolis-St. Paul combined.
  - \* In the 7-county area alone there was a decrease of 2,500 farms totaling 260,000 acres or about 406 square miles almost 4 times larger than the central cities.

A decrease in total farm acreage occurred throughout much of the state but at a much slower rate of 6%. Much of the 20% decrease within the 11 counties, however, resulted because of the sale of farm land to others for immediate or future—anticipated urban development. The increased demand for rural and lakeshore land for home locations by people in the metropolitan area has resulted in rising prices offered for this land. As a consequence, many farm owners may consider sale of the farm or portions of it. These include: farmers nearing retirement; those who do not have a sufficient quantity of land to make a living from farming; those whose land is marginally productive or who have portions which are unsuitable for cultivation; and those whose costs are increasing due to accelerating property valuations and higher taxes in areas of intensive urban development. The allure of making high profits has also enticed some into selling their land.

2. There is now about four times as much vacant land - land not used for agriculture, roads, homes, factories and businesses or covered by lakes - as for residential purposes in the 7-county area.

Much of the land sold for non-agricultural uses is not immediately developed or used in another way. Instead it may simply be held for a number of years and added to the stock of vacant land. This type of land also exists in built-up communities in the form of vacant lots.

Approximately 500,000 acres - 780 square miles - or 26% of the total 7-county land area is now vacant, according to the Metropolitan Travel Behavior Inventory. This contrasts with the 125,000 acres - 195 square miles - used for residential purposes. The total amount of vacant land in the larger 11-county area might approximate 690,000 acres - 1,078 square miles - if all the acres lost to farming in these 4 adjoining counties were added to the 7-county total.

Information about this land - its location, value, ownership and planned future use - is not known. Soil conditions, topography and access may preclude development of much of it. Nevertheless, it represents a tremendous land bank for potential new development.

B. Land values on the fringe in 9 counties are significantly increasing.

The demand for fringe area land by people who work in the Twin Cities area has increased raw land values - not only for vacant parcels but for farm land as well.

1. Farm land values increased by 56% in four years (1968-72) in 7 counties surrounding Hennepin and Ramsey, according to surveys of the University Department of Agricultural Economics. These included: Anoka, Carver, Chisago, Dakota, Scott, Washington and Wright. Similar increases were also reported in some portions of Isanti and Sherburne Counties.

The value of farm land on the urban fringe is far in excess of what a willing farmer would pay a willing farmer for agricultural use. Instead, the value is bid up in a sale by anticipation of a change in its future use.

Many sale reports indicate farms selling in what are still essentially rural areas at double their value for agriculture. Thus, land valued at \$200 per acre for agriculture was selling for \$400-450 in Chisago County. Similarly, an acre of more productive soils in Carver County which might be sold for \$350 if it were located farther away from the Twin Cities, now sells for \$700.

As the value of vacant and farm land increases, the cost of holding it in the form of increased property taxes should also increase and begin to move the land into development. In some closer-in suburban areas where development is obvious, this is happening. But this

process does not appear to be occurring in much of the outlying area due to the difficulties of keeping up with rise of land values and the decisions of assessors to only gradually move up the values of this land for tax purposes. Within the middle and outer suburban ring, many farm owners are able to continue farming increasingly expensive land as they have applied for and received a lower preferential assessment which is the agricultural value of the land under the "Green Acres" act. This law allows owners of land who qualify to have their land valued for agricultural use until they sell it. The act requires, upon sale, a back payment of the difference in taxes that would have been paid for the past three years if the land was valued at its higher urban use.

An unknown but probably considerable amount of vacant land is also held by land speculators and investors. They hold land in anticipation of its increasing value and thus a future profit when it is subsequently sold. If this land is located in areas where assessments are not keeping up with actual sale prices they benefit from the considerably lower agricultural value and relatively lower taxes. In areas where assessments are keeping up their taxes will also increase and may shorten the time they can afford to hold the land unless they are able to obtain some income from the land by leasing it for farming or some other use. In any case, land investors are in the business of holding land. Property taxes are computed as a business cost and may only become a burden if, there is an unexpected increase in them.

C. The pattern of metropolitan housing development has exploded outward in pieces over the past 20 years into pockets of commercially produced housing and at sites scattered along lakes and throughout much of the previously rural countryside.

Until the mid-50s, commercially produced housing, which provides the largest stock of new homes, was developed in narrow bands in the two central cities and an adjoining tier of suburbs in 4 counties. A limited amount of new housing also was located along lakes such as White Bear and Minnetonka. Many of these, however, were still summer cottages.

The pattern today, by contrast, consists of a growing number of homes scattered throughout the lakes and rural countryside of the outer fringe portions of 12 counties and pockets of commercially built housing in parts of an ever-widening ring of suburbs together with some filling-in of remaining land in the built-up area.

1. Land is coming into development on the outer fringe at the initiative of the owner and typically on a lot-by-lot basis.

Increasing numbers of buyers from the central cities and suburbs looking for home sites in the country are meeting land owners willing to sell various-sized lots or tracts of land.

Small amounts of scattered housing are beginning to appear in the country along county and township roads and extensively along the shores of lakes and rivers in our 12-county area. The increase of housing units in rural townships from 1960-70 is some indication of this activity.

Little is known about the demand for this type of setting. However, many resource persons suggested it was increasing and readily observed by long lines of Sunday drivers along county roads who stop to talk with farm owners and the growing number of ads in papers for this type of property.

The supply of land for country and lake living is comparably growing. This process begins with the decision of a farm owner to either divide his land and sell individual lots or by the sale of the entire farm to a land investor or developer. Increasingly, a number of farm owners are dividing land, which is accessible but least productive for farming, into lots and selling them. This includes land in demand for its natural resource characteristics such as wooded areas, lakes and streams which tend to be quickly developed. It also includes land on the edge of the farm along township or county roads and even state highways.

Land investors and developers who purchase tracts of farm land also play a critical role in decisions about urban land development. These developers, depending upon their intentions, resources, the location of their land, may either be active or passive participants in bringing land into development. In some cases, land developers are simply speculating in land and holding it for anticipated profitable resale to another developer. In other cases, they may subdivide the land and sell lots after making only necessary improvements such as building access roads. Under this approach, the lots may be acquired by individuals who in turn either contract for construction of all or portions of their home or build it themselves. Lots may also be purchased by smaller builders who construct homes and then sell them to home buyers.

The sizes of pieces of land sold for housing in this outer fringe range from 1/3 acre to 1 acre; an increasing number of larger  $2\frac{1}{2}$  and 5 acre lots; and a few large tracts of 10-40-80 acres. In the developing suburban/semi-rural area consisting of townships or recently incorporated municipalities, development may occur in any place where land owners are willing to sell with lot sizes largely based on the judgment of the owner. Some few townships, municipalities, and 5 of the counties, however, have begun to regulate lot sizes and will not permit subdivision of land into lots of less than 1 or  $2\frac{1}{2}$  acres. The state has also specified limits on the minimum lot size adjacent to lakes.

2. Large-new commercial housing subdivisions are found on numerous tracts of land in many scattered locations - largely beyond the I-494 and I-694 beltline around the inner suburban ring. These subdivisions consist not only of conventional 1/3 acre lots and homes but also of apartments and larger 1 acre and 2-1/2 acre lots and homes.

The active builder-developers who are responsible for construction of the bulk of housing units in larger subdivisions begin the process of intensive urban housing development by searching for, acquiring a single parcel or assembling a tract of land. They either buy the land or take an option directly from a farm owner but also frequently purchase it from land developers.

Many developers are moving outward to the edge of the suburban area and even into largely rural townships and small existing villages. This is seen in the location of homes in the 1973 Parade of Homes where builders advertised new housing in locations as distant as Ramsey and Grow Townships in Anoka County, near Elk River in Sherburne County, Buffalo in Wright County, Waconia in Carver County, and Farmington and Hastings in Dakota County - all 20 to 40 miles from Minneapolis or St. Paul.

This outward movement appears to be happening for a number of reasons. Some developers attempt to obtain less costly land; others look for tracts of sufficient size which require minimal land preparation for large housing projects; and others select tracts in communities that have few requirements or will permit the type of housing proposed or where local approval of projects can be readily obtained.

After purchasing land the commercial developer arranges his financing, prepares preliminary plans and seeks approval from the local unit of government of any zoning and subdivision regulations prior to subdividing the land into lots. He then makes improvements such as grading, installs streets and utilities, and proceeds to build the housing units. Along the way he must further obtain any permits required by the local units of government including possibly those for septic tanks in areas without public sewer, and the building permit. The developer may also be required in some cases to post bonds for utility and street improvements and to dedicate lands or provide cash substitutes for local park land acquisition.

D. Population is rapidly growing in a wide band of middle-outer suburbs and in the outlying area of 12 counties, while it is leveling off in the inner suburbs and declining in the two central cities.

More than 85% of the 438,000 population increase outside of Minneapolis and St. Paul from 1960-70 settled in the 82 municipalities and 18 townships in the rapidly growing middle and outer suburban ring and farther out in 64 long-established small towns and 98 townships in a 12-county area.

1. Population is dispersing outward from 5 counties to cover large parts of at least a 12-county area.

A growing population (26,770 from 1960-70) - with jobs in the 5-county core - Anoka, Dakota, Hennepin, Ramsey and Washington - are now living not in these counties but in 7 adjoining ones - Scott, Sherburne, Carver, Chisago, Wright, Isanti and St. Croix County, Wisconsin. Approximately 70% of the villages and 65% of the townships in these 12 counties experienced growth rates at double the state average.

Some 16 villages/cities and 25 townships in an additional 8 counties adjoining the 12 also noted significant increases. These counties include: Kanabec, Mille Lacs, McLeod, LeSueur, Rice, Goodhue in Minnesota and Pierce and Polk Counties in Wisconsin.

2. The federal government recently recognized this metro-related fringe development and doubled the territorial size of the metropolitan area.

The U. S. Census definition of the Twin Cities Standard Metropolitan Statistical Area (SMSA) was changed in the spring of 1973 to add 5 additional counties to the 5 already included in this area. These new counties include: Carver, Scott, Wright and Chisago Counties in Minnesota, and St. Croix County in Wisconsin. Sherburne County was added to an expanded St. Cloud SMSA although it is questionable whether its growth is more related to the Twin Cities or to St. Cloud. It is not known why the 12th county - Isanti - was not added, but this is likely in the future.

3. Almost two thirds of the increased metropolitan population from 1960-70 settled in a rapidly growing middle and outer ring of 82 suburbs and 18 townships.

The area of most rapid growth has passed beyond the more built-up inner suburbs to a middle and expanding outer ring of developing suburbs. The middle suburban ring, which is 5 times the territorial size of Minneapolis and St. Paul, grew by 102%, while an even larger outer suburban area increased by 58%. This contrasts with a 28% increase in the inner ring of suburbs where many villages are nearly completely built up and the 7% decline in population of the two older central cities.

E. Outer suburban and some adjacent rural school districts have almost three fourths of the growing numbers of young children entering school in kinder-garten, while schools in the central cities and inner suburbs are losing enrollment.

The metropolitan school districts with major new enrollment growth are all located in the middle-outer suburban fringe and the area beyond this. This may best be observed in looking at where increases in the kindergarten/first grade enrollment is taking place. If the numbers are increasing at this entrance level, enrollments will continue to grow as they advance from grade to grade.

Approximately 73% of the growth in kindergarten/first grade enrollment of 8,500 from 1960-72 in the 11-county Minnesota area was found in 31 districts in Anoka, Dakota, Washington, Wright and Scott Counties, according to figures of the State Department of Education. By contrast, 11 of the 21 school districts in Hennepin and Ramsey Counties experienced an absolute decrease from 1960-72 and the remaining 10 grew by only a modest amount.

Many of the districts in Hennepin and Ramsey Counties that are now losing enrollment were only a few years ago in the same situation as these outergrowing districts of today. Due in part to the shift of population and the

declining birth rate, however, some now find themselves with empty recently built classrooms. The 31 growing school districts - some as distant as Monticello, Buffalo, Elk River and Cambridge - now lack capacity to handle their enrollments. These are districts where new buildings are proposed and where bond elections will more frequently be held if the present pattern of development and school attendance policies continue unchanged.

- Each year from 1960-70 a territory the size of Minneapolis was incorporated into an average of two municipalities on the fringe. These incorporations enabled the existing and the increasing number of newer residents to obtain local urban services and to control future development.
  - 1. The evolution of the fringe from rural to urban is rapidly continuing to produce 25 new major municipalities every 10 years.

The spread of new housing and populations outward from the core of the urban area has fueled the continued transition in the form of local government from rural (townships) to urban (municipalities). This phenomenon has occurred in three ways:

- \* As any significant amount of new housing develops and people from the central cities and suburbs move to rural areas they carry with them expectations and a need for many urban services such as prompt snow removal and good roads for their commuter trips and higher levels of fire and police protection to protect their investment and new life style. These new residents who move into the country-side may find either the township with its more limited powers unable to effectively control future development and to deliver desired services, or a townboard unwilling to provide even its limited services at a higher level. The result in the latter case is a struggle for control of the town meeting and board with the new residents winning when their numbers are sufficient. Where many new residents, however, discover the township lacks the legal powers they are likely to begin petitions for incorporation as a municipality.
- \* Many of the existing land owners in urbanizing townships may initiate the petition for incorporation particularly if there is a threat of annexation of part of their territory by an adjoining municipality simply to maintain their control over future development and its tax base. Others within this area may simply desire to retain their local identity.
- \* Existing municipalities on the edge of the fringe may see development beginning in an adjoining township and desire to add it to their tax base. In this case they will petition to annex all or part of this adjoining township.

The net effect of development on the fringe for the past two decades was the creation by incorporation or annexation of 54 major new communities within the 7-county area. Nearly half of these (21) occurred during the past 12 years, while the remainder (26) came into existence from 1950-60.

2. The land area moving from township to new municipal status in the past 20 years is nearly ten times the geographic size of Minneapolis and St. Paul combined.

The 54 major incorporations and 28 smaller ones in the 7 core counties together brought 1,082 square miles of land into municipalities from 1950-72. This contrasts with the 106 square miles in the two central cities. Slightly more than half of this increase was added by the 33 incorporations and annexations approved by the Minnesota Municipal Commission from 1960-72.

A number of powerful economic and social forces are at work in pushing development out into the fringe. Population and development projections suggest these are likely to continue and may possibly accelerate in the face of weak countervailing forces.

Why is development moving outward?

- A. Forces encouraging outward movement. Economic and social forces encouraging the outward movement of new housing include:
  - 1. Lower total new housing cost.

Many people seeking single-family housing are likely to look at the large number of used homes found in the built-up suburbs and central cities. If they want a new single-family home, however, they will find them in the developing suburbs but at a price - an average of \$38,000 in 1973 - beyond the means of a growing proportion of the population. Some, therefore, look to the fringe where they may find or build a new house they can afford.

New homes may cost less on the fringe because of the lower per-acre land cost, the minimal public services provided, and the fewer limitations on what an individual can build. It is possible in many fringe area townships and municipalities to have mobile homes, to build pre-cut homes, or to phase construction over a number of years. Many of the more built-up closer-in communities, however, had discouraged or even prohibited such activities.

2. Drive for amenity and increasing incomes to achieve it.

Increasingly, the desire for amenity or for privacy for a growing number of people has become translated into ownership of a large piece of land with a semi-rural setting. These desires, coupled with the 71% increase in median family incomes in the past 10 years, have made it possible for an increasing number of people to purchase this amenity or privacy on the fringe.

The desire to own a large piece of land may be expressed by people stating they want to live in the country to enjoy nature, to engage in extensive farming, or to obtain a high degree of privacy. This

movement, which began with individuals purchasing a single large lot, has now grown to commercial proportions in development of 1, 2½ and 5 acre parcels in many of the outlying areas.

Even within the intensively developing commercial housing market, this desire for amenity or for privacy has resulted in significant decreases in the density of new housing. For example, densities have declined from 10 housing units per acre in the central cities, to 6 per acre in many of the older communities in the inner suburban ring, down to 3 units per acre in the newer suburbs. This force accounts for the fact that the Twin Cities urbanized area, of the 20 most populated in the United States in 1970, was the 6th largest in geographic size and the 19th lowest in density.

3. Growing supply of land for development on the fringe.

The escalation in demand for farm land permits and encourages farm owners and large land holders to sell at a substantial profit. Land on the fringe is less expensive than land closer in to the built-up area even with its increased value. In some areas where farming is highly profitable, there appears to be some resistance to making land available for development. However, the overall increase in value makes it difficult for some farm owners who must expand their land holdings to continue farming, since they must pay a higher cost for this additional land. Frequently, they are unable to do so and may consequently simply sell the land for housing development. In a few instances, farm owners may also either be unable to continue farming and therefore sell their farms, or they may sell portions of them to obtain a flow of income for their retirement. Finally, this supply is increased by the actions of land investors and speculators who make a profitable business out of buying, holding, and selling it.

B. Restraining influences on development have been lifted to increase the number of forces contributing to outward development.

A significant number of changes relating to the ability of people to move into the fringe have occurred in the past few decades. Some of these previously operated to restrain development, while others have simply contributed to making this development possible.

1. Improved access and lack of physical barriers to land on the fringe.

Relatively good access is provided by an extensive road network throughout the urban fringe. This access has resulted not only from the development of miles of interstate and multi-lane highways, but also from the substantial upgrading of the county and township roads. Much of the new growth observed in previously rural areas is seen within a few miles of recently constructed or planned interstate highways and multi-lane state highways. Many of these - such as I-35 in Dakota, Anoka, Isanti and Chisago Counties, T.H. 12 and 55 and County Road 18 in Hennepin County, T.H. 10 and 65 in Anoka, Isanti and Sherburne Counties, and T.H. 12 and 61 in Washington County - have exerted

the greatest influence on making large amounts of land accessible to employment in the Twin Cities area.

The lack of any significant physical barriers - except possibly for river valleys - permits development to occur wherever land is made available within 360 degrees of the Twin Cities. This contrasts with a number of other cities where mountains, oceans or large lakes prevent development in certain directions. In addition to this lack of physical barriers, the location of high-amenity natural resource areas such as lakes, streams, and wooded areas within commuting distance makes many of these areas highly attractive for development around the Twin Cities.

2. Increasing suburban job locations.

The travel time from the fringe to possible work locations has significantly decreased in recent years with the growth in the number of jobs located in the suburbs. These jobs resulted from the development of many new industries, plants, and offices in the suburban area and the relocation of a number of industries from the central cities partly because of changing technology and the availability of land for plant expansion and employee parking. The location of these jobs, coupled with the improved access resulting from additions or upgrading to the road network, have made it possible for large numbers of people to commute daily from new homes on the fringe in what they view as an acceptable amount of time.

3. Availability of public and private services on the fringe.

Many public and private services which previously were lacking in rural areas now exist there. These include electricity, telephones, school transportation, health care, and better roads. In the past, the lower levels of services or the lack of them tended to discourage outward movement since the new residents would have to live without many conveniences and services considered to be essential today.

4. Restraints imposed by financing of public and private services have been lifted.

Many of the costs for services which previously were directly paid by home owners living on the rural fringe of the metropolitan area are now picked up by taxpayers or rate payers in the region due to changes in the techniques for financing them. Some of these costs include the following:

a. The added cost of longer linear footage for public and private utilities (gas, electricity, telephones and roads) which serve scattered lot and low density development are now largely ignored in installation or monthly service charges.

Differentials in the cost to home owners based on their front footage or the distance of a dwelling unit or a group of them

from the completely built-up areas are not recognized in a separate installation fee or in the base monthly rate for electricity or telephone service. Generally, whenever a person desires this service, it is extended to them with the additional costs related to increased linear footage of line picked up by rate payers throughout the region. For telephone service, there is some differential in the base rate depending upon how far away from the core of the Twin Cities area a person may live. Within the first zone - a densely populated, urbanized zone - a flat rate applies regardless of the size of the lot or the distance between homes. This zone currently extends throughout all of the middle suburban and large portions of the outlying suburban area. Beyond this, there are a series of zones with different base rates for full metropolitan private service. A slight increase in the base rate is charged within each of these zones for this metropolitan service if a majority of the people within the area petition and vote to have it. Such a petition and vote was recently taken in the village of Isanti in Isanti County.

The additional toll charge previously required for people living on the outer edge of the fringe has also been eliminated in recent years as the toll-free zone has expanded outward to include areas such as Elk River, St. Michael, St. Bonifacius, Chaska, Hastings, and Marine on the St. Croix.

The policies on the rates paid for gas service or its installation similarly do not recognize differences based on the densities. However, extension policies on gas mains do limit them to new subdivisions or property near existing mains. Others who may be some distance from the pipe are served by propane tanks.

Finally, the county and township roads are financed not by front footage assessments but by property taxes on all taxable property in the jurisdiction or by state highway user aids.

b. Increased state aids and equalization of them has significantly decreased the direct cost of education to home owners on the fringe.

In the past few years, a number of changes in the state school aid formula have significantly contributed to reducing the tax burden of living in these previously rural areas where there is little commercial or industrial property. Previously, as new homes were constructed and increased numbers of children moved into school systems, property taxes increased to pay for the cost of education. A number of changes in the school aid financing since 1967, however, including the equalization of tax burdens and the increase in state funding of education from 37 to 70 percent, have eliminated much of the restraint which increasing property taxes due to educational costs placed on fringe area development.

Other educational costs have also decreased in these fringe area communities as transportation costs which previously were partly locally funded are now paid nearly 100 percent by the state. This is a service which increases in cost as the distance between homes increases. Finally, the direct capital cost of new school buildings to home owners has also decreased with the inclusion in 1973 of debt service as one of the costs used in computing the homestead credit for state property tax reimbursement.

c. The mixture of user funds and countywide property taxes to fund major road and highway improvements has minimized the direct cost to fringe area development.

The homogenization of transportation funding tends to limit the direct cost of road improvements to development on the fringe. This is particularly true of county roads, where 45 percent of the funds come from property taxes throughout the county. In effect, this results in the built-up area, with its more substantial property tax base, providing funds to build or improve county roads that largely serve new development on the fringe.

d. Numerous state and federal aids for sewers and parks have further reduced the direct cost to home owners in many fringe area communities.

The availability of federal and state funds from numerous categorical programs - particularly sewers and open space - make it possible for fringe area communities to minimize the cost of these improvements to their home owners. In the past, when such aids were not available, expensive local trunk line sewer programs were entirely financed from assessments levied against property owners on a front footage basis or from local property taxes. The availability of federal and state aids which are largely collected from people and corporations located in the built-up areas have reduced these direct costs to home owners living in fringe area communities.

C. Countervailing forces to discourage fringe area development are weak.

There are a few forces which could discourage further development on the fringe. These, however, are either weak or uncertain for the future. They include:

1. The possible gasoline shortage and/or its higher cost.

One of the significant costs which people who live on the fringe must pay in return for their lower cost housing, amenity, or privacy is an increase in the cost of transportation including not only the mileage but the need for two cars. This factor undoubtedly has deterred some from moving any significant distance from the built-up urban area. However, this increased cost in time and dollars apparently is one which an increasing number believe they can afford or one which they are willing to absorb.

Present discussions about the "energy crisis" and the possibility of shortages of gasoline and/or its higher cost, if they are realized to any significant degree, are likely to discourage a portion of this outward movement. This factor, however, is a relatively recent one whose expense and longer-term effect is unknown.

2. Resistance of farm owners to making land available.

In some locations - particularly in areas to the south-southwest where land productivity is high - there is evidence of some resistance by farm owners to the division and/or sale of their farms for development. This resistance is expressed in the actions of town boards in denying zoning changes or issuing building permits for residential development. Overall, however, the resistance of land owners at best will only deter development in some limited portions of the fringe for a period of time. The escalation in land values is likely to make the development alternatives to farming attractive to many. In addition, although a few farm owners may resist within a particular township, the increases in population are likely to lead to changes in the membership of the town board and to changes in the local rules governing development. Even where some land owners and newer residents of a young community would like to resist development, they are faced with a lack of administrative and financial capability in their local government.

D. The dynamics of forces encouraging development and their possible acceleration suggest expansion of the population on the edge of the metropolitan area will continue.

Forces which either encourage or contribute to development on the fringe are all continuing or increasing. Among others, they include probable increases in housing costs, increases in personal income to achieve amenity or privacy, improved access on the fringe, and increasing subsidy of public and private services by people in the built-up urban areas.

Housing costs appear likely to continue to increase without changes in basic public policy. In addition, there will be an increased demand in the housing market for new single-family housing due to family formations from the post-war baby boom. Many of these new families in search of new housing which they can afford are likely to find it available in quantity only on the fringe.

Probable continued increases in personal disposable income are also likely to make it possible for more people to buy more land either for its amenity or for its privacy. As a result, land along lake shores, rivers, and in wooded areas within commuting range of the Twin Cities can be expected to be developed within coming years. The large quantity of land already vacant on the fringe - much of which is held by owners in anticipation of development - will further act as a stimulus to development at the fringe.

Improvements in access to the fringe will continue. A number of planned freeways are now in design and discussion or under construction. These include: To the northwest, I-94 to Monticello and St. Cloud; to the west, I-394, T.H. 12 to Maple Plain; to the southwest, T.H. 169 and T.H. 212 to Young America and then to Glencoe; to the south, I-35E, T.H. 36, and T.H. 3 to southern Dakota County; to the east, I-94 to Hudson, Wisconsin. Many counties also have plans for substantial upgrading of the county road network including development of a number of multi-lane highways and the paving of all remaining gravel roads.

Present population projections suggest that the bulk of "new growth" in the metropolitan area will continue to be found on the urban fringe.

Population projections prepared by the Metropolitan Council and the Minnesota Health Department for 1990 suggest more than 85 percent of the 830,000-880,000 increase will be located essentially in the outer edges of the middle suburban ring and beyond. These projections are based upon the continuation of trends built into the population increases within the metropolitan area from 1950-70. The only significant difference between these two projections is the direction of fringe area development with the Metropolitan Council suggesting it would be more in a south-southwestern area, whereas the Health Department looks toward a pattern outward from the areas experiencing the greatest new growth from 1960-70. This suggests the development will be heavily in a north and a southern direction into the outer portions of Anoka and Dakota Counties.

Another projection of future population growth prepared by the Upper Midwest Council similarly suggests a continuation and even an acceleration of the outward movement. In their report they note that:

"Rural non-farm population will continue to increase at a rate well above the national growth rate within the commuting range of the Twin Cities. This will affect at least three western Wisconsin counties and a dozen Minnesota counties beyond the 7-county metropolitan area."

Some of the estimated increase in population by the Upper Midwest Council study is projected to occur within long-established rural towns. A considerable portion of it, however, will also occur in presently rural townships on land which is now either vacant, used for farming, or adjacent to a lake or stream.

III. Serious consequences affecting people who live within the builtup urban area and to the environment will result from the present pattern of fringe area development.

New housing developed on the fringe results in public costs that are shifted to people who live within the built-up urban areas and to the environment.

A. More costly public and private facilities and services will be needed to serve new fringe area development at a time when there is excess capacity or inefficient use made of existing capital investments within the built-up area.

The cost of developing new public and private services on the fringe will be borne in part by the total population of the region. These new facilities are also likely to be more expensive because the linear footage of many, such as sewers, gas lines, telephone lines, etc., increases as lot sizes grow larger and the distance between new housing sites increases.

Extensive additions of new roads or the widening of existing ones will be needed to serve the type of development now occurring. Short of this, many arterial roads now used for extensive weekend travel and for daily commercial contact with outstate communities will slowly be unable to continue their function of handling through traffic. In addition, particularly on township and county roads, dangerous conditions may well develop with frequent access from home driveways - most notably in areas divided into small lots. A considerable portion of the cost of providing additional road capacity will fall partially on the state - at the same time that efforts are being made to improve the road network between cities and rural areas in outstate Minnesota.

Additional classrooms will be required to handle the growing school population on the urban fringe . . . at the same time that empty classrooms go unused in adjoining communities which are extensively developed but where land is still open for development.

Facilities such as sewer and water are likely to require not only new investment but also more costly ones as they pass through substantial areas with large lots or through areas of vacant land on their way to serve communities with more intensive development. Evidence of this problem is already demonstrated in the extension of interceptor sewer lines to Forest Lake which pass through nearly undeveloped Hugo; through undeveloped portions of Savage on its way to Prior Lake; through the northern half of Brooklyn Park on its way to Champlin, and through Inver Grove Heights to Rosemount.

Major private investments in shopping centers, commercial and office space where excess capacity already exists are likely to be adversely affected. Locations such as the two downtowns in Minneapolis and St. Paul and even some closer-in suburban shopping centers such as Southdale and Brookdale may experience competition from new commercial development

built to serve this fringe area population. As a consequence, the existing capacity of some of these locations may not be used and additional investment in existing centers may not occur as the market for this space moves farther out into the fringe.

B. Many of the public facilities and services on the fringe are paid for, not only by the new residents but also by people who live in the built-up areas. Yet these existing residents have practically no voice in how development occurs.

One of the basic assumptions permitting and even encouraging development on the fringe is that public and private services will be provided to development wherever it occurs. In part, this results because of the way in which public and private services are financed. For example, the increased cost of school transportation on the fringe due to increased numbers of miles to transport a given number of children is not recognized in the current state aid formulas. As a consequence, state taxpayers - the majority of whom are residents of the built-up urban area - are called upon to assist the underwriting of higher transportation costs by means of state aid formula distributions to the less densely developing fringe area. They are also required to subsidize indirectly the construction of new schools in these areas by means of the state reimbursement of property taxes even though new million-dollar school buildings in the built-up urban areas have vacant classrooms.

The capital costs of extending metropolitan-type telephone service to the growing fringe area are also picked up and homogenized as part of the basic monthly rate cost to people within the built-up area.

C. Fringe area development which will result in the loss of valuable open space and eventual surface and ground water pollution in many areas will exact a high cost to the environment of the region.

The environmental costs can be expected to escalate as development spreads out farther on the fringe. This cost need not be recognized by the initial land developer or by those that follow. Some of these environmental costs include the following:

1. Loss of valuable open space including lake shore, stream banks, steep slopes, marshes, and forested areas.

Urban development since World War II has migrated to and encompassed the shores of a significant number of lakes within 50 miles of the Twin Cities. During this time, a significant proportion of this land has been divided and sold. Many of these homesites were initially for summer cottages, but increasingly new year-round homes are constructed and cabins are converted into year-round homes. As a consequence, the general public enjoyment of many lakes is increasingly limited to a few points of access and in some cases denied altogether. Development, for example, has closed off access to Sweeney Lake in Golden Valley, Pleasant Lake in North Oaks, and threatens to severely limit access on Lake Minnetonka, Fish and Eagle Lakes in Maple Grove, Long Lake in New Brighton, and Twin Lakes in Brooklyn Center.

The typical large housing subdivision involves considerable grading and filling to develop a number of uniform lots. This activity frequently eliminates or alters the more intimate, close-by natural resources such as steep slopes, groves of trees, and marshes. The only open space in these larger subdivisions frequently consists of the individual back and front yards and neighborhood parks with their newly planted sod and trees. Increased water run-off from this new development and the drainage of marshlands which formerly handled ground water run-off further requires the digging of ditches or the construction of storm sewers.

2. Eventual surface and ground water pollution will occur in many parts of the 12-county fringe from subdivision of land into small parcels which can accommodate on-site sewage disposal for only a limited amount of time.

Small lot subdivisions of less than 2½-5 acres still continue in many townships and municipalities which do not have a public sewer system in much the same way it occurred in East Bloomington, Mounds View and Brooklyn Park in the late 1950s. Such small lot subdivision is found in Champlin, Ramsey Township, Lino Lakes, Marshan Township, along the Mississippi River in Wright County and at scattered locations along township and county roads.

As ground water pollution problems occur, householders will demand an extension of metropolitan sewer lines, such as recent ones to clean up Lino Lakes, Forest Lake, Prior Lake and Lake Minnetonka.

3. Extensive large lot (2-1/2 - 5 acre) development will ultimately require public sewer as further subdivision occurs.

Large lot development, which is becoming increasingly popular, might possibly provide a way of accommodating on-site sewage disposal if soil conditions permit good drainage and private wells are sufficiently deep to alleviate possible pollution of water supplies. This problem is partially recognized in the lending policies of FHA for development of larger projects of over 10 acres. They require public water and sewer be available before approval is granted. However, extensive division of land into lots of this size, given the current level of planning and the policies of many townships and counties, will result in many of the same problems as with the small lot development also found on the fringe. This is because:

a. Currently, there is no technique to insure that areas divided into large lots will not subsequently be subdivided and incrementally over time result in ground water pollution, requiring extension of water and sewer service.

The owner of a large lot may decide to sell off a piece of his property. In the process, he must receive permission from any local unit of government that controls land use. However, there is currently no technique to insure that the consequences of these decisions are recognized or that such permission would not be granted, even to the point of a hardship.

b. Any extensive development of an area with 2½-5 acre lots will ultimately require more intensive urban services and create a demand for commercial services close to the homeowners.

Urban services likely to be in demand include: Road building, snow plowing, and road maintenance; and police and fire protection at levels above those previously acceptable in a rural area. Response by the local unit of government to these requests for service will ultimately lead to increased property taxes. Such tax increases will be one incentive for the break-up of large lots into smaller ones. This break-up is also likely to occur in places with concentrations of large lots when commercial services follow - services which will require sewers. Local assessments for sewers will create added pressure to break up the large lots.

The early division of land into large lots may pose additional barriers to the subsequent intensive development of commercial housing. Large lots - particularly those of 2½ acres or less - may be difficult to subdivide when sewers approach. A planning commission member in a community with a number of these large lots noted it is difficult to get owners together to put in roads, or for the municipality to assist in the process of subdivision of these lots before sewers are installed. In some instances, assessments become so prohibitive that the owners abandon property for subsequent public resale. Communities now experiencing more intensive third acre commercial development in locations where they had previously authorized large lots have found the cost of public utility construction to be very high because some sewers must be run under existing homes.

Finally, early division of land into large lots destroys the land assembly potential for larger planned developments because of the fractionalized ownership of land.

- IV. The process of development is out of control. In addition to deficiencies in the process, people who now pay the cost people in the first and second tier suburbs and in the central cities have no voice in the process and no ability to restrain it.
  - A. Some land moves into the development cycle without the public ever becoming aware of it.

Land moves into development on the fringe on the initiative of the owner and typically on a lot-by-lot basis. The only public view of this transfer is seen by local public officials within individual municipalities, townships or a few counties that have adopted land-use regulations that require public approval of subdivisions consisting of 5 acres or less. In large portions of the urban fringe - particularly in the areas outside municipalities in Anoka and Dakota Counties, where land-use regulations

are not adopted - land may be subdivided into any size parcel by "metes and bounds" without any public awareness or review.\*

B. The metropolitan area currently lacks but is preparing a physical development framework which could influence and provide some direction to local units of government and private developers on fringe area development.

The Metropolitan Council and its predecessor—the Metropolitan Planning Commission—were established by the Legislature to be concerned about and to coordinate planning within the region. Since its creation in 1967 the Council has focused on major regional facilities — sewers, open space, highways, transit, airports, and major private commercial office centers—and adopted a few policies relating to them. The region, however, still lacks a total physical Development Guide that coordinates development of these regional facilities and policies on the location and timing of access to them. The lack of this physical development framework and many necessary policies largely explains why efforts at the regional level have had only minimal influence on fringe area development or the local land—use policies of communities on the fringe.

The incompleteness of policies in the Development Guide relating to major regional facilities - highways, sewers, transit and airports - has also left a void in guidance to the major regional facility building agencies - the Metropolitan Sewer Board, Minnesota Highway Department, county highway departments, Metropolitan Airports Commission, and Metropolitan Transit Commission. A number of guidelines pertaining to the future location of these facilities have been adopted, and do provide some positive direction. However, the lack of policies on access to these facilities and the timing of their construction has resulted in limiting the ability of these facilities in any manner to influence development.

- C. Only a few counties and the most populous municipalities effectively exercise the significant powers given them to plan for future development and to regulate and/or influence it.
  - 1. The state has long delegated primary responsibility and enabling authority to municipalities and counties in unincorporated areas to plan for, influence and regulate land development.

The state does not require (apart from lake shore) that planning or regulation of land use be done. Instead, this decision is left to the discretion of local governing bodies who may decide to take any one or a number of steps affecting development.

<sup>\*</sup> Metes and bounds is a largely private-informal way of dividing and conveying lots by legal description, as distinguished from the formal lot division and public requirements of platting. Land divided by platting must first meet these requirements and the plat approved before land can be legally conveyed.

One of the historic powers granted municipalities and counties is to plan for development and to regulate land uses. The most recent state action to expand these powers came in the 1965 Municipal Planning Act and the 1959 County Planning, Development and Zoning Act. These laws gave enabling authority to municipalities and counties - other than Hennepin and Ramsey - to influence development by adopting comprehensive plans, by reserving land for future public facilities with an official map, by adopting local capital improvement programs; and to regulate development by adoption of a number of land-use rules and requirements in zoning codes and subdivision ordinances. These local land-use and subdivision codes regulate lot sizes, house sizes, locall utility system layouts, and the review of all subdivisions by means of platting.

Specific powers granted municipalities and counties (for the areas outside of the corporate limits of municipalities) include the following:

a. Preparation and adoption of a comprehensive plan. This plan consists of a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development - both public and private - in areas within their jurisdiction. All subsequent controls over development such as zoning and subdivision are seen as ways of implementing this plan. In municipalities, after the planning commission has adopted a plan, all acquisitions and dispositions of public property, and all capital improvements by any political subdivision having jurisdiction in the municipality, must be referred to it for their review.

In counties, the comprehensive plan must be approved by the county board to be effective. In municipalities, it may exist either as recommendations of the planning commission or be adopted by the city council to then become the "official plan".

- tions controlling the lot size, density of population, uses of land and buildings, size of yards, size, location and height of buildings, and the parking requirements within portions of the community or county identified as zoning districts. Municipalities may also extend their zoning regulations to unincorporated territory within 2 miles of their limits except where the county or township has adopted zoning regulations.
- Adoption of a subdivision ordinance. This consists of standards and regulations over the alignment, width, grading and surfacing of streets; requirements for installation of water supply, sewerage, drainage, electric and gas distribution lines; and setbacks from roads in newly developing areas. Procedures for subdivision of land by platting are also contained in this ordinance. Municipalities may also extend these regulations up to 2 miles from their corporate limits and to unincorporated areas where the township or county has not adopted such regulations.

Municipalities have the additional powers to require developers to post a bond or cash for necessary improvements and utilities, and, in the residential areas, to dedicate land or its cash equivalent for parks and playgrounds.

- Approval of all legal subdivisions of land of less than 5 acres.

  After subdivision regulations are adopted, land in parcels of less than 5 acres may no longer be legally conveyed by the less accurate metes and bounds approach, which does not require local approval. Instead, land must be platted with detailed land descriptions that show the boundaries of the lot, easements, rights-of-way, etc. Such plats must also be reviewed for their conformity with subdivision regulations and approved by the municipality or the county and township after a public hearing.
- e. Adoption of an official map by municipalities. This consists of a map showing the precise location of future streets or public facilities (parks, schools, and public buildings) and strict controls prohibiting issuance of building permits on this land. Whenever a municipality acquires this land, it is not required to pay for buildings placed on the land without a permit or in violation of the conditions of a permit.

Townships also have powers to plan and zone. These are limited, however. After a county has adopted official controls (zoning, subdivision and platting) the township controls must be consistent with those of the county. A township may, however, zone more restrictively.

2. The state has pulled back to itself the regulation of lake shore and river shore land uses and directed counties and municipalities to implement state standards.

A major departure from the general delegation of land-use powers and enabling authority to local units of government was taken by the state in the 1969 (county) and the 1973 (municipality) Shoreland Zoning Acts. These resulted in part because of the lack of performance by many counties and municipalities in adopting regulations to protect lakes and rivers.

All counties and municipalities are directed to adopt zoning regulations on lot sizes and setbacks from lakes, and sanitary controls over sewage disposal in conformance with specific state standards issued by the State Department of Natural Resources for various categories of lakes and rivers.

By July, 1972, counties had to adopt regulations which were then reviewed and certified by the state to insure that they conformed with the state standards. The county was then charged with administering and enforcing these approved ordinances, with the state reviewing and approving any exceptions (variances) requested and granted by the counties. A similar procedure is required of municipalities before July, 1975.

An optional, but significant step to encourage local action was also taken by the state in the 1969 Floodplain Protection Act. It requires counties and municipalities to adopt zoning and subdivision regulations for areas within identified floodplains if they want to be covered by the national flood insurance program.

3. Minimum steps to plan for development before it occurs or to influence and guide it have not been taken by many municipalities and counties experiencing intensive growth.

We have not reviewed the quality of various land-use controls enacted by counties or municipalities. A 1970 survey by the Metropolitan Council noted, however, that:

"Of 191 municipalities surveyed, only:
65 had comprehensive plans completed or in preparation.
140 had adopted separate zoning ordinances.
101 had separate subdivision ordinances.
12 had 3-year capital improvement programs."

The planning and land-use activity of counties also varies considerably. Both Hennepin and Ramsey Counties are precluded by state law from planning and adopting land-use regulations in their unincorporated areas. Of the remaining counties, however, in 1973:

2 counties--Anoka and Dakota--had not taken any steps to prepare a plan or adopt any land-use regulations.

5 counties--Carver, Scott, Sherburne, Wright, and St. Croix County in Wisconsin--have adopted zoning and subdivision controls over land in unincorporated areas.

Only 1 county--Washington--has adopted a comprehensive plan and a series of land-use regulations.

4. Many local units of government on the urban fringe simply are not capable, by themselves, of planning for and handling development.

The assessed valuations and local resources of most rural townships and newly incorporated municipalities are very low. With very limited revenue, it is difficult to undertake the necessary studies and work needed to develop effective plans and land-use regulations. This condition is compounded by the competition for these limited resources to provide urban services such as fire, police and road maintenance.

Newly incorporated municipalities, or older ones just beginning to experience development, are comparable to townships in terms of the resources they can spend on developing plans.

Frequently there is a political time lag from the policy of "no controls" to some policies limiting the use of land in townships just beginning to experience new development. Planning and land-use regulations or major changes in existing ones may come only after significant development has already occurred.

Counties, if they have a planning capability, are enabled by state law to prepare plans at the request of the municipalities. Such plans and any recommended land-use regulations must be adopted by the municipality. But this approach has never been used.

Counties also have the power to prepare plans and to adopt regulations in the unincorporated areas. This has been done in varying degrees by Washington, Sherburne, Scott, Carver and St. Croix County, Wisconsin. However, it has been strongly resisted in Anoka and Dakota Counties, with the result that any planning and land-use regulation undertaken is left to the local townships. Dakota County, which has a planning department, is making assistance available to townships to develop their own plans and land-use regulations. In Anoka County, which does not have a planning program, however, it is up to each township to do whatever it desires.

D. Local plans and regulations are developed and reviewed by the people in a given community at a given time. There is no provision for input or review by others representing the public interest of the adjoining communities or of the region.

Each municipality, from the date of its birth, and even the township preceding it, may determine what type of development to encourage or permit and its location. Typically, only the existing local residents and land owners are consulted about their interests in the preparation of any comprehensive plans. These interests relate to the type of development - residential, commercial and industrial; the mixture of these desired for the tax base; and their interests in maintaining a certain residential character. These plans must then be submitted to others outside the community for their comment. The most important decisions - land-use and subdivision regulations and capital improvements - however, are made by each local unit without any review, apart from local sewer plans, by anyone.

The comprehensive plans of a community - but not its regulations - must be submitted to adjoining communities and the Metropolitan Council for their review before adoption by the governing bodies or planning commissions. Similarly, townships in counties that have adopted comprehensive plans and subdivision controls (presently only Washington County) are required to submit their plans and any regulations to the county to determine whether they conform to those adopted by the county.

The effectiveness of plan review by the Metropolitan Council on development is questionable. This review occurs only at the last step before adoption of plans by communities. More important, however, the review is a device which appears to have a minimal influence on development as plans are seldom officially adopted by city councils and infrequently prepared or revised by planning agencies. Although lots of planning was done under the federally sponsored 701 program, many of the reports and recommendations lie on the shelves. No official action has ever been taken on them. Without the status of an "official plan" adopted by the city council, the recommendations of the planning agency usually have little influence on

the road and sewer programs, because they are seldom referred to the planning commission, or on the zoning regulations adopted by city councils and frequently administered by a separate zoning department.

One plan review which could have some influence on development is review and approval of the local comprehensive sewer plans by the Metropolitan Sewer Board and the Metropolitan Council. This review (required to receive interceptor sewer service) is deficient, however, since it does not contain an element indicating the timing of development of these sewers. Only the overall capacity and general location of local trunk sewers is included in the plan.

- V. Public 'tools' are available but have been little or inadequately used - to shape and guide metropolitan development.
  - A. Property tax relief granted to farmers on the fringe operates as a fiscal incentive to hold land out of development. However, it is narrowly limited to apply in only portions of the fringe. It is not tied to any regional or local development guides and may be in conflict with them.

One of the costs to raw-land owners in holding land is the yearly taxes he must pay on it. This land, if it is no longer used for agricultural purposes, is valued by assessors at two-three times this amount or even higher for urban development. Consequently, the land owner is encouraged by the tax system to move his land into development as quickly as possible.

Some land in rapidly urbanizing areas is withheld from development by owners who have received lower taxes and deferral of assessments granted under the "Green Acres" act. This law was passed to grant relief to farm owners from rising valuations and taxes on farm land in urbanizing areas.

The "Green Acres" law provides simply that land devoted to agricultural use be assessed on the basis of its value in that use, and that market values reflecting potential uses such as housing subdivision, commercial development or industrial development be ignored by the assessor. Any real estate consisting of 10 acres or more is entitled to this valuation and tax deferment if it has been held in the possession of the applicant for 7 years or more prior to his application and if at least one third of the total family income of the owner is derived from agricultural production or a total production income including rental from the property is \$600 plus \$10 per total acre.

Any person who so qualifies may apply for "green acres" and is automatically granted it, regardless of where the land is located - even in the middle of a rapidly developing community. The owner of land receiving this preferential treatment may then sell his land at any time. However, when the land is sold, back taxes - but not interest on them - for 3 years equivalent to the difference between taxes paid for agricultural use and the taxes that would have been paid if the land had been valued for development must be paid.

1. The local municipality or county which has adopted a land-use plan has no choice about whether a piece of land should be granted this preferred tax treatment.

If a municipality or a county has designated an area for urban use and for intensive development, it has no ability to determine whether a land owner should receive this preferential tax treatment. As a consequence, the land owner may, if he chooses, apply for "green acres" and thereby prevent development of an area which could even have sewer and water. The land owner not only receives the lower agricultural assessment but also may avoid paying any assessments for local public improvements until the land is sold for development. A pattern of land holdings covered by "green acres" already exists within northern Dakota County in municipalities such as Lakeville, Burnsville, Rosemount and Farmington.

2. The relationship between "green acres" and development objectives is very limited. There is no period of time specified during which the land will be withheld from development.

The land owner, at his initiative, may apply for the "green acres" tax treatment. The only thing which discourages the land owner from placing his land into development is the 3 years of back taxes which will be due when the land is sold for development. This provision has a nominal effect on discouraging the holdings of such property for speculative purposes, since the charge against the property of 3 years' taxes is quite nominal in view of the amount of appreciation that could occur in such property over several years. In many locations, for example, it is possible, with the escalation in land values, that the land owner would sell this land in 3-6 years. Does this justify the granting of this preferential tax treatment?

3. The limitation of "green acres" to agricultural use of 10 acres or more greatly limits the contribution this approach could make to holding large parcels of land out of premature development.

The definition of agricultural use in the "Green Acres" act does not, in fact, mean that only large farm owners are entitled to apply. Anyone holding 10 acres of land which, to a very limited degree, produces some kind of agricultural income is similarly qualified. This limitation to agricultural use, which under the law can clearly be a secondary one, greatly limits the use of "green acres" in achieving development objectives of the region. Much land is now held in tracts well in excess of 20-40 acres but is not used at all to produce any income. This land may be located on very buildable soils which are not agriculturally productive, but it cannot qualify for "green acres". Consequently, land owners in these areas do not have the same incentives to keep their land out of development as do land owners in areas with more agriculturally productive soils. This condition, in part, explains why the "Green Acres" act has been used mostly in the southern counties.

- B. Adoption and coordination of local capital budgets which can influence the timing of development is done by only 12 municipalities and none of the counties or townships.
  - 1. Local capital improvements influence development in two ways: (a) by providing what often are essential services to new development such as access, sewer and water; and (b) by indicating willingness to provide public services to new development where and when it occurs.

The investments in development of local public improvements - roads, local sewers, water systems, parks, etc. - are frequently essential for new commercial housing developments. Some lending institutions such as FHA require them before funds on properties with more than 10 units will be released to finance initial preparation of the site and construction.

Public improvements such as the upgrading of county or township roads also can act as a stimulus to development by improving access to land which might otherwise be less accessible. Such improvements, also, if they precede or shortly follow new development are clear indicators to land owners of the willingness by local units of government to provide public services in the future as development occurs.

2. Only a handful of local units of government have attempted to use the technique of long-range capital improvement budgets to influence where and when development occurs.

Only 12 municipalities, according to a survey of the Metropolitan Council, have adopted capital improvement budgets extending beyond one year. All municipalities and counties typically adopt a year-to-year capital budget. This approach, however, does not relate these capital improvements to any longer-range plan for development of the community, nor does it provide direction to land owners and builders about where and when investment in these facilities will be made.

C. Planned Unit Development is a technique in the law and planning practice that has considerable potential as an alternative to sprawl for improving the quality and process of new housing development inside the fringe. It is little used, however, due either to lack of familiarity with it or to lack of commitment to it by municipalities and some difficulties experienced by both municipalities and builders.

Planned Unit Development is a concept of land utilization. It may refer to a project (PUD), which arranges structures in clusters to minimize the cost of utility installation and to preserve continuous common open space. It also refers to a process, a plan for development which is mutually negotiated and agreed upon by the developer and the local community. It is distinguished from the traditional zoning-subdivision process for housing development in that zoning standards such as density, setbacks, height limits, minimum lot sizes, etc., may be suspended and subject to those standards agreed upon by the parties.

1. Planned Unit Development has a number of advantages which make it appear to be a valuable approach to handling new housing.

Some of the positive features of PUD for the public and future residents include:

- \* Natural resource areas can be preserved. Clustering of buildings permits the reservation of more meaningful common open space adjoining new sites for housing.
- \* The cost of housing may be somewhat reduced. Utility costs sewers, water, storm drains, gas, etc. are lower where housing units are grouped closer together. Fewer miles of streets and less land for them also is required to serve these units.
- \* The packaging of many public and private facilities to serve residents and overall design coordination is possible as part of the negotiated plan for a particular site. These facilities could include local commercial stores to serve the nearby residents, public parks and trails, and, in the larger projects, libraries, fire stations, police stations, and local public offices.
- \* A greater variety of types of residential buildings such as townhouses, patio homes, single family and apartments can all be made available within a wide price range in a single new housing development.
- \* The maintenance of common open space and other parts of this new neighborhood can be assured by homeowners who belong to an ongoing association.

#### For the builder, this process offers:

- \* A cooperative approach with the municipality in which the local unit of government and the builder can work together to achieve a satisfying development.
- \* A high degree of flexibility may permit a mixing of types of housing or of land uses in developing a tract of land than is possible by standards imposed in many zoning codes. This can be very important as changes occur in tastes and resources of the housing market.
- \* The possibility of developing a site which will make better use of the land by respecting its natural resources and topography.

  Greater creativity in the design of the overall development the land, housing units and access to major roads is also possible.
- \* The opportunity for community participation early in the building plans for a particular development.

2. The lack of commitment, the lack of familiarity with the PUD technique, and the existence of a number of procedural and financial problems account for the limited use of this approach to new housing development.

A number of municipalities, by amendments to their zoning ordinances, permit a developer to proceed under this technique. To date, however, only a small proportion of the total amount of housing constructed is proceeding under this approach.

Projects developed by the PUD process with mutual negotiation between the municipality and the developer can be categorized into two types: Larger ones which exceed 200 acres each, and smaller ones from 2-200 acres. In the Twin Cities area, there are five large PUD projects: Jonathan in Chaska (a series of PUDs as part of a total new community), the Preserve, Edenvale and Redrock in Eden Prairie, and Colby Lake in Woodbury. All of these larger projects are relatively new and some are still only on the drawing boards. In addition, there are approximately 97 smaller PUDs located in 27 municipalities.

The Planned Unit Development technique - a concept which has been around for 20 years - has found only limited use in the Twin Cities area for a number of reasons. These include:

- Municipalities and builders lack familiarity with the PUD technique. PUD has come into limited use only in the past six years in Minnesota. This resulted from the necessity of finding another technique for developing new types of housing such as townhouses either by themselves or as part of a total project including single-family homes. Both the builders and many municipalities found the PUD technique was one which could be effectively used to handle the development of this new form of housing something that could not readily be accommodated on the lot-by-lot subdivision.
- only a few municipalities have the resources to adequately review projects proposed for development by the PUD technique and to engage in the necessary negotiations with competence equal to the developer. Usually, only already well-established communities, or those that have made a commitment to moving into development by this approach, have either hired the planners or made available the resources for planning assistance necessary to use this technique. Without such competence, municipalities are not likely to encourage the use of this technique. If they authorize the use of PUD without such assistance, they are likely to be overpowered in the subsequent negotiations.
- e. The front-end land assembly and holding costs, plus the necessary pre-planning costs, require large amounts of capital which may be beyond the capability of many developers. Those who would like to use this technique must commit resources to plan for a site something which is not essential in conventional subdivision

development. In addition, the planning required for an initial concept plan, preliminary design, and final plan, plus the negotiations leading toward approval of each of these, usually takes considerably more time than required for a typical subdivision. Consequently, the holding costs of land may be more. These additional costs related to PUD development explain why only the larger builders are able to undertake this type of development.

- d. Procedures used to engage in the PUD development process vary considerably from one community to another, thereby posing a problem for developers who have projects located in many communities. The variety of procedures, such as whether there are one, two or as many as five to ten steps, require the developer to become very familiar with each community's requirements and procedures. What can be a relatively simple process in one community can be very complex in another. The specific requirements for housing projects also vary considerably from one community to another. This further compounds the difficulties builders experience.
- e. Many municipalities do not clearly define who is responsible for processing the PUDs. Instead, they leave it up to the developer to receive approval from each of many offices. Since the PUD technique essentially consists of negotiations between two parties, it is necessary that the public party be represented by someone who has the responsibility and the authority for articulating the requirements and desires of the community, as well as assisting the project through various departments within the municipality or county. In cases where a single agency is not given this responsibility (most often it is the planning agency) the builder must proceed to obtain approvals of many offices including the building inspector, fire department, and the city engineer.
- The imposition of rigid requirements such as those contained in the zoning code to the proposed PUD by individual departments in the municipalities or counties greatly reduces the flexibility of the PUD technique and further discourages its use. Departments of local governments such as the building department, public works, zoning administrator, and the fire marshal, who may review a proposed project, sometimes attempt to impose the same requirements which they developed for the zoning code to apply to the PUD. Similarly, if there is a single department with the responsibility and authority to negotiate a PUD with the developer, this department may lack the guidance necessary from the public officials of a community relative to what requirements are negotiable. Without this direction, the latitude available to the community in negotiating with the developer will further discourage the developer from proceeding under this approach due to a limited number of trade-offs.

D. Adoption of an "official map" which permits municipalities to reserve land for necessary future public facilities - streets, parks and schools - is seldom done.

The "official map" is one tool which could have significant influence on development within a community. Developers would then have to plan their projects around areas designated for specified public uses. The future cost of land for these facilities would also be lower since the community would only be buying raw land - not land with new buildings on it.

1. Substantial advanced planning is essential to anticipate where major local facilities will need to be located. This is often missing in younger-growing communities.

Many younger nunicipalities are unable to anticipate what facilities will be needed and where they should be located, since they do not have extensive planning programs. Without this, the official map can not be used.

2. Funds sufficient to acquire land designated in the "official map" frequently are not available when a land owner proposes to develop land in the designated area.

The reservation of land for future public uses in an official map is accomplished by designating it and then controlling the issuance of building permits. There is some legal question, however, whether a building permit can be refused if such an action does not allow the owner a reasonable return on the land. In such cases, the governmental unit may then be required to purchase the land or issue the permit. Funds for such acquisition, however, frequently are not reserved or available.

- VI. This metropolitan community is approaching a point of decisions on the pattern of its growth and development . . . in the work of the Metropolitan Council during 1973-74 and in the legislative session of 1974.
  - A. The coordination of planning and the guiding of growth have been the central charges to regional planning agencies created in many forms since 1957.
    - 1. The issue of the pattern of development, what problems resulted from the way in which it was occurring, and how these might be handled, has been a long-standing concern within this region.

This issue, as early as 1957, led to the formation of the Metropolitan Planning Commission (MPC). This body subsequently engaged in extensive studies collecting data and information on the population, land use and resource base of the area, its transportation network, sewage and water systems, and on where and how development was occurring.

The Metropolitan Council, the successor agency to the MPC, was created in 1967. One of the charges to this body was:

"The Metropolitan Council shall prepare and adopt a comprehensive development guide for the metropolitan area. This shall consist of a compilation of policy statements, goals, standards, programs and maps prescribing guides for an orderly and economic development, public and private, of the metropolitan area. (emphasis added) The comprehensive development guide shall recognize and encompass physical, social, or economic needs of the metropolitan area and those future developments which will have an impact on the entire area including but not limited to such matters as land use, parks and open space land needs, the necessity for and location of airports, highways, transit facilities, public hospitals, libraries, schools, and other public buildings."

2. Special-purpose regional agencies for airports, sewers, highways and transit have frequently expressed the desire to know what would be the shape of this region in planning for their programs.

On many occasions, many of the building agencies such as the Minnesota Highway Department, Metropolitan Transit Commission, Metropolitan Airports Commission, and Metropolitan Sewer Board, have called upon the Metropolitan Council to indicate where and how development would occur within the Twin Cities area. These policies and information are essential for the future planning of extensions and enlargements of these facilities and their coordination.

3. The Metropolitan Council has undertaken numerous studies and has scheduled the topic of metropolitan growth in its 1973-74 work program for action.

The Council has proposed in the work program for the coming year to settle upon an overall framework for its Development Guide. This would focus on providing direction to growth in the metropolitan area and the coordination of individual functional elements such as transportation, sewers, parks, etc. within the Guide. This work is now going on in the physical development committee of the Council.

The issue of guiding development rose out of a number of earlier studies begun by the Metropolitan Planning Commission. This body engaged in an extensive number of studies collecting data and information on the area, its population, land, transportation, sewage and water systems, and on where and how development was occurring. The first major effort to address the question of fringe area development came in studies conducted jointly by the MPC and the Highway Department in the Joint Program. This activity - which ran from 1962 to 1967 - produced the first Development Guide for the region, one which called for future development to take the shape of a "constellation city". The emphasis in this Guide focused on the location of major retail-office-commercial centers and looked toward

decisions about regional facilities as a way of influencing the pattern and shape of development in the region. The MPC Development Guide, however, was not accepted by the Metropolitan Council after its creation in 1967, since the Council felt it should produce its own Development Guide and differed with some of the recommendations in this earlier proposal.

The Metropolitan Council, in its early years, was concerned about major regional facilities - sewers, open space and transportation facilities. In recent years, the Council has moved into other areas such as health care planning, housing, and criminal justice, and has continued to review an increasing number of applications for many federal grants-in-aid and local comprehensive plans. In the coming year, the Council has expressed its intentions to take up the question of overall development and policies guiding growth within the region.

- B. The concept of shaping growth and the tools to achieve this have not yet crystalized.
  - 1. To some, shaping means a map or picture. This approach has focused on the following:
    - a. Green Belt -- Circling the built-up urban area with a large amount of land kept in agriculture, open space, or parks, with new development occur ng beyond the fringe, is proposed as a desirable picture by some for the regional area.
    - b. Green Wedges -- Another variation on the "green belt" picture is that of green wedges which radiate outward in land between major transportation arteries along which development is located.
    - c. Designs -- Some have suggested the region be planned to resemble various gross geometric shapes. These include: Radial corridors (lines resembling a starfish and moving outward from the built-up core along highway and transit lines); octagon (multiple-suburban commercial-office centers around the two central cities); and a nondescript form called spread city.
    - d. Perimeter Line -- Proposals have been made for a regional agency to draw a circle around some portion of the Twin Cities area and to limit development inside of this circle. The shape, as a result, is one of a circle instead of a star, hexagon, or octagon.
  - 2. To others, shaping means a process. This approach tends to focus on the tools and techniques for influencing regional development in contrast to what the picture may look like. Some processes proposed include:
    - a. Using regional facilities to shape development -- This technique looks to decisions about location and timing of major regional facilities (highways, transit, airports and sewer interceptor

lines) as having significant influence on the shape of development. Discussion in this region has tended to emphasize sewers and transit. The approach assumes that if certain specific facilities, such as sewers, are not built, development will not occur. Similarly, if other facilities such as transit are constructed, development will follow.

- b. Land banking -- Public acquisition of large quantities of land on the fringe with its future lease-back to developers in accordance with approved plans is advocated by some as a way of controlling growth.
- c. Regional timing of local development -- Some have suggested development could be controlled by the use of a combination of techniques on a regional scale by a regional agency comparable to those employed by Ramapo. This experiment, now under way in a suburban community of New York, provides for the timing of local public improvements over an 18-year period and for limitations on urban development only to the area served each year by expansion of these improvements outward. Owners of land outside of the "public service area" are assessed at a lower value until facilities reach them.

#### CONCLUSIONS

- I. It is not surprising that the Twin Cities area has been unable to take control of its growth, to date. No metropolitan area has effectively done this.
  - A. Intellectually and politically, the issue of controlling metropolitan growth is the most complex urban problem. The number of factors which must be dealt with, the forces of the market place, and the large number of actors—both public and private—contribute to the difficulty of finding answers to this problem. The issue of overall development is far more complex, for example, than defining the problem and providing answers to a single element in the urban system, such as transportation, since it requires coordination of all of these elements with recognition of what can effectively be done to influence forces operating in the market place.
  - B. The search for answers to this urban problem has focused on simple, onceonly actions. This, however, is not possible due to the number of actors, which include all units of local government and numerous private interests, and the fact that no simple-single act by itself can be decisive.
  - C. We are not criticizing the work of the past to suggest that changes are needed in the future. A considerable amount of effort has been put into gathering data and proposing alternative ways of handling urban growth. This work was necessary and has greatly contributed to making it possible at this time to more clearly understand the issues and to suggest changes for the future.
- II. Beyond this, and on the merits, the dispersed pattern of development provides many real benefits to significant numbers of families.

"Sprawl" is not bad simply because it's untidy. The positive aspects of it include:

- A. Increases in the quality of life for many. Large numbers of families have found the amenities they were looking for in a home in the country, along the shore of a lake, or in the woods. Others have found, at least for a period of time, the privacy they were seeking.
- B. A choice of housing many can afford. Some families who desire a new homes frequently find the lower-cost lots, and the homes they could afford, not in the closer-in suburbs but in new developments on the fringe. Others discovered the lower-cost mobile homes only in these fringe areas and still others a series of local land-use regulations which permitted them to build homes at lower cost in the outlying areas.
- C. Postponement of some public service and private costs. Many of the fringe area local units of government either do not require some public services

be installed immediately - sewers, curb and gutter, water - or for a long time into the future. Similarly, the minimal requirements for housing made it possible for many to build essentially a basic structure and to subsequently expand or modify it. The postponement of these costs, as a result, makes it possible to build a home and then to either pick up these costs later when incomes have generally risen or move on when they appear.

D. Changes in the financing of many public and private services have equalized burdens and improved communications and mobility which contributed to tying this region together. Indirectly, these changes have also reduced the cost of many services to people who live on the fringe. The trend in financing of public and private services to shift costs to larger units such as the state or rate payers within the region, and by changes in the distribution of state aids to municipalities and school districts, has greatly contributed to equalizing burdens between residents of the region. They have also permitted extension of services outward to the existing residents of this ever-expanding metropolitan region. Newer residents moving into the fringe have also benefited from a reduction in the direct cost of these services.

We concluded that we will not and should not go back to fiscal controls which would deny services or make their costs prohibitive to existing residents of the fringe area. The trends in financing public and private services are all in the opposite direction - trends which have helped to equalize burdens and improve services for residents throughout the area.

III. There are, however, many bad features to the present development pattern.

The negative features to the present pattern of sprawl include:

- A. Many people are hurt financially. The subsidy of fringe area development by the greater number in the built-up area means these people contribute to something they do not directly benefit from and must therefore forego improved services where they live or additional income for themselves.
- B. The use of land, roads, equipment and time required by the present land development arrangement is wasteful of resources. The current pattern of development provides little incentive to use the excess capacity of sewers, roads, schools or parks within the built-up area and those immediately adjoining them. Comparable new facilities on the fringe are also more costly due to the distance between development sites a cost people in the built-up area share in and subsidize.
- C. Advantages for those who initially settle on the fringe are temporary and do not last. Gradually, open space and privacy are eroded, and ground and water pollution develop as lots fill in and neighbors grow up around the first wave of settlers on the fringe.

- D. Opportunities for grouping work trips together, thereby reducing dependence on the single-occupant car, are diminished by the lot-by-lot subdivision of land for new housing. The scattered locations of housing on the fringe and the lot-by-lot subdivision of commercially developed housing have greatly contributed to dependence on the automobile in this metropolitan area. If this continues, the possibility of either carpooling or the use of transit to collect persons for work trips will be difficult and probably minimal. As a consequence, there will be increased demand for additional new highways, and the construction of multi-lane highways and bridges, simply to accommodate the growing volume of single-occupant cars for work trips.
- E. Large amounts of land must be acquired quickly if major natural resource areas are to be reserved for the public in the future, given the advance of new development on the fringe. Lake shore, major wooded areas, and other locations with natural resources currently in rural areas will be increasingly threatened if sprawl continues. Significant, growing public expenditures will be needed in the near future to acquire this land and keep it out of development for future public enjoyment.
- F. Higher cost and inconvenience to new residents are imposed by the postponement of some public service costs. Although the initial cost to home owners in communities which do not require some public services such as sewer and water may be lower, in the long run these costs are higher. Not only will the actual cost of them increase due to inflation and the cost of replacing streets which must be torn up as each utility is installed, but there are additional costs to the environment from not adequately disposing of sewage. Finally, the gradual development of public utilities imposes a cost related to inconvenience on residents who must use streets in various stages of repair as utilities are installed.
- G. The aging areas of a growing number of suburbs and the central cities will only slowly, and may never, be rebuilt. If land is constantly made available in unlimited quantities on the fringe for new housing, the investment necessary to rebuild older, obsolete areas in the core of the region may never be made but instead will be drained to the fringe. Open-ended land development on the fringe makes it extremely difficult to maintain a market for land in the built-up areas competitive with land available on the edge. This condition will only further aggravate already serious social problems, increase transportation costs, and waste significant public resources.
- IV. On balance, and over the longer run, the trend to sprawl on the fringe is a damaging one. It ought not continue by default, but must be resisted.
  - A. There are more people hurt than helped by the present pattern of dispersed housing. Although some people benefit from the current

sprawl, including many involved in the housing business, a considerably larger number of people who live within the built-up portions of the area will be hurt as sprawl continues. These existing residents, and those who live within the built-up areas in the future, are called upon - under the present pattern - to subsidize much of this development.

- B. The advantages to a few are temporary, while most of the disadvantages in terms of cost to the many and to the environment are permanent. While the initial settlers on the fringe may enjoy increased amenity, privacy, and possible lower housing costs, this lasts for only a relatively short period of time. As subsequent development takes place on lots adjoining theirs, increased services largely funded by people within the built-up area are required. Natural resource areas are also subsequently lost and ground and surface water pollution result as development proceeds outward with the filling in of vacant lots and the subdivision of larger ones. These costs to the greater number of people in built-up areas and to the environment are permanent and cannot be reversed.
- C. Sprawl is not the only way to accommodate new development. If the present pattern of dispersed housing were the only feasible way of accommodating growth within the region, it would be a reasonable way to proceed. However, alternatives are available which can provide comparable advantages without the bad features of fringe area development.
- V. Sound public policy suggests that priority for development should go to those areas where investment in public and private services has already been made, and where capacity for future growth is available.
  - A. It makes economic sense to use any existing capacity before we build new particularly as resources become tighter for the maintanance of our existing capital plant and the improvements still needed to serve the built-up area. Capacity does exist in many already built public facilities. These include newer classrooms which are now becoming vacant in a number of closer-in suburbs and central cities; in much of the existing road network; and in the empty space in interceptor sewer lines.
  - B. This policy does not mean every vacant lot or piece of ground should be built upon. Obviously, areas with important natural resource characteristics such as marshes, steep slopes and bodies of water need to remain untouched. However, a significant amount of buildable land does exist in communities which already have public services. Priority should be given to development on land in these communities.

- VI. We concluded a new concept of guiding development is imperative. . . one that treats urban growth mainly as a matter of residential development, not commercial, industrial or of major public facilities.
  - A. We considered but rejected several approaches to controlling metropolitan development which view it as a picture. The problem of guiding development, we think, is not an exercise in picking your favorite
    design from green belt, to green wedges, or to various snowflake
    patterns such as the starfish-radial corridor, hexagon or octagonmultiple centers, or the nondescript-shaped spread city. Instead, it
    is a market place problem concerned with where people go to live,
    those forces which encourage or contribute to their outward movement,
    how they are served, and how to deal with problems resulting from
    this activity.

Guiding development also is not an issue of overall densities on the land - apart from the outer fringe area where public sewers will not be installed and where ground water pollution can become a problem. Densities of new development may be fairly high on a limited portion of a parcel of land used for housing but overall remain relatively low.

B. On the process side, we were aware of but rejected the European experience of public land acquisition and assembly and the shaping of development by locating and timing major regional facilities. The public acquisition of land on the fringe and its assembly, with subsequent leasing or sale in accordance with a plan, is very costly and unlikely, at best, to be accomplished at an early date.

We were impressed with the way regional facilities have been built where people go out to live and therefore concluded that where housing is built it would inevitably stimulate serving them with regional facilities. Sewer lines, for example, have been extended outward to clean up a number of lakes on the fringe which were polluted by housing development surrounding them. Other regional facilities, such as transit lines, on the other hand, are not proposed to penetrate the fringe - the area where most new development is occurring. A few opportunities for influencing the direction of development remain in areas not currently served. These are very limited, however, given the extensive network already planned or in place.

VII. Adoption of a new strategy. . . one which focuses on residential development and works first and primarily on the small-scale decisions influencing its location and timing. . . is needed.

Elements of this new strategy should include the following:

\* Emphasis on residential location. Improved information about the division of land, its ownership and the intentions of owners, is critical, as this step frequently initiates the development cycle.

- \* Adoption of a policy of contiguous development with extension outward from existing facilities as development occurs. This policy would encourage utilization of the existing capacity in regional and local public facilities and the use of nearby buildable land for development.
- \* A system for getting much of the land physically available for new housing out of the market and the holding of it. This land currently exists in large quantities on the outer edge of the fringe. Incentives, however, must be developed to encourage the land owners to keep it out of development until services are extended into it.
- \* Bring necessary quantities of land into development at an appropriate time and place. This means a capital improvement program at the local level. This includes sewers, water, streets, and schools. A few opportunities for influencing housing development may exist in decisions remaining to be made about the location and timing of regional facilities, particularly in areas which lack them. Overall, however, these regional facilities appear to make more land available than is needed at any point in time.
- \* Provide an alternative form of housing on land inside the fringe with the amenities, privacy, and lower cost many are seeking outside of it. Changes in the approach to housing development through greater use of Planned Unit Development by builders and communities with extensive public services can provide housing which substitutes design for space and the opportunity for initially lower-cost basic housing to those who are seeking these on the fringe.

Significant natural resource areas can be reserved and adjoin homes that are designed for privacy by clustering them on a PUD site. Lower initial utility and street costs, and construction of a variety of homes in a wide price range in accordance with modified community standards, will make it possible to provide lower-cost housing in a PUD.

- VIII. For this new strategy to succeed, a new process of development will have to be mandated, by the Legislature, in which the key actors will be strong, competent local government units, working under the guidance of the Metropolitan Council and other regional planning organizations or the State Planning Agency in the area outside the 7 counties.
  - A. We recognize and affirm that key development decisions on housing are and will remain those of strong, competent local governments. These local units of government municipalities and counties working with townships in the area outside of municipalities have long made the most important decisions affecting housing development in their capital budgets and land-use controls. The strength and competence of some of these local units needs to be improved, but, we believe, they should continue as the primary public actors in development of housing.

B. The system of housing decisions must be changed so that people in the built-up area who pay the initial bill have a voice in development decisions as they occur. The interest of local units in housing development within their boundaries must be balanced against the interests of people in the built-up area. The only agency representing interests both in the developed areas and on the undeveloped urban fringe - the Metropolitan Council - must move aggressively to assist local units in the planning and work necessary to determine where and when housing should develop and be given the ability to influence these decisions within the 7-county area. In the 4 counties experiencing metropolitan-related growth outside of the 7-county area, an appropriate Regional Development Commission or the State Planning Agency should similarly have this ability.

### RECOMMENDATIONS

- I. We recommend the Metropolitan Council prepare and advance to the 1974

  Legislature an "Urban Sprawl Control Act" containing the following elements:
  - A. Designation of all land within the area into two categories:

    (a) urbanizing, and (b) rural.

We recommend the Legislature apply this act to the 7 metropolitan counties -- Hennepin, Ramsey, Anoka, Dakota, Scott, Carver and Washington -- and to at least 4 others -- Chisago, Isanti, Sherburne and Wright -- that are experiencing growth related to the Twin Cities area. We also suggest Wisconsin consider applying it to St. Croix County, just across the river from Washington County.

We recommend the Legislature require:

- 1. Designation of land into two categories -- (a) urbanizing, and (b) rural -- shall be made annually for a 5-year period in the future beginning in 1976. County governments shall have this responsibility, with participation by local units of government, for land in townships and in those municipalities that have not adopted long-range plans and 5-year capital improvement programs. In municipalities that have done this, however, the local city council will have the job. All such designations shall be made following a public hearing and then reviewed and commented upon by the Metropolitan Council in the 7-county area and by the State Planning Agency or an appropriate regional commission in counties outside of this area for their consistency with regional or state guidelines.
- 2. The vast majority of land will naturally be designated rural. Land may not be designated urbanizing unless, at the same time, it is consistent with a specific program prepared and adopted by the city council or county board for the location, installation and timing of capital facilities (sewer, water and other utilities) during the next 5 years and following consultation with affected school districts.
- 3. Urban development would not be permitted in a rural area. To guard against premature preparation of land in the rural category for urban development, any public capital improvements in the designated rural area, such as sewers, roads and storm drains, will be subject to approval by the Metropolitan Council in the 7 counties or by the State Planning Agency/regional commission in counties outside this area.
- 4. Only the following uses will be permitted in the rural area:
  Agriculture, open space, and housing on lots sufficiently large

in size (we suggest 5 acres) to lessen the chances of future ground and surface water pollution. The size of these large lots should be increased if percolation tests suggest more land is necessary to properly disperse sewage effluents. Any subsequent request to subdivide these lots should be subject to approval by the Metropolitan Council or the State Planning Agency. A rural large-lot Planned Unit Development would also be possible if the common open land can permanently handle sewage effluents. This would allow a cluster of 5 acre large lot units (e.g. 10) on a part (e.g. 5 acres) of a large parcel (50 acres) if the remaining commonly owned land (45 acres) can handle the sewage.

Commercial services to residents of this rural area and any industries providing jobs to them should be located on urban designated land - preferably located within an existing municipality or annexed to one.

- 5. Land in the designated rural area which remains undeveloped shall, upon application of the land owner, be valued for tax purposes as agricultural consistent with suggested changes in the "Green Acres" act that follow.
- B. Coordinated capital improvement programs, to influence the location and timing of development, should be required.

We recommend the Legislature require a capital improvements program be prepared and adopted each year for a 5-year period into the future. These programs would include all regional and local public facilities which could have an influence on new development. Such programs should be specific as to the general location of facilities, the timing of their construction, the timing of any access to them, and their financing.

- 1. Regional capital improvement programs should be prepared by agencies developing these facilities (Metropolitan Sewer Board, Metropolitan Transit Commission, Metropolitan Airports Commission, State Highway Department, and county engineers). Regional projects proposed within the 7-county area should be submitted for approval to the Metropolitan Council as a pre-condition to the issuance of any bonds.
- 2. A program for local public improvements by municipalities covering the entire city and by counties (with the participation of townships) in unincorporated areas should be prepared by them and adopted by the city council or county board. The bulk of these improvements will be in urbanizing areas. Any projects proposed for construction in areas designated as rural should further be subject to approval by the Metropolitan Council in the 7-county area or the State Planning Agency/regional development commission outside of this area.
- 3. Long-range plans should be prepared and adopted by municipalities and counties to identify the natural resource areas which should be preserved and the general location and timing of major local public facilities. These facilities include: Sanitary sewers, surface water drains, streets, parks and schools. Review of these improvements by

local planning agencies should be made a pre-condition to the issuance of bonds.

The timing of local sewer construction should be added as a specific item to the present comprehensive sewer plans prepared by the municipality for approval by the Metropolitan Sewer Board and the Metropolitan Council.

C. Fiscal incentives to keep rural land open and undeveloped should be expanded, and redirected.

We recommend the Legislature make the following changes to the present "Green Acres" act and land recording laws to provide for deferment of taxes based on values higher than agricultural in areas designated as rural for owners of large tracts of land.

- The full sales price paid in all land sales by whatever legal device within the county should be reported and made available to land planning and taxing authorities to enable assessors to readily determine the value of land attributable to agriculture and potential urban use. This means that every contract for deed and all sales contracts must be recorded with the county.
- Assessors would notify all land owners in areas designated as rural
  of the two values on their land: Agricultural and future urban use.
  The higher urban use value would continue to be based on the most
  recent sale prices for comparable land.
- 3. The higher valuation for land in areas designated rural would be used for tax purposes, without regard to the 5% limit placed on homesteaded land, unless the owner qualified for and applied to the county for the lower agricultural valuation of a deferred development contract.
- 4. Individual owners of 40 acres or more of land or agreeing owners of adjoining parcels which total 40 acres may qualify for the lower agricultural valuation if they agree with and abide by the deferred development contract not to develop this land for a period of 5 years.

The deferred development contract, which is renewable each year, would require full payment of back taxes and interest on them for the preceding 5 years whenever any portion of the land is sold for development. Back taxes would amount to difference between taxes actually paid based on the lower agricultural valuation and the higher amount that would have been paid if the land was valued for urban use. If the contract cannot be renewed due to public actions placing land in the urbanized category, back taxes and interest due would be reduced by one-half of what would otherwise be collectible. Land now in "green acres" would be grandfathered in for the first 5-year period but would not be eligible for a deferred development contract if located in an area designated urbanizing.

- 5. As dollars from back taxes due to land coming out of "green acres" become available, the auditor shall use this money to pay part of the local levy and reduce taxes accordingly.
- D. New rules should be established for the division and subdivision of land.

We recommend the Legislature not permit the legal conveyance of land divided from an original parcel within the ll-county area without a recording of this with the county and local unit of government within which it is located.

- Division of more than one lot in a parcel of over 20 acres within a 7-year period should be accompanied by a statement from the owner about his development intentions relative to his entire plot.
- 2. Divisions of land of less than 10 acres should be platted. Currently, in counties and municipalities that have adopted subdivision regulations, land must be platted if it is divided into lots of less than 5 acres to be legally conveyed. This requirement would increase the minimum to 10 acres and effectively require the land owner to undertake a certified survey of the land and legally describe it on maps showing all rights-of-way, easements, siting of structures, and topographic characteristics. Such plats must then be approved by the units of government that have adopted regulations affecting land development.
- II. We recommend municipalities and counties prepare for new housing development in the areas designed as urbanizing by positively assisting it in the following manner:
  - A. Adopt a uniform Planned Unit Development ordinance setting forth a simplified 3-stage procedure for submission of required plans and points of approval by governing bodies and planning advisory commissions. This procedure should call for submission of plans by developers at three points: The overall concept, preliminary design, and final design.
  - B. Contact land owners and developers relative to their intentions about land designated for urban use, its possible uses, and the timing of their development.
  - C. Provide developers with topographic surveys, aerial surveys, soil maps and other technical assistance on a scale which can be used for development.
  - D. Designate a single specified office with development responsibilities and provide substantial direction on local requirements to negotiate with the developers proposing housing projects. This office should be responsible for coordinating review of projects by any city departments, for presenting an evaluation of the proposal, and for negotiations with the developer.

- E. Provide incentives to builders to cluster housing, preserve natural resources, produce housing at the lowest possible cost, and incorporate local commercial and public facilities under the Planned Unit Development arrangement. These incentives could include any one or a combination of the following: Increases in allowable densities, reduction in land or dollars dedicated for public park improvements, decreased minimum lot sizes, decreased minimum house sizes, and changes in other standards required for conventional lot-by-lot development.
- F. Submit all development proposals to the affected school districts for their review and comment about the impact of this development on the school systems and their ability to accommodate projected increased enrollments.
- III. We recommend the Metropolitan Council add a number of policies to its Development Guide and undertake to monitor and report to the Legislature on the operation and side effects of the urban sprawl control act.
  - A. Adoption of policies in the Development Guide. We recommend the Council add to its Guide policies stating that:
    - Owners of large tracts should be encouraged to hold their land from premature development. This agricultural or vacant land - now largely located in the outer suburban ring and beyond - should be maintained as open space or used for agriculture . . . particularly in areas where intensive commercial housing development is not contemplated in regional and local plans and capital improvement programs.
    - 2. From this private 'bank', land should move into development in a staged process, keyed to coordinated regional and local capital improvement programs public and private. The process for bringing land into development should be a staged one in accordance with the public decisions about which land will be served with public facilities and keyed to the timing of them.
    - 3. Land on the fringe beyond the areas open for intensive new development should be used for agriculture or be left in open space. If any residential development occurs, it should only be on large lots sufficient in size to lessen the chances of future ground and surface water pollution. A clustering of these units on a large parcel equal to the total of individual large lots could further improve the compatibility of this housing with agricultural activity and permit agricultural use of part of the large common area.
    - 4. Within the areas scheduled for development in communities providing public utilities sewer and/or water large-lot residential development should be permitted only where a number of safeguards for the future can be met. Large-lot housing development in these communities should be possible only in areas where public utilities are not anticipated for a long period of time, where new houses are sited

so that land can be readily subdivided when utilities are installed, and where there are written guarantees that the large lots will not be subdivided until after utilities are installed.

- 5. A preference is established for development through the Planned Unit Development technique, in which the objectives of privacy and amenity can be achieved through design. This can be accomplished by the clustering of homes on a site in such a way as to preserve a large piece of open space adjoining homes, and by arranging the structures in such a way as to achieve maximum privacy for the residents.
- 6. Housing standards should be eased by local units of government and by builders in the interests of minimizing costs. Communities and home builders should move, by negotiation, using the Planned Unit Development technique, to modify or postpone a number of their present requirements so that homes can be completed or added on to by their owners over a period of years. These requirements might be suspended or simply postponed as part of the original home owner contract. The overall environment of these new units and their surrounding open space would be protected, however, through a home association.
- B. Report to the Legislature on the operation and effects of the "urban sprawl control act". We recommend the Metropolitan Council and the State Planning Agency monitor and report on the following:
  - The impact on land and housing costs as areas are designated urbanizing and the extent to which local zoning and subdivision codes are designed to assist in keeping housing costs reasonable.
  - 2. The extent local governments are promoting environmentally sound developments - specifically Planned Unit Developments. The operation of home owner associations within PUDs should also be reviewed in a few years to determine their overall effectiveness in handling their responsibilities.

#### DISCUSSION OF RECOMMENDATIONS

#### I. Who will draw the line?

We recommend individual municipal city councils and county boards in the area outside of municipalities draw the line designating land as urbanizing or rural. The county board would also do this in those municipalities that have not taken the steps necessary to commit themselves to providing certain urban services.

We considered but rejected having the Metropolitan Council draw the line. On the merits, these decisions should be decentralized and made by local units of government operating under central policy direction. The local public improvements - sewer, water, streets, storm drains - which influence housing development are local ones. Local authorities must-practically make these public improvement decisions with the detailed knowledge about existing capacity, land uses, and financial resources available only at this level.

Our proposal for local units to draw this line is not a radically new one. Many competent local units of government, such as Bloomington, Brooklyn Park, and Eden Prairie, have effectively done this. They have understood at their level that a policy of sprawl doesn't work. This perception and the efforts made by these communities is an asset that should not be taken away.

### II. How would designation of land into urbanizing and rural practically work?

City councils, consistent with the plans for their communities, would annually adopt a 5-year capital improvement program setting forth the timing, location and financing of local facilities. These include: sanitary sewers, streets, water, storm drains, and parks. Local school districts would also be consulted about the capacity of the existing schools and their plans for new ones. Following a public hearing, the city council would place in the urbanizing category only that land already served by these facilities or those areas that will receive them in the coming 5 years.

County boards would similarly proceed, with the advice of municipalities not designating land and all townships, to designate land already served by these facilities as urbanizing and the remainder as rural. Land situated in municipalities that provide these services but have not adopted a capital improvement program would be designated by the county. In the event the county board adopted a 5-year capital improvement program encompassing these improvements, it may also designate land served by them as urbanizing.

III. Won't communities have a tendency to designate the maximum amount of land as urbanizing?

Possibly . . . but this is offset by (1) the interest of land owners who want lower assessments on their land, (2) recognition that only land to be served by urban services may be so designated, and (3) the fact that some communities may want to remain rural. Communities must explain and support this urbanizing designation to their neighbors and to the region.

Land owners who are not interested either in selling their land for development or in holding it for a long period of time would be interested in availing themselves of the lower property tax available on land designated rural. Consequently, these owners are likely to appear at the public hearing required before designations are made to encourage the municipality to more tightly draw the line.

Some communities may be inclined to over-estimate the amount of land in their urbanizing category if they believe a substantial amount of development in the region is going to occur within their communities. They can do this, however, only if they are prepared to serve this land with urbantype public improvements. Finally, they must be prepared to explain how they arrived at placing a given amount of land in the urbanizing category and how they will serve it with public improvements to neighboring communities and to the region through the Metropolitan Council, the State Planning Agency and appropriate regional development commissions.

IV. What impact will this proposal have on growth in the non-metropolitan counties of Minnesota?

All growth in the state will not be confined to the core of the metropolitan area. On the contrary, many existing small towns in outlying areas - especially those with a full range of urban services - will continue to grow. Some of these communities within the ll-county area include: Buffalo, Cambridge, Red Wing, Monticello, Elk River, Jordan, Stillwater, Hastings and Waconia. Many others even farther from the core of the Twin Cities area can also expect new growth in the future.

The policies outlined in our recommendations simply encourage housing on less than 5 acres plus all commercial services and industry - particularly in the 7-county area - to locate within the areas designated urbanizing or on land immediately adjoining a municipality that provides extensive urban services wherever that municipality happens to be located. Such adjoining land could easily be served by extension of urban services from existing communities and be annexed by them. Also, we believe, our proposals will help the non-metropolitan counties avoid the mistakes we made in the past.

V. If this program were to work, is there any need for creating new municipalities?

This is a good question. We did not explore it in depth, but it needs to be answered. We noted in the findings that a significant number of new municipalities were created in the last 20 years - local units of government

with the power and authority to permit and even encourage new development. This transfer from rural (townships) to urban (municipalities) is important not only in the significant powers granted municipalities from the date of their birth but also in a psychological sense for its residents. Too frequently, however, these new governmental units lack the capacity and resources to prepare for development. We recognize that development is rapidly occurring in some townships and that a change in the form of local government will be needed. At the same time, the land area already organized under municipalities in the 7-county area is well beyond what will be needed far into the future. Whether land in rapidly developing townships should be incorporated into new municipalities, added to existing ones, and what process should be used, remain as significant unanswered questions. In the future, however, as land is designated urbanizing or rural this problem should diminish. It will still come up, however, in areas with significant large-lot development.

VI. What if municipalities do not have the capability and competence to prepare for development before it occurs and to designate land provided with urban services?

Considerable assistance, we believe, can and must be made available to these communities, who frequently lack the financial resources and personnel to prepare for development. It can, however, come from various sources including: municipalities or counties with established planning departments, the Metropolitan Council, or the State Planning Agency.

A recently announced program of the Metropolitan Council is directed to providing precisely the type of assistance many of these local units of government will need.

The state, we suggest, should also explore the use of some of the federal dollars likely to be available from a federal land-use planning act now progressing through Congress.

VII. Who will be responsible for metropolitan-related growth occurring outside of the 7 counties?

Urban sprawl from the Twin Cities area is becoming increasingly apparent well beyond the boundaries of the 7 "metropolitan" counties. New houses are going up for people who commute to jobs in the Twin Cities area along the lakeshore, in the woods, and on the recent farmland of these adjoining counties.

Within the 7-county area, we recommend that strong-competent local units of government, counties and the Metropolitan Council operate the programs which will influence the location of new housing development.

The State Planning Agency, by itself, or any regional development commission designated by the Planning Agency, together with competent local units of government, should handle responsibilities in the non-metropolitan counties. In some cases, the regional development commission might be appropriate -

particularly where most of the counties within the boundaries of this development commission are experiencing new growth related to the Twin Cities. One newly formed regional development commission, for example, includes Wright, Stearns, Sherburne and Becker Counties. In other instances, the development commission may have only one or two counties so affected. In these cases, it would seem preferable for the State Planning Agency to directly work with the individual counties.

## VIII. Will the designation of land for urbanization affect its value?

This will depend largely on how much land is designated as urbanizing. Presently, this is unknown. In the event, however, that the lines designating land as urbanizing are tightly drawn by municipalities, land values within this area may well increase.

We suggest the Metropolitan Council and the State Planning Agency be required to monitor all side effects of our recommendations . . . with particular emphasis on their impact on the cost of land and on the cost of housing.

The influence of our recommendations on land values is only part of a larger picture of escalating land values. Increases in the value of land are one of the most important factors contributing to the increased cost of housing and the reduction in land for agricultural use or open space on the fringe. We were aware of some alternatives suggested to get at this problem. These included: 1) public acquisition of land and the banking of it for future development; 2) public acquisition of development rights; and 3) higher rates of taxation on capital gains from land sales. Unfortunately, however, we were unable to fully explore the implications of these alternatives, their workability, or their effectiveness in reducing land costs and keeping land in agricultural or open space use. These alternatives and others remain to be explored.

# IX. How can the PUD approach reduce the cost of housing in urbanizing areas?

The clustering of housing within a PUD project reduces the cost of utility installation, as homes are grouped closer together than in a traditional lot-by-lot subdivision.

The PUD technique also permits municipalities and builders to modify their present requirements, which frequently contribute to increased housing costs. They would do this, however, with the assurance that the housing and common areas within a PUD would be maintained and that some postponed improvements would be subsequently made.

One of the factors that accounts for more costly new housing is the changing definition of "basic housing". The basic house of 1950 is no longer viewed as the basic house of 1973. Partly, this has occurred as increases and additions to minimum requirements of a basic house have continually been made by the public in zoning and subdivision codes over the past 20 years. Some of these requirements include: Minimum lot size, minimum floor area, offstreet parking and garages. They also include an upgrading in the engineering standards and minimum required public facilities such as curb and gutter, paved streets of a minimum width, dedication of land or its cash equivalent for parks, plus the installation of public utilities - sewer, water, and storm drains.

The motivation of these communities, which typically proceeded by raising individual standards, was fairly laudable. They did this partly as a way of preserving quality after seeing that some people did not maintain their homes. Other communities imposed these requirements in their effort to improve the quality of the living environment. Individually, each of these changes in minimum requirements may well be justified. However, the cumulative result of all of them was to increase the cost of the basic housing unit.

Any steps by a community to suspend, modify or postpone some of the now-required improvements would contribute. . .as builders respond. . .to immediate reductions in the cost of basic housing. Even slight reductions in the minimum lot size, for example, would directly lead to reductions in the land cost for each unit. Such changes by a community could be undertaken within the PUD framework without abandoning these requirements in existing city codes. This would be done, however, only in return for some comparable assurances within the PUD agreement that the objectives of these requirements would be met.

X. Can minimum requirements for new housing be eased by communities with the assurance that new units will be maintained and postponed public improvements subsequently made?

We believe it can — to the extent communities used Planned Unit Development techniques in approving new housing projects. A covenant is attached to all titles requiring the organization of a home owners association where land is held in common in a PUD. This organization has the responsibility for maintenance of the common open space, common recreational facilities and equipment, and for any other items added to the contract. These may include the exteriors of some or all types of housing units, and the maintenance of landscaping and private roads. Any postponed public improvements such as curb and gutter or high-quality street pavement, it would appear, could be added to the home owners contract for completion at a later date. At a minimum, such a step would lower the initial cost of the housing unit and give the buyer sufficient notice that these improvements will need to be made in the future. The method of payment would vary from direct assessment to individual owners, to possibly the entire home owners association.

XI. Will these proposals assist in maintaining land close to the Twin Cities for agricultural use and open space?

Our recommendations will aid in achieving this in two ways: 1) Some communities will choose to designate some of their land as rural and only slowly - if at all - move the urbanizing line outward into an agricultural area. 2) The limited uses permitted in rurally designated areas together with the deferred tax contract should greatly reduce the current pressures to move land out of agricultural use on the fringe - thereby tending to keep much of the present agricultural land in this use for the future.

XII. Will these recommendations foreclose or limit the opportunity for low and moderate income people to live in the developing suburbs?

We are recommending land be designated urbanizing or rural based on whether or not it is served by local sewer, water, roads etc. Within the area designated urbanizing, we suggest municipalities and builders proceed, using the Planned Unit Development technique, to develop housing within a wide price range. We further recommend municipalities provide incentives to builders to do this by changing some of their requirements for new housing, such as minimum lot and house sizes, streets, etc., that will enable development of some lower-cost housing.

In the area designated rural we recommend only that minimum lot sizes be required. This could increase the cost of a lot because it would be a larger one than now required in many areas to insure pollution problems do not develop in the future. However, this does not require building any higher-cost homes on these lots than those required by county, municipal or township codes. We further recommend the Metropolitan Council and the State Planning Agency/regional development commission monitor and report to the Legislature on the impact of these land designations and the extent local zoning and subdivision codes are designed to keep housing costs reasonable and to determine the extent housing opportunities are available to low and moderate income people.

XIII. Can the municipality or county adopt a minimum lot size beyond 5 acres on the rural designated land?

Yes - this is possible - it is only a minimum. Scott County has already zoned agricultural areas for minimum 10 acre development to maintain agricultural activity and discourage urban development. Other counties and communities are similarly concerned about the maintenance of agricultural areas and are proceeding in a similar direction.

There are some unsettled legal questions about the use of zoning for this purpose. Our recommendations, however, are only for adoption of a minimum lot size in these areas as a floor - simply to guarantee ground and water pollution will not occur in the future. We do not intend by this device to preclude either even larger lot sizes or the use of other techniques that might further the continuation of agriculture or the preservation of open space.

#### WORK OF THE COMMITTEE

#### Background

The Citizens League has been deeply involved in basic questions about planning, financing and governmental organization for the Twin Cities area since about 1961. Numerous research committees have studied and reported on many of the area's problems with sewage disposal, parks and open space, transit, airports, highways, area revenue needs and fiscal disparities, regional governmental organization and major capital improvements. Throughout many of these reports there was a recognition and concern about new development on the fringe of the area and its implications for the future. The more significant reports touching on this issue included:

- \* "Metropolitan Policy and Metropolitan Development", October 14, 1968, which recommended as a first step the creation of a governmental organization to handle the major policy issues of the Twin Cities region.
- \* "Metropolitan Public Improvements: Tying Them All Together", August 1, 1972. This report recommended a number of steps to gather together all regional improvements and their funding to coordinate, time and balance their development within the region but particularly in planning for future development on the fringe.

Research on regional issues led the League in 1969 to look at aspects of the housing problem. Our first study — "Adequate Housing Is Now Everyone's Problem" — served to bring out the magnitude of the problem, especially for moderate and lower income families. It noted that some of them were moving to the outer fringe in search of lower cost housing. The second housing report — "Better Use of Land and Housing", April 30, 1971 — focused on ways of making parcels of land available and greater use of the Planned Unit Development technique as an alternative to traditional zoning-subdivision approach for new housing development in the older, in-city neighborhoods. It noted, however, that developers and builders in the metropolitan area had not extensively used the PUD zoning alternative where it was available in many suburbs.

In the fall of 1972, the Citizens League Board of Directors sensed the need to explore some of the unanswered questions about Planned Unit Development and fringe area development. It was particularly concerned about 1) the techniques used to coordinate land development on the suburban fringe, 2) the desirability of PUDs, 3) the way PUD proposals are handled, and 4) the extent to which they should be used as a development technique on the fringe.

As a result of this concern, the Board authorized formation of the Planned Unit Development Committee.

#### Membership

A total of 26 members actively participated in the work of the committee. The chairman was Vici Oshiro. Other members were Robert L. Benson, Robert S. Berkwitz, Roger E. Conhaim, Ann S. Duff, N. W. Graff, Donald W. Hassenstab, Paul H. Hauge, Edward Heimel, John G. Hoeschler, Rudolph K. Hogberg, Jim Ingemunson, Jacquelyn Ingersoll, Gunnar Isberg, J. M. Leadholm, Oscar M. Lund, Jr., Allan E. Mulligan, J. Dudley Moylan, Mark W. Olson, Philip M. Raup, Victor S. Rotering, Peter H. Seed, C. M. Slocum, Clarence Smith, James Swadburg, and Matthew Thayer.

The committee was assisted by Clarence Shallbetter, Citizens League research associate; Jon Schroeder, research assistant; and Jean Bosch of the clerical staff.

#### Committee Activity

The committee held its first meeting on January 9, 1973. A total of 26 meetings were held, most of them 2-3 hour sessions, until September 5. Detailed minutes of the meetings were prepared of both presentations made to the committee and its deliberations.

The committee, throughout its meetings, focused on the dual question of Planned Unit Development (PUD) and fringe area development. PUD, we discovered, is both a concept for using land and a technique for development of new housing used by a number of municipalities and builders. This technique, we concluded in our deliberations, has many attractive features such as clustering of units to conserve large amounts of open space and to reduce public utility costs. The approach, which requires negotiation of the requirements between the municipality and the builder over use of a particular piece of land for housing, permits greater flexibility than permitted with the traditional land-use, subdivision technique. PUD, for example, has been heavily used in the development of new types of housing, such as townhouses and quadra-homes, that cannot easily fit into the traditional lot-by-lot mold.

There are a number of problems or difficulties in the use of PUD. Some of them focus on the procedures used by municipalities, the additional cost of preplanning to builders who desire to use this technique, the tendency of municipalities to impose the same requirements on PUDs as on traditional subdivision development, and the probable limited use of it by small developers due to their lack of capital. Unless these problems are overcome, PUD may be used for only a limited portion of the housing developed in the Twin Cities area. The committee prepared a number of recommendations to municipalities and builders which we believe will overcome many of these problems.

The desire to see the PUD alternative kept open for future housing development led the committee to a discussion of urban sprawl. How, for example, do we keep large tracts of land intact for future large housing development using the PUD approach? We concluded it would be desirable for such property to be close to previously urbanized areas — not out on the edge of the fringe — since we concluded a fairly contiguous urban population makes better use of utilities, especially those that are linear in character such as transit, sewage and gas.

The committee, from the outset, received information about what was happening to new housing development in the Twin Cities area. Our findings about dispersal and sprawl suggest this is the dominant pattern of development today, and further outline why this has occurred. We concluded this pattern was not desirable but that it exists and that any strategy to control it must recognize that housing is the primary initiator of it.

within the context of our findings and conclusions about sprawl, the committee further perceived of planned unit development as a technique which not only would provide an alternate way of using land but one which was also suitable for providing much of the amenity, privacy, and the possibility of lower-cost housing many are seeking in moving outward on the fringe. PUD, in this context, holds forth an exciting promise as part of a set of regional development policies we recommend be adopted to guide future urban growth.

Among the resource persons who met with the committee were:

Willard O. Ackerman, zoning administrator, Village of Lakeville.
Richard Babcock, attorney, Chicago, Illinois.

Ian T. Ball, comprehensive planner, Metropolitan Council.

David Callies, attorney, Chicago, Illinois.

Howard Dahlgren, president, Midwest Planning & Research, Inc.

Robert Engstrom, Engstrom & Associates.

Hans Hagen, Ban-Con, Inc.

George C. Hite, Dayton Hudson Corp.

Fred Hoisington, Brauer & Associates.

Gunnar Isberg, planning director, Dakota County.

Peter Jarvis, Bather-Ringrose-Wolsfeld, Inc.

Ray Jones, mayor, Village of St. Francis.

Frank Lamm, director, environmental planning, Metropolitan Council.

Larry Laukka, then president, Shelter Homes Corp.

Frank Liptak, Vern Donnay Realty.

Landol Locher, attorney, Anoka, Minnesota.

William Lundquist, chairman, Washington County Planning Commission.

Trudy McFall, director, housing program, Metropolitan Council.

D. G. Minder, clerk, Burns Township.

Glen Northrup, planner, Village of Burnsville.

Martin Overhiser, planning director, Village of Plymouth.

Richard A. Putnam, planner, Village of Eden Prairie.

James Quinlan, chairman, planning commission, Village of Champlin.

Philip Raup, professor of agricultural & applied Economics, University of Minnesota.

Don Reis, planning director, City of Coon Rapids.

Robert Schaefer, administrator, Village of Inver Grove Heights.

William A. Schwab, planning coordinator, Washington County.

Warren Sifferath, extension agent, Dakota County.

Bernard Steffen, administrator, Anoka County.

William Thibault, planning director, City of St. Louis Park.

Robert Webster, planner, City of Bloomington.

Ron West, planning director, City of Brooklyn Park.

#### BACKGROUND

#### I. Total land area and declining use of it for farming.

There is no absolute shortage of land which might accommodate development within a 50-60 mile commuting range of the Twin Cities.

Total acreage of the 11 Minnesota county area around the Twin Cities is 3,066,240, or 5 acres per dwelling unit - a typical city block and a half for the present population if it were redistributed over this area.

The largest single use of land in the 11 county Minnesota area around the Twin Cities continues to be agriculture. More than 2/3 of the total acreage of 5 counties - Chisago, Carver, Dakota, Scott and Wright - is used for farming. Even within the 7 county area 995,400 acres, or 53%, of the land is owned for farms.

Land used for farming, according to the U.S. Census of Agriculture, however, declined at the rate of 20% from 1959-69, in contrast to a 6% decrease throughout the state. Approximately 30% of the total land taken out of farming in Minnesota came within this growing urban region. The total loss of farm acreage and the relative change in the proportion of land in farms for the 11 county metro area and 6 others adjoining them where some new population growth related to the metropolitan area was experienced are as follows:

Table 1

CHANGES IN FARMLAND ACREAGE IN COUNTIES EXPERIENCING POPULATION GROWTH RELATED TO THE METROPOLITAN AREA

	Loss of Acres of	% of Decline of Total Farmland	% o Total A in Fa	Acreage	Change in % of Total Acreage in Farms,
County	Farmland (1)	Acreage	1959	1969	1959-69
11-county metro fringe					
Anoka	46,954	-33%	52%	35%	-17%
Carver	18,493	- 9	93	85	- 8
Chisago	37,588	-18	79	65	-14
Dakota	41,498	-14	82	70	-12
Hennepin	57,058	-30	52	36	-16
Isanti	54,101	-26	30	21	- 9
Ramsey	8,430	-64	13	5	- 8
Scott	35,048	-17	90	75	-15
Sherburne	40,085	-20	31	22	- 9
Washington	52,081	-30	78	58	-20
Wright	58,581	-15	92	78	-14
Total	449,917	-20%			
6 counties					
adjoining fringe					
Goodhue	23,803	- 6	90	86	- 4
Rice	16,486	- 6	93	88	- 5
LeSueur	19,282	- 7	94	88	- 6
McLeod	10,067	- 3	95	93	- 2
Mille Lacs	19,226	-10	55	50	- 5
Kanabec	28,152	-14	62	54	- 8
Total	117,016				
Minnesota	1,959,260	- 6	60	57	- 3

<sup>(1)</sup> U.S. Census of Agriculture, 1969.

#### II. Vacant land supply in the 7-county area.

Vacant land totaling approximately 500,000 acres, or 26% of the total amount of land in the 7-county metropolitan area, represents the second largest category of land uses following the 995,400 acres or 53% in agriculture. It contrasts with the 125,000 or 7% used for residential purposes. The estimate of vacant land was made from 1970 Metropolitan Travel Behavior aerial surveys which defined vacant land as land not used for agricultural, residential, commercial, industrial or recreational uses, or covered by lakes, parks or roads.

Soil conditions and access may preclude development of much of this vacant land. Nevertheless, it represents a tremendous land bank for potential development.

A significant amount of land came into this vacant category in the past 10 years as agricultural use declined. The U.S. Census of Agriculture indicates the number of acres in farmland within the 7 counties declined by 259,562 acres, or 21%, from 1959-69. The location by county of vacant land and the loss of farmland acreages is noted as follows:

Table 2

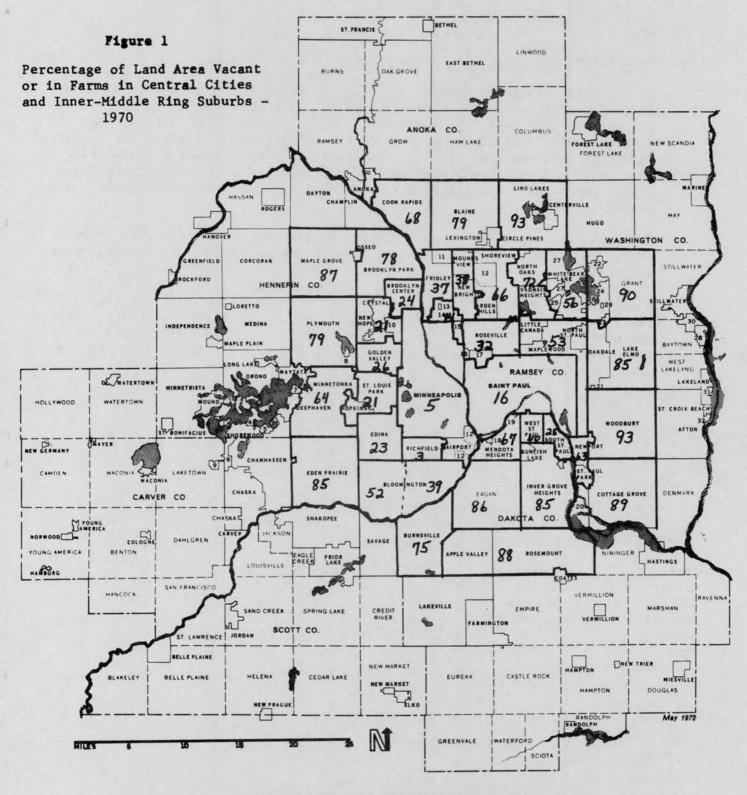
VACANT LAND AND LOSS OF ACRES IN FARMLAND
IN 7-COUNTY METROPOLITAN AREA

County	Acres of Vacant Land(1)	% of Total Acreage Vacant	Loss of Acres of Farmland 1959-69 (2)	Loss of No. of Farms 1959-69
Anoka	141,350	51%	46,950	194
Carver	14,340	6	18,490	325
Dakota	74,250	20	41,500	419
Hennepin	107,730	28	57,060	832
Ramsey	36,500	33	8,430	175
Scott	43,050	19	35,050	239
Washington	84,150	31_	52,080	308
Total - 7-county area	501,370	26%	259,560	2,492

Much of the vacant land is not confined to largely rural areas undergoing transition, but is evident in a number of sizable and growing suburbs. (See Table 3 and Figure 1.)

<sup>(1)</sup> Estimates of the 1970 Travel Behavior Inventory, Metropolitan Council.

<sup>(2)</sup> U.S. Census of Agriculture, 1969.



# TWIN CITIES METROPOLITAN AREA, Political Boundaries, 1972

1 SPRING PARK 2 ORONO	9 VICTORIA 10 ROBBINSDALE	17 FALCON HEIGHTS	25 GEN LAKE 26 BIRCHWOOD	ANOKA	County
3 MINNETONKA BEACH	11 SPRING LAKE PARK 12 U. S. GOYT.	19 LILYDALE 20 GREY CLOUD	27 WHITE BEAR 28 BAYPORT	GRANT	Township
5 EXCELSION 6 GREENWOOD 7 WOODLAND	13 HILLTOP 14 COLUMBIA HEIGHTS 15 ST. ANTHONY	21 LANDFALL 22 DELLWOOD 23 PINE SPRINGS 24 MANTOMEDI	29 WILLERNIE 30 OAK PARK HEIGHTS 31 LAKELAND SHORES 32 ST. MARY'S POINT	05560	Municipality

Table 3

VACANT LAND AND ITS POPULATION CAPACITY IN INNER AND MIDDLE RING SUBURBS

Inner Ring Suburbs	Vacant and Farm Acreage(1)	% of Total Land Area Vacant/Farm(2)	Additional Population Capacity(3)
Brooklyn Center	1,246	24	4,610
Crystal	1,094	32	3,938
Robbinsdale	221	13	685
Golden Valley	1,714	26	6,342
St. Louis Park	1,352	19	4,056
Hopkins	647	25	1,941
Edina	2,511	23	8,286
Richfield	158	3	506
Mendota Heights	4,502	67	17,108
West St. Paul	1,303	40	3,779
South St. Paul	941	25	3,105
Newport-St. Paul Park	2,393	63	8,854
Maplewood-Little Canada-			
North St. Paul	7,963	53	32,648
Roseville	2,728	32	9,548
Falcon Heights-Lauderdale	486	29	1,458
Columbia Heights-St. Anthony	478	14	2,103
Fridley-Spring Lake Park	$\frac{2,945}{32,682}$	37	10,897 119,864
Middle Ring Suburbs			
Brooklyn Park	13,387	78	48,193
Maple Grove	19,724	87	82,840
New Hope	604	17	1,933
Plymouth	17,233	79	65,485
Minnetonka	12,118	64	47,260
Eden Prairie	18,317	85	76,931
West Bloomington	8,041	52	32,164
East Bloomington	3,418	39	10,134
Burnsville	12,383	75	50,770
Eagan	17,816	86	64,138
Inver Grove HtsSunfish Lake	16,386	85	65,544
Cottage Grove-Grey Cloud Twp.	23,237	89	106,890
Woodbury	20,333	93	87,432
Oakdale-Lake Elmo	17,976	85	70,106
White Bear Lake-Gem Lake	5,860	56	22,854
Vadnais Heights-North Oaks	8,487	72	33,099
Arden Hills-Shoreview	7,492	66	27,720
New Brighton-Mounds View	2,872	38	9,190
Blaine-Circle Pines-Lexington	18,529	79	79,675
Coon Rapids	9,626	68	43,317
	253,839		1,026,675

- (1) Estimates of the 1970 Travel Behavior Inventory, Metropolitan Council.
- (2) Percentage is of total acreage minus acreage of water.
- (3) Assumes 2/3 of the land will be used for streets, public facilities, industry and commercial uses, and that housing units in each community will have the same average occupancy as in 1970.

A total of 286,500 acres (447 sq. miles) are either vacant or in farmland in these 51 inner and middle ring suburbs alone. They alone could accommodate 1,150,000 people if one-third of this land was developed for housing at newer suburban densities of 3 housing units per acre and with housing units in each community having the same number of occupants as in 1970. This is substantially more than the 813,000-830,600 increase in population projected for the 7-county area in 1970-1990 by the Metropolitan Council and the State Health Department. It could even nearly accommodate the 1,222,000-1,302,000 forecasted for the year 2000. Additional large quantities of vacant land also exist in many other more-distant rapidly developing communities adjoining these. They include: Lakeville, Shakopee, Prior Lake, Chanhassen, Chaska, Champlin, Anoka, Ramsey and Grow townships, Lino Lakes, Stillwater, and many villages surrounding Lake Minnetonka.

#### III. Farmland value increases

The price of farmland increased 56% from 1968-72 in 7 counties surrounding Hennepin and Ramsey - Anoka, Dakota, Washington, Carver, Scott, Chisago and Wright - according to surveys of land values conducted by the University Department of Agricultural Economics.

Most of these unusually high increases in land value are due to the influence of urban expansion and the higher price per acre people are willing to pay for residential use than for farming. Land values on the metropolitan fringe are far in excess of what they would be if land were sold only for agricultural use where land is valued largely in terms of its ability to produce crops and sustain agricultural enterprises.

Most of this increase is due to the seller and buyers anticipating that the land will move from agricultural to some urbanized use.

The basic agricultural value . . . that is, what a willing farmer would pay a willing farmer for agricultural use of the land . . . varies throughout the 11-county area related to the Twin Cities. Essentially, land values to the north of the Twin Cities in excess of \$200 per acre are due to the demand for housing. Recent, possibly conservative, reports of the Department of Agricultural Economics, however, note land values at \$400-450 in Chisago County and \$800-plus in Anoka County. Comparable, though lower, prices are also found in portions of Isanti and Sherburne Counties.

Similarly, land values in excess of \$320-380 in the southern and south-western part of the area, where soils are more productive, are due to obvious or anticipated urban development. Farmland sales, and conservative estimates of land values per acre in 1972 in these counties, are as follows:

Carver	-	\$600-800	Wright	_	\$470-580
Dakota	-	475-700	Washington	-	620-640
Scott		550-560			

### IV. Metro population growth dispersing into outer suburbs and rural areas of 12 counties.

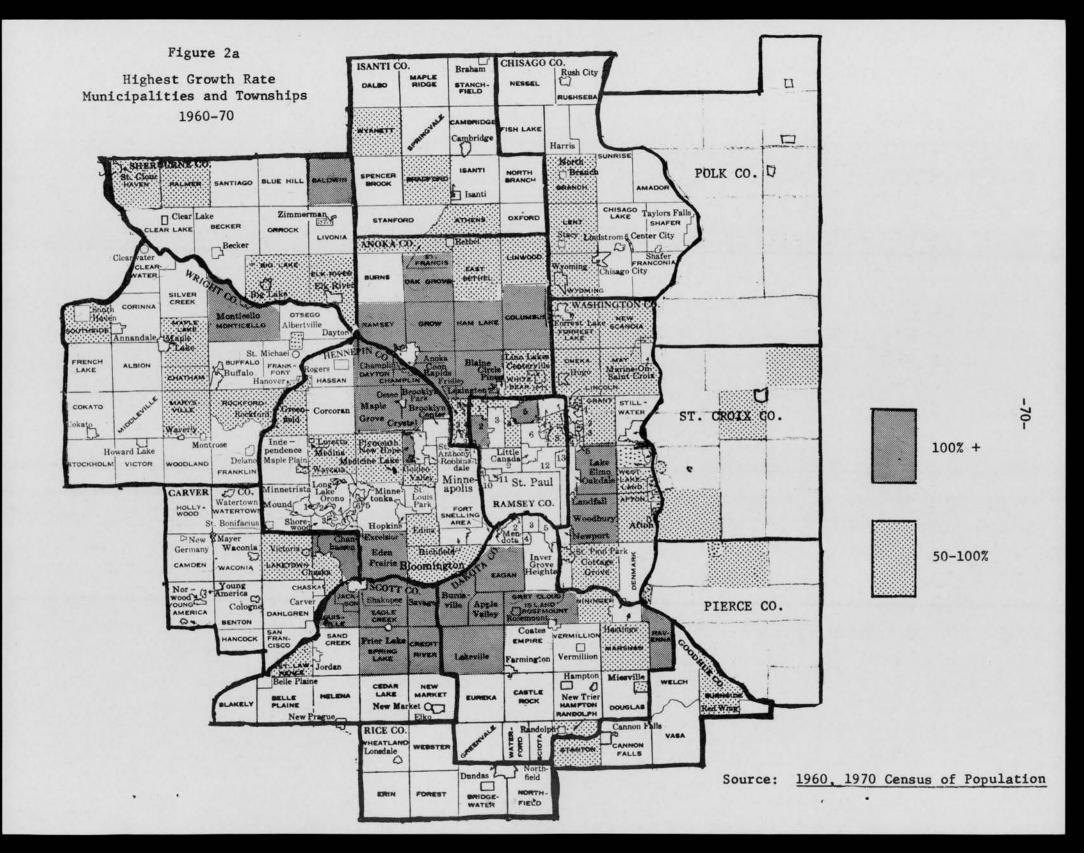
Above-average population growth was observed within a 50-60 mile (one-hour driving time) commuting range of the Twin Cities.

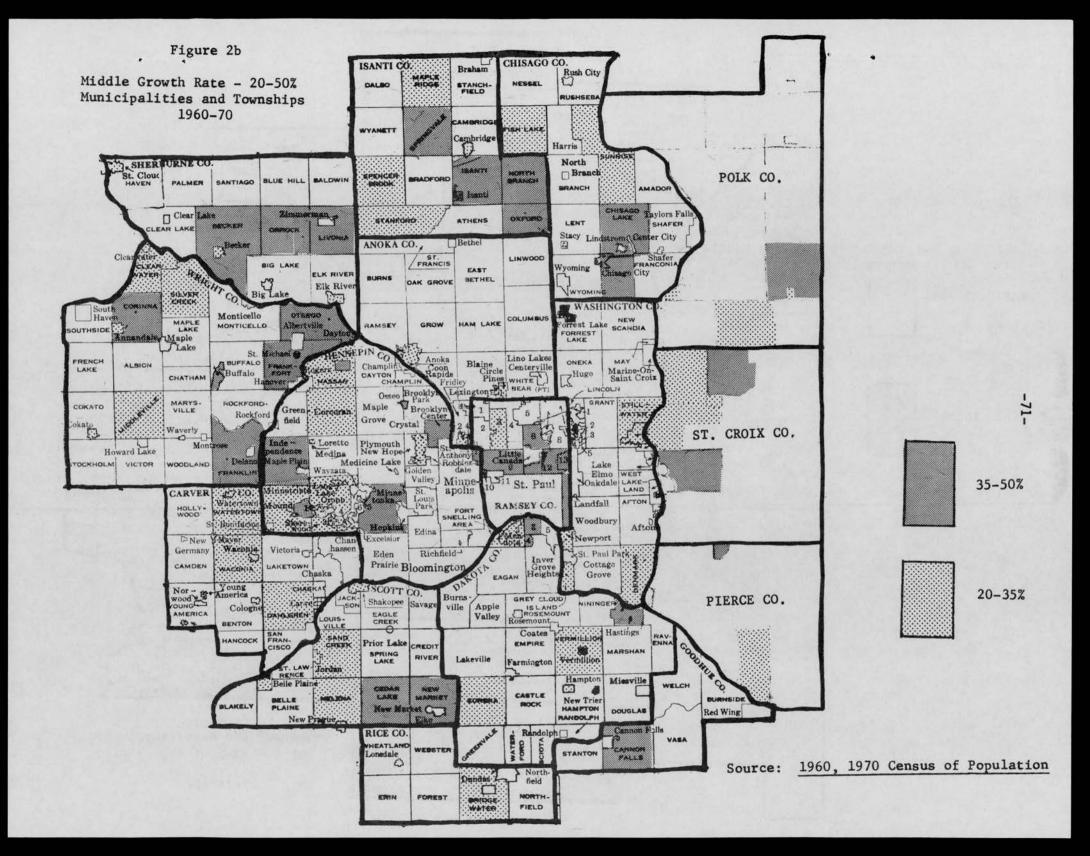
The average growth rate of population in Minnesota from 1960-70 was 11.5%, according to the U.S. Census. Counties influenced by outward movement from the central cities and first-ring suburbs which exceeded this rate, and their percentage increase, include:

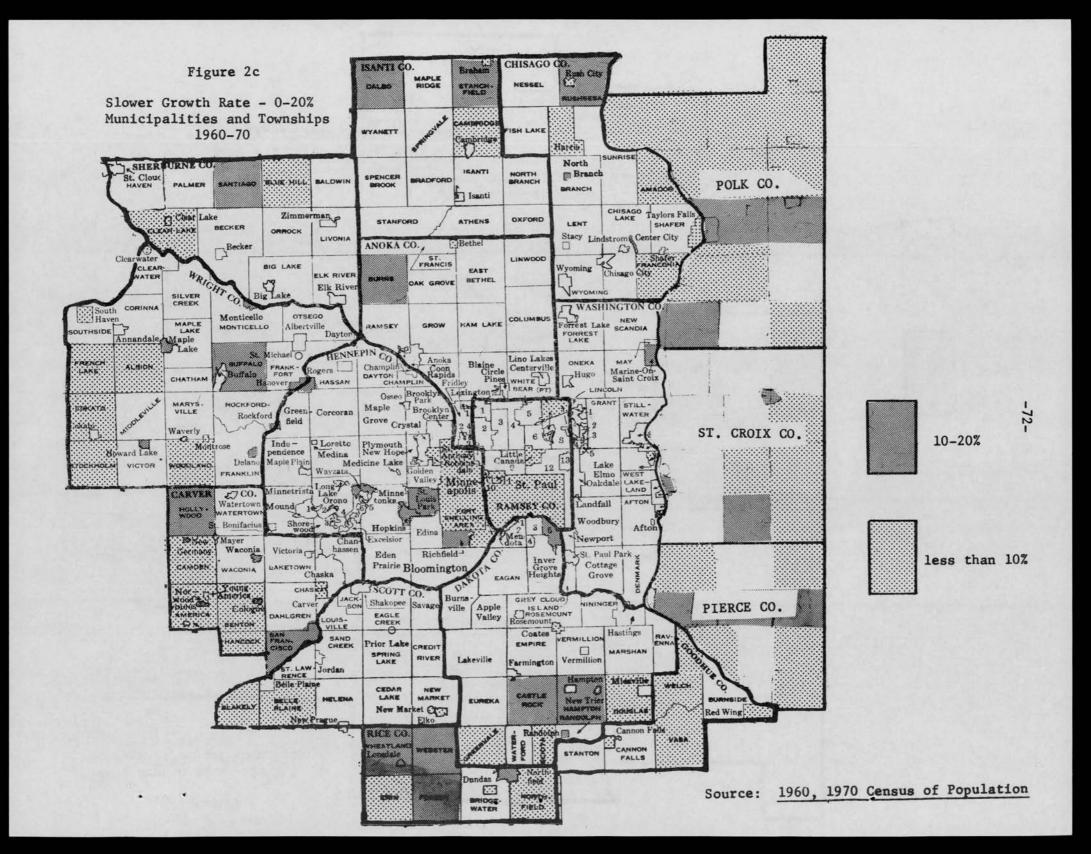
Anoka	80%	Chisago	30%
Dakota	79	Wright	30
Washington	58	Isanti	22
Scott	48	St. Croix (Wis.)	17
Sherburne	43	Hennepin	14
Carver	33	Ramsey	13

Within these counties, approximately 70% of the villages/cities and 65% of the townships experienced growth rates at double the state average. Some 16 villages/cities and 25 townships in an additional 8 counties adjoining the 12 experiencing major metropolitan related growth also evidenced significant increases. These counties included: Kanabec, Mille Lacs, McLeod, LeSueur, Rice, Goodhue in Minnesota, and Pierce and Polk Counties in Wisconsin.

The relative rate of population growth and the edge of the urban fringe which is defined by a band of more typical rural townships (those that lost population in the last 10 years) is seen in Figures 2a, b and c.





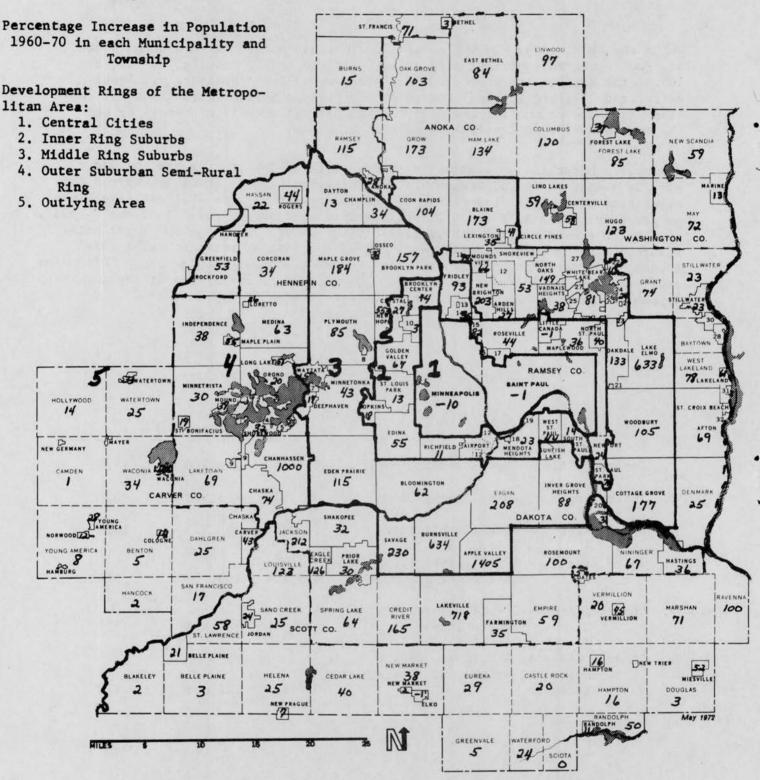


While the bulk of the 438,000 population increase outside of Minneapolis and St. Paul - cities that lost population - settled in the suburbs, 69,500, or 16% of the total, were scattered in 83 long-established outlying villages/cities and 117 largely rural townships of these counties. This total, if combined into one community, would be the 5th largest city in Minnesota or one the combined size of Crystal-New Hope-Robbinsdale.

The most substantial population increases of the 7-county area are now occurring in a middle ring of new suburbs and previously rural townships beyond the first tier of suburbs (see Figure 3). This tremendous area - almost five times as large as Minneapolis and St. Paul combined - accounted for 55% of the 7-county population growth outside the central cities in 1960-70. An even larger outer suburban ring composed of newly established communities and some still rural townships is appearing beyond the intensively developing middle ring. This outer area grew by 62,475 or 15% of the 1960-70 increase. Populations of these development rings and their proportional increase are as follows:

Table 4
Population Changes 1960-70 by Development Ring

		1960	1970	% Increase
1.	Central Cities (Mpls. and St. Paul)	796,280	744,228	-7%
2.	Inner Ring - 25 villages/cities	351,974	466,964	33%
3.	Middle Ring - 42 villages/cities	220,490	445,553	102%
4.	Outer Ring - 42 villages/cities 18 townships	106,874	169,256	58%
5.	Outlying Area - 26 villages/cities 34 townships	36,928	45,458	27%
6.	Other 5 Counties - Chisago, Isanti, Sherburne, Wright, St. Croix, Wisconsin	98,909	125,683	27%



### TWIN CITIES METROPOLITAN AREA, Political Boundaries, 1972

SPRING PARK
ORONO
I MINNETONKA BEACH
TONKA BAY
GREENWOOD
WOODLAND

9 VICTORIA
10 ROBBINSDALE
11 SPRING LAKE PARK
12 U. S. GOYT.
13 HILLTOP
14 COLUMBIA HEIGHTS
15 ST. ANTHONY
16 LAUDERDALE 6 GREENWOOD 7 WOODLAND 8 MEDICINE LAKE

17 FALCON HEIGHTS
18 MENDOTA
19 LILYDALE
20 GREY CLOUD
21 LANDFALL
22 DELLWOOD
23 PINE SPRINGS
24 MAHTOMEDI

25 GEM LAKE
26 BIRCHWOOD
27 WHITE BEAR
28 BAYPORT
29 WILLERNIE
30 OAK PARK HEIGHTS
31 LAKELAND SHORES
32 ST. MARY'S POINT

ANOKA County GRANT Township OSSEO Municipality

#### V. Increase in numbers of municipalities and land area within them.

The transition of local units of government from rural (townships) to urban (municipalities) has kept pace with and even exceeded the movement outward of people in the metropolitan area. This transition occurred either by annexation of land by an existing municipality, or more frequently by incorporation of a township. Since 1950 a total of 54 major new communities of over 1,000 acres were established or expanded from smaller villages in the 7-county area. One half of these occurred in the past 12 years. An additional 28 small annexations or incorporations occurred during the same period, but most of these - 21 - took place from 1950-60 before the creation of the Minnesota Municipal Commission. Within the past decade there were also annexations by 11 villages/cities in Chisago, Sherburne and Wright Counties.

Land area encompassed by these changes in the 7-county area totaled 693,000 acres, or 1,082 square miles. This area contrasts with the 99,650 acres, or 156 square miles, in Minneapolis and St. Paul, plus the 50.1 miles in 8 first-ring suburbs - Columbia Heights, Robbinsdale, Golden Valley, St. Louis Park, Richfield, West St. Paul, South St. Paul, and Falcon Heights - which together in 1970 contained half the population of the metropolitan area.

The pace of incorporation and annexation somewhat slowed from 49 in 1950-60 to 33 in 1960-70. The amount of land brought into municipalities, however, slightly increased from 331,550 acres in 1950-60 to 361,540 in 1960-72. (See Table 5.)

## LAND AREA OF TERRITORY ANNEXED OR INCORPORATED INTO MUNICIPALITIES 1950-72

Development rings are identified in Figure 3

Inner Ring	Middle Ring	Outer Ring	Outlying Area
	An	noka County	
1950-60 Hilltop 80	Circle Pines 1, Coon Rapids 14, Lexington	1950-60 E. Bethel 28,702 Lino Lakes 17,473	1950-60
	Spring Lk. Pk. 1,	1960-72 Anoka 551	1960-72 St. Francis 15,410
	Ca	arver County	
		1950-60 Waconia 50	1950-60
		1960-72 Chanhassen 13,268 Chaska 9,220 Victoria 1,152 Waconia 94	1960-72   Cologne   121   Mayer   35   Watertown   134
	Dak	kota County	
1950-60 Lilydale 470 Mendota Hts. 5,838	1950-60	1950-60	
1960-72 S. St. Paul 41	Burnsville 16	1960-72 ,942 Farmington 6,662 ,390 Lakeville 23,373 ,744 Rosemount 22,092	
	Henne	epin County	
1950-60 St. Anthony 1,480 St. Louis Pk. 100	Brooklyn Pk. 16 Maple Grove 21 Minnetonka 17 New Hope 3	1950-60 Corcoran 23,071 1,985 Greenwood 350 1,938 Independence21,264 1,425 Long Lake 200 1,289 Loretto 164 1,306 Maple Plain 100 1400 Medina 16,144 0rono 11,245 St. Bonifacius 250 Shorewood 3,686 Spring Park 275	1950-60 Greenfield 13,429
1960-72 Edina - consol. 242	1960-72 Eden Prairie 21 Osseo	1960-72 Champlin 5,505 Dayton 15,732 Minnetrista 16,393	

Table 5
Table 5 (continued)
(continued)

Inner Ring	Middle Ring	Outer Ring	Outlying Area
	Ramsey	County	
1950-60 Little Canada 2,595 Maplewood 11,055			
	Scott C	ounty	
	1950-60	1950-60	1950-60
	1960-72 Savage 10,200	1960-72 Prior Lake 6,462 Shakopee 15,712	1960-72 Jordan 268
	Washington	County	
1950-60 Newport 60	1950-60 Dellwood 400 Landfall 60 Mahtomedi 50 Pine Springs 472	1950-60 Lakeland 1,607 Oak Pk. Hts. 343 St. Croix Beach 371 St. Mary's Pt. 245	
	1960-72 Cottage Gr. 22,962 Dellwood 336 Lake Elmo 13,239 Mahtomedi 1,530 Oakdale 6,634 Woodbury 22,358	1960-72 Afton 16,217 Forest Lake 272 Hugo 21,397 Oak Pk. Hts. 880 Stillwater 778	
Sub-Totals:			
1950-60: <u>21,680</u> acres 1960-72: <u>283</u> acres			
Totals: 21,963	339,992	301,300	29,397

#### VI. Outward shift of new-young student growth.

School districts experiencing new enrollment growth from increases in the number of children entering kindergarten/lst grade are now almost entirely found on the fringe.

Total enrollments in grades 1-12 in the 11-county area grew by a total of almost 180,000 from 1960-72. Much of this increase was absorbed by the fast-growing suburban districts in Hennepin, Ramsey, Anoka and Dakota Counties. Many of these districts continue to experience enrollment increases in grades 7-12, but an absolute decrease in the numbers of children entering school in kindergarten/1st grade. Eleven of the 21 districts in Hennepin and Ramsey Counties, for example, experienced an absolute decrease in the number of kindergarten/1st grade students entering schools during the past decade. The remaining 10 districts account for only a modest 15% of the 8,500 increase in numbers of these students.

Approximately 73% of the growth in numbers of children entering kindergarten/lst grade is found in 31 districts in Anoka, Dakota, Washington, Wright and Scott Counties. School districts in counties experiencing the highest rates of young-student enrollment growth and the percentage increase in the kindergarten/lst grade enrollment 1960-70 in these counties are noted in the following table:

#### Table 6

COUNTIES AND SCHOOL DISTRICTS EXPERIENCING SIGNIFICANT KINDERGARTEN/FIRST GRADE ENROLLMENG GROWTH

Dakota	County	-	108%
Burns	ville		
Rosen	nount		
Lakev	rille		
Hasti	ngs		

Wright	County	-	140%
Dela	no		
Buff	alo		
Rock	ford		
Map1	e Lake		
Mont	icello		

Sherbu	irne	County	-	98%
Elk	Rive	er		

Scott Coun	ty -	282%
Jordan		
Shakopee		
Prior La	ke	
New Prac	ue	

Carver	County	-	118%
Chasl	ca		
Water	rtown		
Wacor	nia		

Washington County - 85% St. Paul Park

Isanti County - 62% Cambridge

These are the school districts where pressures on the existing school plant are the greatest, where additional new facilities will be needed, and where bond elections will more frequently be held if the present pattern of development and school attendance policies continue unchanged.

ABOUT THE CITIZENS LEAGUE . . .

The Citizens League, founded in 1952, is an independent, non-partisan educational organization in the Twin Cities area, with some 3,600 members, specializing in questions of government planning, finance and organization.

Citizens League reports, which provide assistance to public officials and others in finding solutions to complex problems of local government, are developed by volunteer research committees, supported by a fulltime professional staff.

Membership is open to the public. The League's annual budget is financed by annual dues of \$15 (\$25 for family memberships) and contributions from more than 500 businesses, foundations, and other organizations.

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### CITIZENS LEAGUE

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These are summaries of the important points of some of the publications from the bibliography sent by the National LWV.

National Land Use Policy: Objectives, Components, Implementation. - the proceedings of a special conference sponsored by the Soil Conservation Society of America, Nov. 27-29, 1972 in Des Moines, Iowa.

Published by: Soil Conservation Society of America; Ankeny, Iowa, 1973.

There have been two forces in United States land use history: 1) development and; 2) interplay of public and private interests. Our policy up until 1900 could be phrased as "fill it up, connect it up and use it up." The public domain was a source of national revenue and not until the Revision Acts of 1891, putting aside forest lands, did environmental concern start sharing the limelight with competition for land. Our acceptance as far as land use is concerned has always been on rapid economic growth rather than on balanced growth.

Since 1776 our population has increased from 4 million to over 200 million. We have used a significant part of our non-renewable resources and the quality of what remains is much lower. Location, private ownership and complimentarity of resources have determined the effects and value of resource use. Most land owners are ill-informed about the characteristics of the land and have meager appreciation of the effects their decisions will have on the quality of soil, water and related elements of the environment.

Resources are the elements useful to man. To be counted as resources, they must meet three conditions:

1) satisfy some need of man; 2) technology must already be available to use it; 3) easy to get at. The natural resource base is made up of water, climate, minerals, vegetation and land. The land is our base for food, clothing, lumber, housing, cities, highways, airports, outdoor recreation, wildlife, water collection and storage. The United States has 2.3 billion acres of land, one-third of which is owned by the federal government. We do not have sufficient data on local resources. We need a Resource Management Information System run by electronic data processing for easy analysis by local planning units.

Zoning has been our primary instrument of land use control, especially in urban areas. It has been most effective in guiding development but less effective in guiding or restricting land use change in rural areas. Basically, it is a negative control mechanism. It cannot push people into doing what they would prefer not to do. Unless planning and zoning are opposed to the interests of some land owners, they are worthless. One article recommended a new form of public land ownership with local government taking the major role in deciding uses for public and private land. Major changes in the production process and consumptionist habits are needed (i.e. recycling) if we are serious about environmental impacts.

Most of the authors agreed with Lois Sharpe's speech advocating a strong role in land use planning by a well informed public. Other suggestions emphasized the interrelationship in planning for both rural and urban development. That planning for both be done in concert and not in competion with each other.

In a nation where most development to date has come from the incentives inherent in the right to own and manage property, the question of regulation and control raises the spectre of controversy with two questions: 1) can private land uses be controlled (especially in open country) for public purposes and benefits; and 2; does the owner, rural or open land, have a right to monetary profit, not simply from the productivity of his land and his managerial inputs, but from unearned increments due to fortuitous location and population growth or involvement (i.e. urbanization).

Summaries page 2

Basic to the controversy will be the traditional view that the owner of a fee simple title has sole and absolute dominion over his land. But we must recognize a new philosophy of land rights which recognizes the duties as well as the rights of land ownership.

Population and the American Future - the report of the Commission on Population Growth and the American Future.

Published by the U.S. Government Printing Office, Wash. D.C.

This well publicized two year study commission headed by John D. Rockefeller has concluded that, "in the long run, no substantial benefits will result in further growth of the nation's population, rather, that the gradual stabilization of our population through voluntary means would contribute significantly to the nation's ability to solve its problems. There are no convincing economic arguments for continued population growth. The health of our country does not depend on it, nor does the vitality of business nor the welfare of the average person."

The recommendations are directed towards public education of the causes and consequences of population change, facilitating and guiding the processes of population movement, maximizing information about human reproduction and its consequences for the family, and enabling individuals to avoid unwanted fertility.

The following is a summary of the compilation of the recommendations of the commission.

Public Education - 1) Population Education Act to assist public school systems in establishing well planned programs to prepare future generations for challenges arising from population changeand 2) sex education made freely available.

Child Care - 1) services to include health, nutritional and education available to families. 2)
Children born out of wedlock be accorded fair and equal status morally, emotionally and legally.

2) Adoption to be subsidized for families qualified to adopt but unable to assume the full cost of a child's care.

Equal Rights for Women - full support of passage of ERA.

Fertility Related Health Services - 1) States eliminate existing legal inhibitions, restrictions, and develop statutes affirming the desirability of access to contraceptive information, procedures and supplies; 2) States adopt affirmative legislation which will permit minors to receive contraceptive and prophylactic information and services; 3) Voluntary sterilization to be freedom of choice between patient and physician; 4) Abortion-liberalization for all states along the lines of New York statute; 5) Fertility control research into reproduction biology; 6) Personnel training and delivery of services;

7) Extension of current family planning programs; 3) Stabilization of population.

Illegal Aliens - Congressional legislation to impose civil and criminal sanctions on employers of illegal border-crossers or aliens in an immigration status in which employment is not authorized. Immigration levels not be increased.

National Population Distribution - 1) Federal government establish national population distribution guidelines to serve as a framework for regional, state and local plans and development; 2) Comprehensive planning and action programs to achieve higher quality of urban development; 3) Population

movement to be guided; 4) Freedom of choice of residential location through elimination of current patterns of racial and economic segregation; 5) Anticipation of future urban growth through comprehensive land use and public facility planning on an overall metropolitan and regional scale; 6) Improvement of the quality and mobility potential of individuals; 7) Establishment of state or regional development corporations which would have the responsibility and the necessary powers to implement comprehensive development plans either as a developer itself or as a catalyst for private development.

Research and Statistics -1) Federal government to strengthen basic statistics research 2) mid-decade census to supplement the decennial census; 3) Intercensal population estimates; 4) Social and behavioral research; 5) Research in population distribution.

Professional Training in social and behavioral aspects of populations.

Strengthening of Office of Population Affairs in Department of HEW.

Establishment of National Institute of Population Sciences.

Establishment of Dept. of Community Development.

Establishment of Office of Population Growth and Distribution.

Establishment of Council of Social Advisors.

Establishment of Joint Congressional Committee on Population.

Establishment of State Population Agencies.

Urban and Rural America: Policies for Future Growth - advisory Commission on Intergovernmental Relations, Wash. D.C., April, 1968.

Published by: U.S. Government Printing Office

This report is an examination of recent patterns of urbanization and economic development in the United States and the linkage between the two. The public and private influences on the geographic distribution of population and economic activity. It contains a wealth of data - we have summarized only the reports conclusions and recommendations.

- 1) Projection of population growth and distribution indicates an intensification of most of the problems identified as the urban crisis.
- 2) Although the issue is exceedingly complex and there are good arguments on both sides of the question, the commission concluded on balance that a national policy to deal with urban growth would be desirable. There is a specific need for immediate establishment of a national policy for guiding the location and character of future urbanization, involving federal, state and local governments in collaboration with the private sector.
- 3) In the implementation of said policy the commission recommends a reassessment and possible restricting of existing multi-state economic planning and development agencies.
- 4) The commission recommends the development of policies by the states to incorporate social, economic and other considerations to guide specific decisions at the state level which affect patterns of urban growth.
- 5) The following are probably effective means of implementing national growth policy.
  - a) Federal financial incentives.
  - b) Placement of federal contracts and facilities so as to foster desirable urban growth patterns.
  - c) Federal policy to encourage mobility such as underwriting moving expenses, retraining, etc.

- d) Strengthening family planning information programs.
- e) Federal involvement and assistance for large scale urban and new community development which is in accord with policy.
- 6) The commission believes the following should be considered useful devices for implementing the urban growth policies of the states.
  - a) Assist in obtaining preferential credit for business in accord with policy.
- b) Placement of state contracts and facilities in accord with policy.
  - c) The establishment of state land use agencies.
  - d) Tax deferral for development in accord with policy.
- e) Empowering local governments to deal with area growth, encouraging county consolidation and granting municipalities authority to annex territory in accord with policy.

#### The Quiet Revolution in Land Use Control Summary Report

Prepared for the Council on Environmental Quality by Fred Bosselman and David Callies.

- 1) Local zoning ordinances have proved inadequate as a means of controlling land use to combat statewide problems of social or ecological significance.
- 2) Through a series of actions between the states and local government land use practices are shifting from local to state control.
- 3) Examples:
  - a) Hawaii has passed legislation to preserve agricultural land from urban sprawl. A commission was established to define four districts I) urban-controlled by local zoning 2) agricultural-controlled by the land use commission 3) rural-controlled by the land use commission 4) conservation controlled by the state department of land and natural resources.
  - b) Vermont has established a board to pass on all major proposals for land development with an eye to preserving the rural character of the state from the rapid expansion of recreational enterprises. The board works with seven district commissions in permitting or restricting development.
- c) San Fransisco has established a commission to pass on all development in or along San Fransisco Bay with an eye to averting the filling in of the bay which threatened San Fransisco in the 60,s.
- d) Twin Cities Metropolitan Council is directed to prepare a comprehensive plan for the region and to implement the plan by coordinating proposals for construction of public facilities. It has review power over the plans of various agencies which may not act without Council approval. The Council also has the power to pass on private land use proposals around the site of the proposed new airport.
- e) Massachusetts has a procedure to appeal local zoning ordinances with an eye to facilitating the construction of low and moderate cost housing. The legal validity of the zoning appeals law is now being tested in the courts.
- f) Maine has a statewide agency whose approval is required for land to be used for oil terminals or other large commercial or industrial uses.
- g) Massachusetts requires a state permit for development in and around wet lands. The legal validity of the wetlands law is presently being tested in the courts.
- h) Wisconsin requires counties to enact regulations for the protection of shorelands and unincorporated lands where counties do not enact regulations. A state Dept. of Natural Resources is authorized to impose regulations.
- i) New Eigland has an interstate river basin commission formed persuent to the Federal Water

Resources Planning Act. It is studying the problem and formulating a comprehensive plan. The commission is only advisory in nature.

4) Six accomplishments seem to be necessary throughout most of the states engaged in state-wide land use control programs. These are:

a) Changing the concept of land use. A growing awareness that wastelands are not useless and that economic production is not the only index of land value. There is also a growing recognition that land is a resource, a finite resource that must be conserved.

b) Defining the role of the state. It is essential to sort out the major land use decisions from the many minor ones. No state can efficiently control each and every land use decision (e.g.

c) Recognition of the continuing need for local participation (i.e. defining the role of local zoning).

d) Balancing the utility of various conflicting legitimate interests of the people in the formulating of an overall plan and the establishment of realistic and equitable long range goals.

e) Defining constitutional limits on land use regulations.

f) Selecting or creating proper agencies to achieve the goals. A choice of existing state agencies, independent agencies, state created regional agencies or perhaps some other as yet untried agency.

Summary of Recent Court Challenges to Exclusionary Land Use Practices.

Published by: National Committee Against Discrimination in Housing, Inc. Sept. 1972.

Since the late 1960's there have been many cases challenging local zoning and land use which tends to prevent construction of low and moderate cost housing.

In cases where such practice is intended to keep out minorities the courts have acted in favor of low cost housing under the equal protection doctrine of the 14th Amendment (states shall not deny equal protection under the law).

Generally even where no intent to keep out minorities has been shown, the courts have sided with low cost housing construction where, although not so motivated, land use restrictions have tended to disadvantage minorities. There have been some contrary cases however, and the extent of this doctrine is not yet clearly established.

Generally the courts have seded with attempts to "scatter" low cost housing, especially where the alternatives tended to lead to de facto segregation. A great many cases have been brought in state courts to establish the legal doctrine that land use practices and zoning must work to the general benefit of the larger communities. (metropolitan areas and/or state) and not just the immediate locality covered by the practices. For the most part these cases have been successful, especially where restrictions tended to disadvantage poor or minority interests. In some cases involving attempts to slow development and growth the courts have sided with restrictive zoning. These cases await definitive high court ruling and at the present time the law is not certain on this point.

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102 - October 1973

Reprint - Editorial, Minneapolis Tribune, June 11, 1973

#### LAND USE AND THE LEGISLATURE

The state Legislature has yet to pass the comprehensive land-use plan that the governor and many environmentalists believe is essential if Minnesota is to avoid the damage that unchecked economic growth can bring. It did, however, put into the lawbooks a number of bills that encourage us to believe such a plan may emerge before the 1973-74 biennium is over.

Perhaps the most significant of the new laws - some environmentalists are calling it the biggest "sleeper" of the session - is the Environmental Policy Act. Under the act, an 11-member Environmental Quality Council (EQC) composed of seven agency heads and four citizens will have the power to order environmental impact statements on public and private projects "where there is a potential for significant environmental effects."

What the full impact of this law will be is as yet unclear, but in theory, at least, it could delay if not prevent construction of such major projects as sports stadiums, industrial parks, shopping centers, housing developments, public roads and the like, if damage to both people and the natural environment could be shown to be the likely result. This new law also forbids approval of a project wherever there is "a feasible and prudent alternative" and rules that a decision on a project cannot be allowed to turn on economic considerations alone.

Among other unheralded but potentially potent laws are the Subdivided Land Act, which will allow the state securities commissioner to prohibit the Minnesota marketing of any subdivided land by a promoter who does not follow environmental, legal or ethical rules; the Critical Areas Act, which gives the governor and the EQC the authority to protect from developers certain areas that the state sets aside because of their unique physical or historical characteristics; the Mineland Reclamation Act, which provides for restoration agreements before the land is exploited, and a law that reclassifies marshland as public water for drainage purposes, which will have the effect of imposing controls on previously unchecked drainage.

Land use for too long has been a neglected issue in spite of the fact that land-use decisions are the most important determinant of urbanization patterns in a society that becomes more urban every day. But attitudes are changing. According to the report of a citizens task force headed by Laurance Rockefeller, "There is a new mood in America. Increasingly, citizens are asking what urban growth will add to the quality of their lives. They are questioning the way relatively unconstrained piecemeal urbanization is changing their communities and are rebelling against the traditional processes of government and the market-place which they believe have inadequately guided development in the past."

The report, which is due to be published this month in book form as "The Use of Land: A Citizens' Policy Guide to Urban Growth," argues for an end to the landowner's traditional presumed right to develop his property regardless of the cost in scenic, ecological and cultural assets and proposes that "tough restrictions will have to be placed on the use of private land."

"There is no environmental problem more serious than our land use dilemma," said Russell Train, chairman of President Nixon's Council on Environmental Quality, in February. "The abuse of our land is termed by many as the ultimate problem of pollution," said Gov. Anderson in the environmental message he sent to the Legislature the same month. Minnesota has made a start: The dilemma is being defined; ways to check the abuses are being sought. How successful these efforts will be will depend on how the state agencies choose to interpret the new laws and how the public - citizens, business and labor, alike - responds.



## memorandum

#### **League of Women Voters Education Fund**

August 24, 1973

TO:

Local and State League Presidents

FROM:

Virginia Nugent, National Land Use Chairman

RE:

Land Use Package (Each Local and State League President will receive one package to pass on to her Land Use chairman. Due to financial constraints, the Land Use package will not be sent on DPM.)

That once "quiet revolution" -- land use -- is no longer a faint ripple. Rather, land use is becoming a swelling, cascading wave. The large number of publications, articles, and conferences on land use; the frequency with which land use issues appear on ballots at election time; and the surge of new land use legislation all testify to growing citizen awareness of land use.

To help you keep out front with the fast moving developments in land use, we are putting together the enclosed Land Use package, made up of a number of non-League publications that explore some of the issues in land use:

"Pressures Mount to Limit Uses of Private Land," CONSERVATION FOUNDATION LETTER, June 1973

"Environment of the Poor: Who Gives a Damn?" CONSERVATION FOUNDATION LETTER, July 1973

"Land Use Bill: Important as Watergate" and "The Future of the American Landscape," two editorials by David Broder which appeared in the WASHINGTON POST, August 1, 1973 and August 5, 1973.

"A Plan for Urban Growth: Report of the National Policy Task Force," January 1972, and "Report of the Constraints Conference," January 1973, by the American Institute of Architects.

#### ABOUT THE ENCLOSED MATERIALS

Because land use is so complex and because no one publication, report, case study, etc. covers all the ground encompassed by our study which combines both EQ and HR considerations, we are sending a variety of materials. For example, "Pressures Mount to Limit Uses of Private Land" discusses private property and developer rights and a shift to more public control over land use. "The Environment of the Poor: Who Gives a Damn?" examines the question of whether

and how environmental and social goals can coexist. Using a different perspective, the two editorials by David Broder provide one journalist's reaction to land use legislation under consideration by Congress and how such legislation affects immediate, local land use concerns. Finally the American Institute of Architect's "Plan for Urban Growth" suggests a novel approach of using a "neighborhood growth unit" in a national growth strategy; the "Report of the Constraints Conference" discusses problems (economic, legal, governmental) that might hinder implementation of such a far-reaching strategy.

Woven throughout the fabric of these materials is discussion of two principal and much debated issues in the land use dialogue: that of public interest versus private property rights and the necessity of accommodating social and environmental goals in making land use decisions. Since these issues will surface repeatedly in any discussion of land use, continuing public debate of them in your own community is essential.

#### WHAT IS COMING NEXT

You can plan for a League of Women Voters Education Fund publication, "Land Use at the State Level -- the Growing Edge," to be ready by mid-September. It will include a summary of national land use legislative proposals; what states are doing in land use; what Leagues are doing and saying about land use problems; and a bibliography of new publications, League and non-League. We will also send (Local and State League Presidents only: not DPM) a reprint of a series of articles entitled "Where Do We Grow From Here?" by Robert Cahn, that appeared in the May and June 1973 editions of the CHRISTIAN SCIENCE MONITOR.

As you plan your next year's work, be sure to read the June 1973 NATIONAL BOARD REPORT and COMMITTEE GUIDE No. 2, "Getting a National Perspective on Land Use Issues." Pub. #267, 1973,  $35\phi$ .



# memorandum

#### **League of Women Voters Education Fund**

September 28, 1973

TO: Local and State League Presidents

FROM: Virginia Nugent, National Land Use Chairman

RE: Non-League Land Use Publication (Each Local and State League President will receive one publication to pass on to her Land Use Chairman. Due to financial constraints, the Land Use publication will not be sent on DPM.)

We thought you would be interested in a recent series of articles entitled "Where Do We Grow From Here?" by Robert Cahn which appeared in the May and June 1973 editions of the CHRISTIAN SCIENCE MONITOR. This reprint provides a succinct summary of the report of the Citizens Task Force on Land Use and Urban Growth and the land use issues that it raises.

If you wish to purchase more copies, in bulk, write to the Christian Science Publishing Society, One Norway Street, Boston, Massachusetts. Due to the high costs of printing, the Christian Science Monitor cannot fill orders under 500 copies. The costs are:

500 - 3000 --  $30\phi$  each 3001 - 6000 --  $25\phi$  each 6001 - 10,000 --  $20\phi$  each 10,000 - up --  $15\phi$  each

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102 - October 1973

#### LAND USE IN MINNESOTA

Minnesota does not have a "Land Use Plan" as such. The State Planning Agency feels broad guidelines formulated after a state-wide inventory is the best method to follow. Officials at State Planning feel a plan such as the "701 Comprehensive Plans" for villages locks land into an inflexible and oft-times outdated mold.

The accompanying editorial from the Minneapolis Tribune outlines the basic formula for the National Land Use Act. Although it has not passed yet it is only a matter of time. Congress is realizing more and more as time goes on the necessity for guidance at the federal level.

The effectiveness of the national act is its ability to control federal funding to the states. States will be required by a certain date to come up with legislation controlling shoreland zoning, critical areas, etc. and to begin a state-wide land inventory. Minnesota already has the necessary legislation to comply with the national act.

In the last session of the Legislature the following bills were passed:

- 1. Power Plant Siting enables the Environmental Quality Council the authority to select sites for power plants and transmission line corridors. The council does not have the power to overrule the Pollution Control Agency in decisions concerning effluent limitations on new power plants.
- 2. Environmental Policy Act sets general environmental policies for the state and requires an impact statement where there is potential for significant environmental effect from major governmental and private actions.
- 3. Environmental Quality Council establishes an environmental quality council composed of governmental officials and private citizens.
- 4. Critical Areas Act allows the governor upon the recommendation of the Environmental Quality Council to designate "areas of critical concern" which are defined as areas containing or having a "significant impact upon historical, natural, scientific or cultural resources of regional or statewide importance." Development of these areas is controlled.
- 5. Wild and Scenic Rivers Act allows the commissioner of Natural Resources to designate certain rivers as wild, scenic or recreational and control development as fits the classification.
- 6. Flood Plain Management requires local units of government to formulate an acceptable flood plain management plan or the state will do it for them.
- 7. Shoreland Zoning now requires shoreland zoning within incorporated areas.
- 8. Public Waters Defined now includes waters which are beneficial for wildlife habitat, nutrient removal and recreation.

Another bill worth mentioning which is still in legislative committee is the "Project 80 Report." In essence it establishes a Minnesota Outdoor Recreation System. The bill will require all state parks, monuments, recreation areas, waysides, state trails, state scientific and natural areas, state historical areas to be units of the state outdoor recreation system. Administration is to be handled by a committee composed of the commissioners of the Department of Natural Resources, Highway Department, State Planning Agency and the director of the Minnesota Historical Society.

A discussion of the functions and scope of the State Planning Agency seems to be in order now. With the emergence of Land Use as a high priority item, the authority of State Planning has been greatly strengthened. The last two sessions of the Legislature have broadened their areas of administration and Governor Anderson favors increased participation by State Planning

at all levels of government, but especially over-seeing the administration of the Economic Development Regions.

The State Planning Agency provides the staff for the Governor's Council of Economic Advisors. They are preparing three major reports at this time:

1. Utility taxation

2. Nonreturnable containers

3. Capitol improvement plans The staff is also preparing basic data on the state's energy supply and demand. This data will be used to:

1. prepare a bulletin assessing the current status of federal developments on energy

2. enable the state to prepare long-range plans to deal with the energy question.

Several departments of the State Planning Agency are mentioned now and current projects discussed. These projects are only a small sampling of their work load.

The Department of Environmental Planning is:

1. preparing the criteria for State Environmental Impact Statements

2. determining the feasibility of copper-nickel mining in Minnesota 3. developing the land use inventory. The Land Use Map and accompanying data sheet are the first step in this process.

4. The Project 80 Report was written in this department.

The Office of Local and Urban Affairs:

- 1. formulated the Economic Development Regions
- 2. provides technical assistance to the regions

The Human Resources Planning Department:

- 1. administers the new Human Services Act. This act established a Human Services Board to coordinate county and multicounty health, corrections and welfare departments. The Human Services Board will eliminate all local and county boards in these areas and will control local, state and federal monies allotted for these services. Two Inter-City Pilot Projects are being set up now with orders to report their success (or lack of) to the Legislature
- 2. administers a HEW grant on Child Development. The grant hopes to improve coordination of child development services in Minnesota and outline needs and available resources.

The Health Planning Department:

1. is developing regional Health Planning Councils.

2. reviews price increases in health care facilities. It hopes to set rates by statute for hospitals and nursing homes.

3. is studying physician distribution and migration in Minnesota.

4. is studying the feasibility of state catastrophic health insurance.

The Federal-State Relations Department:

1. monitors federal legislation, analyzing its potential impact on Minnesota and providing to the governor and Legislature recommendations and reports on how Minnesota can more effectively utilize federal grants-in-aid.

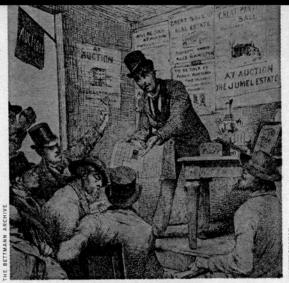
2. publishes a biweekly bulletin on federal legislation and its impact on Minnesota.

The Office of Developmental Planning:

1. is compiling a State Data Book to be published around Dec. 1. It will include historical

trends, census figures and where we are today.

2. provides staffing and direction to the newly created Commission on Minnesota's Future. Establishment of this commission was probably the biggest sleeper of the last legislative session. This commission will prepare for the governor and Legislature a proposed state growth and development strategy. It will examine state departments, universities and colleges and assess their possible impact on state growth. The commission is to report to the governor every other year but is encouraged to submit recommendations and legislative proposals whenever it considers it appropriate to do so.



**FRAUDULENT REAL ESTATE AUCTION, 1882** 



HIGH-PRESSURE PITCH FOR RECREATIONAL LOTS, 1973

### SPECIAL SECTION

# The New American Land Rush

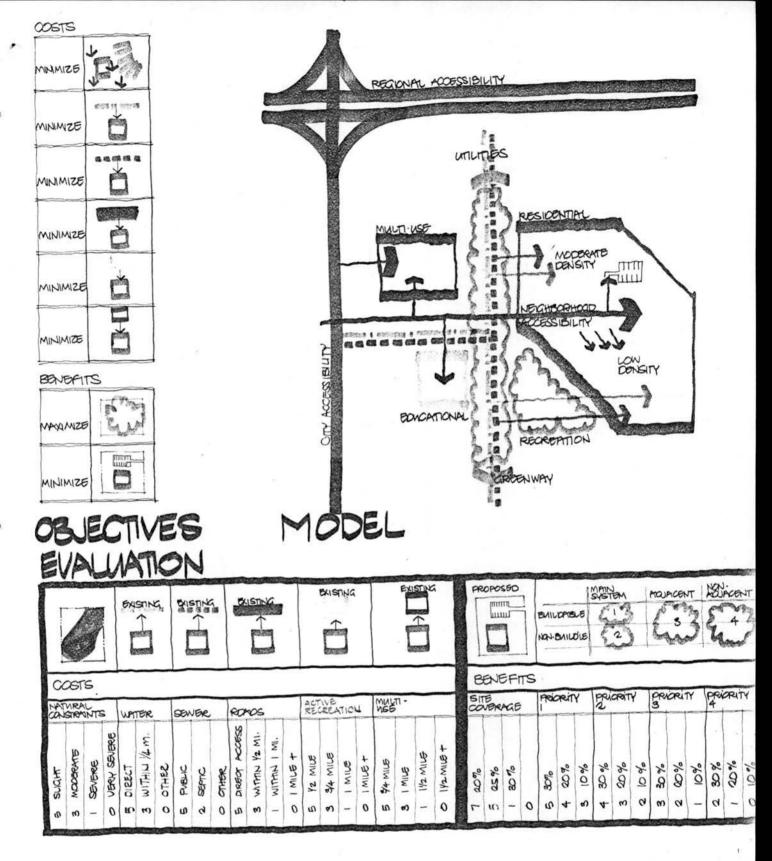
Land, as a physical quantity, seems almost changeless, altering shape only over aeons under the pressures of erosion and volcanic eruption. But the economic and social use that man makes of the land is changing as rapidly as anything in America. An enormous—and disruptive—land boom is grossly inflating prices; a new social attitude is replacing the old idea that a man could do with his property as he damn well pleased. In this special section TIME first examines the dimensions, causes and consequences of the

new land rush, which far surpasses frontier land fever. It then compares prices of acreage in various parts of the country, contrasts the experiences of happy and unhappy home purchasers, and gives some tips on how to avoid being rooked when buying land. Finally, it explores the new ways in which communities are trying to control and guide development for the good of society, and focuses on some of the powerful individuals who determine how the country uses the land on which it builds and lives.



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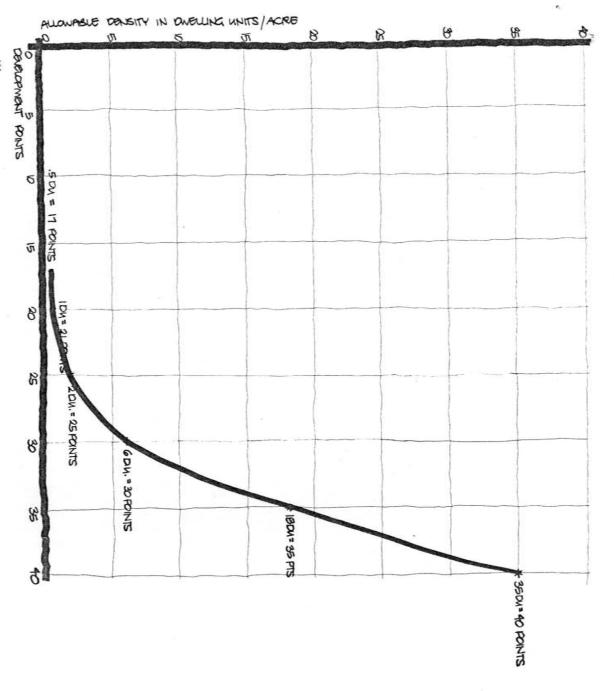


REGULATORY PROCESS

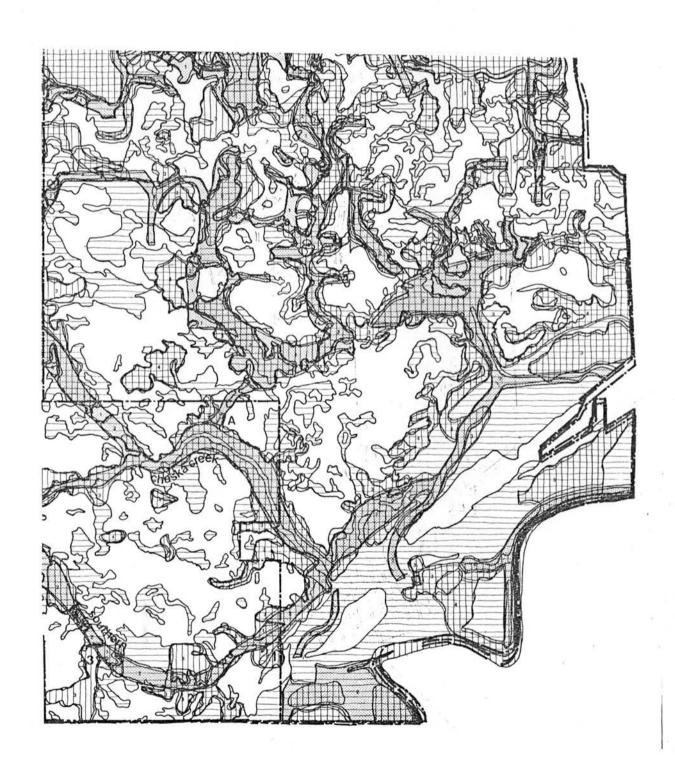
# REGULATORY PROCESS

#### Development Points Curve:

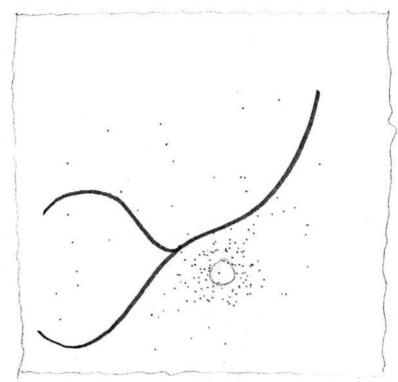
Points	Density
17-	0
17	. 5
18	. 5
19	. 5
20	. 75
21	1.0
22	1.25
23	1.5
24	1.75
25	2.0
26	2.5
27	3.0
28	4.0
29	5.0
30	6.0
31	8.0
32	10.0
33	12.0
34	15.0
35	18.0
36	21.0
37	24.0
38	27.0
39	31.0
40	35.0



NATURAL AMMENITIES
DEVELOPMENT CONSTRAINTS
PROPOSED GEENWAYS
GREENWAY PRIDRITIES

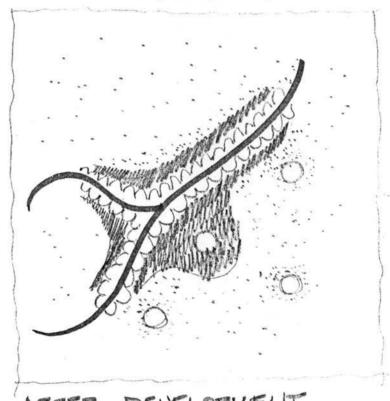


HYPOTHETICAL AMMENITY DEVELOPHENT CITY



BEFORE DEVELOPINENT

7	HATURAL
m	GREENWAY
O	PUBLIC FACILITY
	HOUSING
WHATA.	HOUSING



AFTER DEVELOPMENT

THE REGION. 4/20/74

#### John S. Adams University of Minnesota

The timing and staging of growth in planning area 3 -- the zone of active urbanization -- is influenced when growth is attracted back into the city.

- . Effective revitalization of older areas diminishes the need for additional urbanization elsewhere.
- Prospects are dim for revitalization of undistinctive older urban areas because most people prefer to live elsewhere.
- Revitalization in older neighborhoods means reversing the net outward movement of the vital property-owning middle and upper-middle class households that give a community stability and strength.

For many middle class people, it's what they have compared to what they want that determines their material satisfaction or level of "relative deprivation."

- . Wants usually correspond to what 's person feels he deserves.
- . His wants depend in part on what others around him have.
- . People indirectly regulate wants by their choice of friends and neighborhood.

Satisfaction levels are raised by closing the gap between what a person has and what he wants.

- If relative position along income, or wealth, or status lines is important to people, those in the lower half of the distribution may judge themselves as being in inferior positions.
- . The upper half focus on those in a better or higher position than themselves.
- . Only half the people can be in the top half.
- . We can change what people get only by massive redistribution of income and wealth.
- . Redistribution seems as unlikely as changes in taste.

If we can't change wants or rewards, we can at least tinker with the location of various residential opportunities.

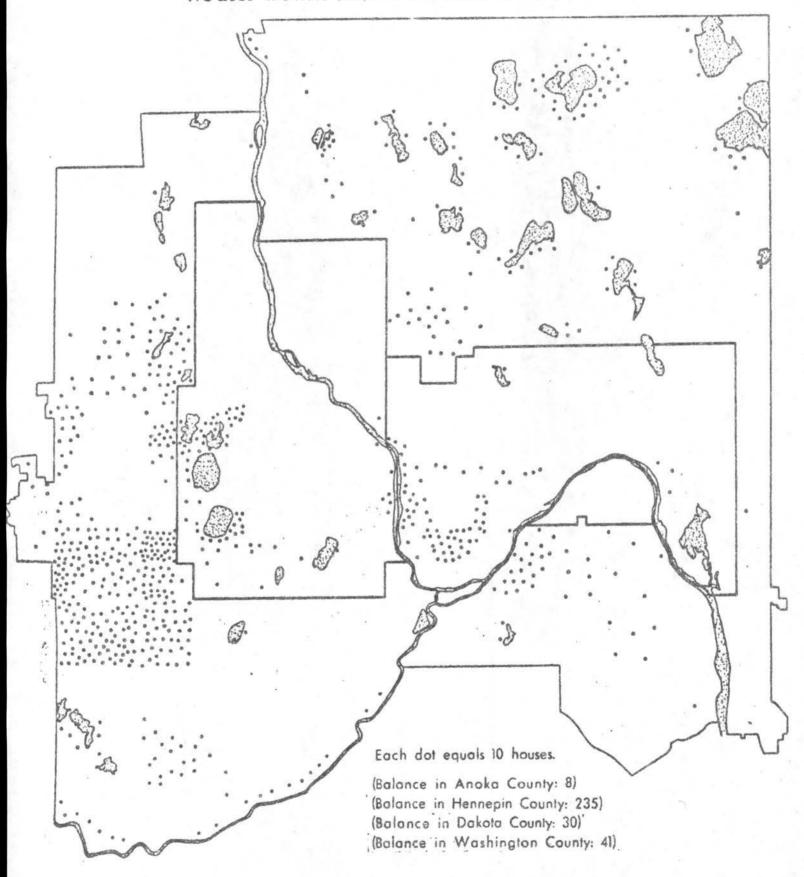
- . A person's social position is reckoned not just by the social hierarchy, but also by where he lives.
- . People choose a house and a neighborhood that suits family needs and status aspirations.
- . People move to a better neighborhood partly for its own sake -- it's nicer, and partly to improve their position with respect to others (Figure 1).

Can growth controls help create neighborhoods people want to live in?

- . Can there be a "hardware solution" to a problem of conflicting values and tastes?
- . If neighborhoods are pleasant and distinctive, uppermiddle class people will stay there.
- . Some houses and neighborhoods maintain their relative desirability through time; some drift downward (Figure 2).
- . Once a family gets established in an area, they prefer to move only short distances to get the house they want (Figure 3).
- . Over time the upper income group can't get what it wants at central locations so it drifts outward.
- . If the drift is reversed, this may solve the city's problem, but not the problem of the disatisfied persons in the bottom half of the distribution.
- . What is the city, if not the people in it?
- . What is the problem that needs to be solved?

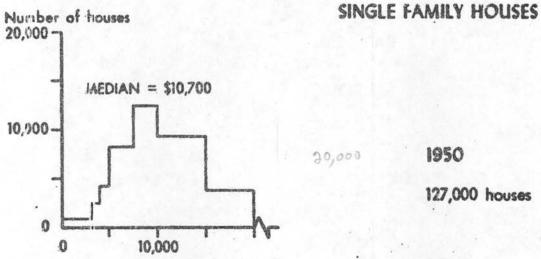
#### Figure 1

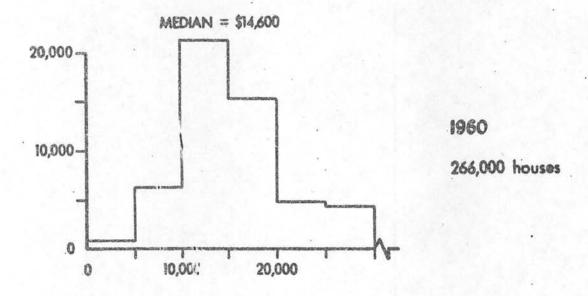
HOUSES WORTH \$50,000 OR MORE IN 1970

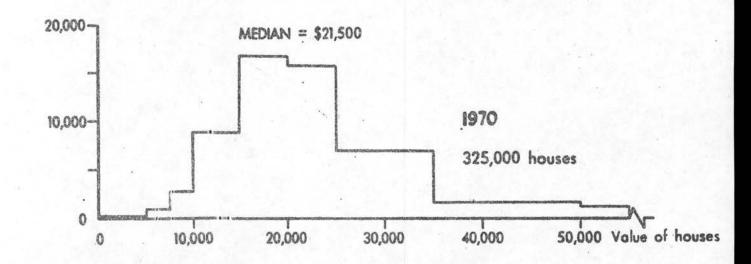


#### Figure 2

# MINNEAPOLIS-ST. PAUL AREA OWNER OCCUPIED







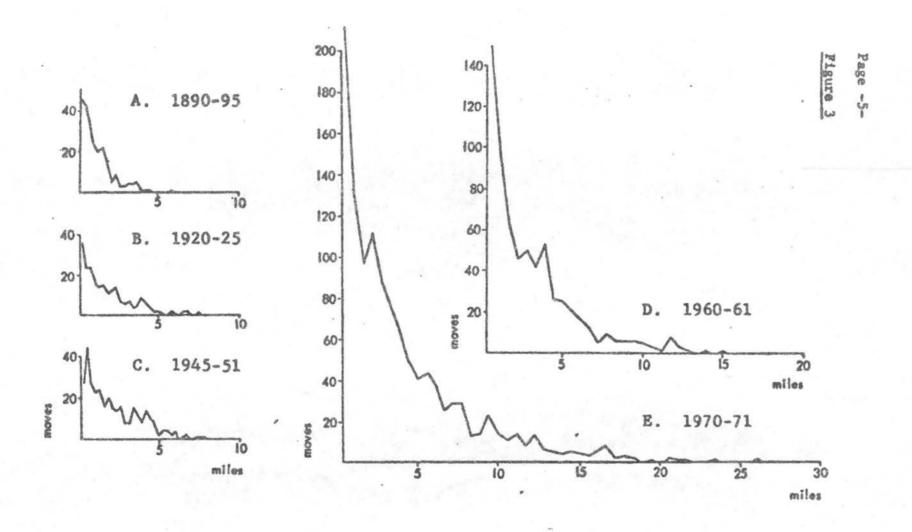


Figure 9. Distribution of "length of move" attributes from five Minneapolis migration samples.



#### COUNCIL of METROPOLITAN AREA LEAGUES





ANOKA ARDEN HILLS BLAINE BLOOMINGTON **BROOKLYN CENTER** BROOKLYN PARK CHASKA **COLUMBIA HEIGHTS** CRYSTAL - NEW HOPE DEEPHAVEN EDINA EXCELSIOR AREA **FALCON HEIGHTS** FRIDLEY **GOLDEN VALLEY** MAHTOMEDI AREA MAPLEWOOD MINNEAPOLIS MINNETONKA-EDEN PRAIRIE AREA MOUNDS VIEW NEW BRIGHTON NORTHERN DAKOTA COUNTY AREA RICHFIELD ROBBINSDALE ROSEVILLE ST. ANTHONY ST. CROIX VALLEY ST. LOUIS PARK ST. PAUL SHOREVIEW WAYZATA AREA WESTONKA

WEST DAKOTA COUNTY

WHITE BEAR LAKE

WOODBURY

March 20, 1974

Den Helery

We see 1974 as the year in which there should be some new answers for some not-so-new questions. Community leaders, such as you, are the greatest assets we have to help citizens talk and work together to seek direction for the future.

Because we feel your role as an opinion shaper can be a key to a better life for all citizens, we invite you to talk with us and listen with us at a Conference on Saturday, April 20 at the University of Minnesota Campus Club, Coffman Union.

Our keynoter, Robert Freilich, is Professor of Law in Urban Affairs and Director of Urban Legal Studies at the University of Missouri, Kansas City, and is a consultant for the Twin Cities Metropolitan Council. Other prominent figures from the academic world will speak, and participants will lead the workshops.

The Council of Metropolitan Area Leagues has received a grant from the Minnesota Humanities Commission for this Conference, due largely to the success of our first Conference on Innovations in Government held at Spring Hill Conference Center last May.

We hope you will be one of the 100 women to participate in this Conference, to continue the conversation begun at Spring Hill. Details are enclosed. Due to limitations of space, reservations will be made on a first-come, first-served basis, with checks returned after our quota is filled.

We sincerely look forward to having you join us on April 20.

Very truly yours,

ans Thomas

President

Conference Secretary

Bernie Hilbert

Enc.

#### SPEAKERS

- Robert Freilich, Hulen Professor of Law in Urban Affairs and Director of Urban Legal Studies, University of Missouri, Kansas City. Consultant to the Twin Cities Metropolitan Council.
- Dr. Dorothy Dodge, Political Scientist, Macalester College
- Dr. Rolf Sartorius, Philosopher, University of Minnesota
- Dr. John Adams, Geographer, University of Minnesota
- Cynthia Cone, Anthropologist, Hamline University
- Lance Lavine, Architect, University of Minnesota

#### WORKSHOP MODERATORS

- Hon. Al Hilde, Mayor of Plymouth
- Hon. Duane Miedtke, Mayor of St. Anthony
- Hon. John Keefe, State Senator
- Hon. Eugene Stokowski, State Senator
- Elizabeth Ebbott, White Bear Lake, Board of Education
- Rosalie Butler, St. Paul Councilwoman
- Hon. Joan Growe, State Representative
- Barbara Steinbergs, Exec. Dir., Jonathan Association

Second Annual

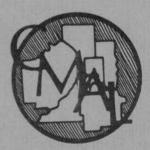
# Conference on Innovations in Government



April 20, 1974

Campus Club, Coffman Union University of Minnesota

Minneapolis, Minnesota



- Minnesota Humanities ■
  Commission
- League of Women Voters 
  Education Fund
  - Council of Metropolitan Area Leagues

#### INNOVATIONS IN GOVERNMENT

REGIONALISM AND THE INDIVIDUAL

The purpose of the conference is to provide a forum for the discussions on ideas for phased development in the Twin Cities Metropolitan Area and why it is needed. This will be followed by an examination of the humanistic aspects and implications of such innovations.

The conference will have three parts: A morning session with a speaker, Dr. Robert Freilich, Hulen Professor of Law in Urban Affairs and Director of Urban Legal Studies, University of Missouri, Kansas City, followed by a question and answer session.

The afternoon session will feature a panel of academic humanists who will relate to the humanistic effects of such matters as Dr. Freilich proposes with special relevance to their various disciplines.

A RAP AND WRAP UP WORKSHOP will occupy the last 45 minutes of the day. Limited to 25 persons per workshop, the following questions will be considered:

- How can local officials view phased development practically?
- What role can the politically active citizen play in such development?
- What are the benefits to the local community -- to the metropolitan area?
- Is the humanistic assessment a plus? How can it be used?

Putting it all together could be the most important part of the day. We turge your cooperation.

#### **PROGRAM**

- 9:30 Registration & Coffee
- 10:00 Speaker: Robert Freilich,
  Professor of Law, and Hulen
  Professor of Law in Urban
  Affairs, School of Law, University of Missouri, Kansas
  City
- 11:00 Reactions questions and answers
- 12:00 Lunch
  Luncheon Speaker: Dr. Dorothy Dodge, Professor of Political Science, Macalester College, "Effects of the Movement of People within the Region upon the Land"
- 1:30 Panel:
  Rolf Sartorius, Philosopher,
  "The Effect of Controls upon
  the Individual"

Cynthia Cone, Urban Anthropologist: "The effect of Regional Migration upon the People"

John Adams, Geographer: "Coping with the Predictions
- Movement of people in the Region-as Fact - as Fiction"

Lance Lavine, Architect: "Design and Aesthetics - Their Effect upon the Region"

- 3:15 RAP AND WRAP UP WORK-SHOPS
- 4:00 Adjournment



#### Second Annual

### Conference Innovations in Government

# **Phased Development for the Metro Area**

A Humanistic Assessment

#### THE THEME

Ann Thomas, Chairman,

Council of Metropolitan Area Leagues

At our first conference on Innovations in Government, we talked about the importance of the Metropolitan approach to planning. With the help of a grant from the Minnesota Humanities Commission and further help from the League of Women Voters Education Fund, we are expanding the conversation we started last year.

We are in the midst of a humanistic revolution emerging from the wants, needs and hopes of the people. Its success will hinge on our ability to influence change in a positive direction. Our society is concerned about freedom, justice, the quality of life for everyone. At the core of this revolution is a cadre of concerned people, whose commitment: can bring about a peoplecentered society, and at the same time use the power of the economic and technical changes for the improvement of their values. We hope we can contribute to the understanding of a problem that is both people and economic centered.

We want to make a humanistic evaluation of an issue that concerns most of us -- the use of land. It is a piece of a finite planet -- where growth cannot be infinite.

Conference participants were chosen by members of the Leagues of Women Voters from their communities. They are policy makers most effective at local levels of government. They can give leadership and expression to this humanistic

Change requires the involvement of people and of government bodies to reflect their wishes. By involvement I mean the political spectrum in its broadest sense--activity by the people in which they attempt to influence public policy and public interest. Much of this change can be supplied by people who do not hold public office--the citizen activists. And the object of the change would be a better life for all.

#### THE PRESENT CHALLENGE



Dr. Robert Freilich:

We are confused about the cities. We are becoming an urbanized nation and have been so for the last fifty years. Yet we have an anti-city philosophy that goes deep into the grain of our history. We still think of ourselves as a society of farmers, people who came over and worked the land. In the 17th and 18th centuries 20% of the people lived on the land and were free and independent and could develop the attributes of freedom. Still we have this glorious idea in America about the beauty of our cities and the wonderful things that are going to happen. We're going to raise the poor. We're going to educate. The cities are going to be beautiful from an aesthetic point of view, from a cultural point of view. The cities are going to be the best of all.

Land use planning is supposed to accomplish this. But land use is not just planners drawing with crayons on walls and everybody responding like pawns. Land use is supposed to

reflect the deeper inner human needs.

What is an urban society, anyway? Robert Wood, former HUD associate, stated that urbanization is nothing more than adding density to all other human problems. We have had race problems ever since Jamestown. It didn't change when it went to the cities. There are just more people interacting in the same way they interacted before. We had air pollution 100 years ago. In St. Louis in the 1930s you couldn't see your way through the streets where black clouds of bituminous smoke lay.

There are two major forces at work in our cities. The centripetal force--the force toward the center--is the one we generally associate with cities. The city is receptive to the poor, to the ethnic class, to the immigrant. And we still have tremendous numbers of people pouring into the city from rural areas and small towns. More and more of them are the poor

and low income and racial groups.

The second situation is the centrifugal force. In response to the impaction and concentration of low incomes in the cities. the white middle classes have been moving out for forty years in an ever increasing crescendo of flight. That flight has taken us out into the suburban area and farther and farther out of the metropolitan area, creating greater and greater scatteration and sprawl.

April 20, 1974 Campus Club, Coffman Union, University of Minnesota Minneapolis, Minnesota

Made possible by a grant from the Minnesota Humanities Commission and from funds given by the Carnegie Corporation of New York to the League of Women Voters Education Fund.

The Statements made and Views expressed are solely the responsibility of the Council of Metropolitan Area Leagues. Dr. Dorothy Dodge:

What is happening to this 7 county conglomerate? I know that we are a national example of daring, politically, for having the state legislature adopt a set of regional proposals for the State of Minnesota in regard to planning. Add to that at least some beginning of authority for the Metropolitan Council for the 7 counties. But the census data permits us to be less relaxed about where we are. From the 1970 census we see that we are not a 7 county conglomerate, but a 10 county urban conglomerate. Since the 1960 census we've picked up Wright and Chisago Counties and gone into Wisconsin and picked up St. Croix County. About 50% of the populace of these three counties is now commuting to the 7 county conglomerate daily for employment.

#### Dr. Rolf Sartorius:

Whatever we call it, the Metropolitan Council represents government -- a public body legally empowered to create and modify legal rights in areas within its jurisdiction. The extent to which the Council will receive acceptance and cooperation from individuals and local governmental units will depend on the extent to which the need for it is understood.

The claim that there is a real need for such a body is met with some suspicion. Its explicit function is acknowledged to entail interference with individual property rights and the autonomy of local government--toes one fears to tread on for both moral and constitutional reasons. That it will be costly in terms of dollars goes without saying. Many of our regional problems are the result, not of uncoordinated individual activity, but of the actions of governmental units. Why believe that this government unit will solve problems rather than create new ones?

Such skeptical doubts lurk in the minds of many and must be squarely faced. It would be silly to deny the costs. What must be shown is that the costs are outweighed by the benefits, such things as clean air, enjoyable open space, decent housing opportunities for all socio-economic classes, good transportation systems, etc. The skeptic will admit that we lack such things and perhaps regional government might bring them about. But he believes that the benefits can be had without the costs of regional government, through a reliance upon Cynthia Cone, Anthropologist: voluntary cooperation among individuals and existing governmental units.

The skeptic is an optimist, for he believes that individuals and local governments could reasonably be expected to cooperate voluntarily to produce solutions that would work to their mutual benefit. That they have failed to do so he would explain as ignorance and lack of real concern for regional problems. The skeptic is not denying the dire need for regional planning, nor the need for public education on the nature Dr. Dorothy Dodge, Political Scientist: of regional issues, nor the need for detailed and careful research into the problems. He might approve of public bodies such as the Metro Council facilitating such research. It is to regional government that he objects. In spite of the failures of local governments to cooperate in solving regional problems, he would prefer to rely on voluntary cooperation rather than the coercion provided by the supervenient regional or State government whenever possible. The rub is that such reliance is often not possible.

Note the kinds of problems with which regional government is concerned--clean air and water, patterns of housing and commercial development, open spaces, transportation, public utilities, etc. What is at issue is providing public goods that are available for all, if they are available for anyone, even those who have in no way shared the cost of bringing

Whether or not individuals in a position to provide public goods will do so, depends upon how they expect others will behave, which in turn depends upon what it's rational for them to expect of each other. What kind of expectations and actions are rational? Suppose a community of some thousands sought to provide police and fire protection by relying upon voluntary donations rather than compulsory taxation. You might say to yourself, my few dollars are insignificant. If each member of the group reasoned that way, no police or fire protection would

be provided. The members of the group would soon see the need for compulsory taxation, and a governmental unit required to provide the compulsion.

Examples closer to home: Individual polluters around a large lake; consumers of fuel oil and gasoline in the face of an impending fuel crisis; planning individual family size on a global context where zero population growth is desirable.

Mancur Olson, in The Logic of Collective Action (Shoken, 1971) showed that public goods will not be provided sufficiently in the absence of incentives to cooperate which go beyond the costs and benefits involved for each individual. The simple point is that it is possible for each individual to argue that his contribution will make no significant difference.

Consider small groups. Here, each individual's contribution may represent an appreciable difference, and the public good may be provided. Normally, though, each individual will be willing to contribute only to that point where his "share" of the public good has a value in excess of or equal to the marginal cost of his contribution toward providing it.

Collective action among small groups is illustrated by attempts of a small number of local governments to solve problems of mutual concern. Solutions are forthcoming, but they are sub-optimal, and the larger governmental units typically bear a disproportionate share of the costs. Examples: transportation, water and air quality control, open spaces, fire and police protection, emergency medical facilities.

While we may agree with the spirit of the objections to regional government, we may find that reliance upon voluntary cooperation is not possible when the provision of public goods is in question. No cooperation at all might take place. And where cooperation does take place, it might not be enough. In either case, although all could be better off by acting differently than it is rational for them to do, they will not, if they act rationally, make themselves better off. They might all be willing, though, to see to it that some third party would create incentives to make it in their interest to act in ways that will make available that which they are all presumed to desire.

Such was the nature of the case which the philosopher Davic Hume made for the institution of government in general in 1888 Such, I believe, is at least part of the case to be made for regional government in our own seven county area today.

I am not going to question the necessity for the allocation of authority for the provision of public goods. There is nothing clearer in the record of humankind than the fact that the allocation of authority goes hand in hand with the increase in density and scale of human groups.

Now in the face of urban sprawl the political response has been to stay with the urban independent. So we remain here with 384 political jurisdictions planning. Somehow we never look at the whole, interdependent population. 384 units are trying to plan. And if you're planning for the suburbs, you're not really planning for the center and vice-versa. Perhaps our government forms should be re-studied.

#### Dr. John Adams, Geographer:

The timing and staging of growth in the zone of active urbanization is influenced when growth is attracted back into the city--redesigned and rebuilt. Effective revitalization of older areas diminishes the need for additional urbanization elsewhere--and there is also the possibility for competition between areas. But prospects are dim for revitalization of indistinctive older urban areas, because most people prefer to live elsewhere. Most people around here own property. But some people contribute more to the vitality of the neighborhood than do others. So revitalization in older neighborhoods means reversing the net outward movement of those vital property owning middle and upper middle class households that give a community stability and strength.

#### 

#### FROM THE WORKSHOPS

We're heading towards a country that's saturated, and we haven't had that before. We're jarred, and we have to be jarred.

We are gradually headed toward socialistic type of control of our land, is this good? Europeans aren't having all this trauma. There may come a time when we will have to live in a more crowded way. We must look at this and plan for it.

A member of the Richfield Planning Commission pointed out that decision making in the local communities is the result of many points of view: the professional, the citizen, the Planning Commission, elected officials, the comprehensive plan, other levels of government, financial institutions.

A former member of the Metro Council's Open Space Committee said he had been surprised to find planning must be cooperative, that it can't be "just local", because different communities who were actually seeking the same goals were butting heads because of lack of a forum to coordinate their efforts.

Senator John Keefe, Hopkins, added that metropolitan problems are too large for local governments to deal with.

Senator Eugene Stokowski, Minneapolis, said that almost everyone can see the value of Metro government for everyone else, but when it comes to their own community they wonder why "they" should tell "us" what to do. Yet, although the 1974 Legislature gave the Metro Council coordinating and planning authority for housing and for open space, the local government makes the decisions. The local units designate what the Metro housing agency can do for it. And the Council does not dictate where parks will go; it says a location does or does not fit with the Metro plan. He added that IDS, a private, not a public body, has had a tremendous impact on what is going to happen in the metro area for the next 50 years.

While most workshop participants agreed that the concept of phased development was valid, there were some reservations about the degree to which it could be carried out. There was little disagreement with the need for the cleaner kinds of industry in the suburbs, but there were questions about the desirability of higher density housing and housing mix. There was little quarrel with the idea of respecting the land, although not many communities reported that their people were aware of that concept. The economical aspects of phased development were fully appreciated.



#### THE EVOLUTION OF CHANGE

#### Dr. Robert Freilich:

During the 60s we tried to Bandaid our problems--Model City programs, poverty and housing programs. Somewhere in 1970 or 1971 the Federal government and the Federal courts said that when you compact all the poor and low income and racial minorities in one area you can't solve the problems. The whole concept is "confinement". We don't really want these people among our larger society.

This is the most extraordinary society in history. There is no national policy of urban growth. We don't even have an agency that is working toward understanding where we are in terms of urban growth, or where we are in terms of national policy toward population distribution, population control, or in terms of redistribution of industrial development, in terms of how we build our cities

HUD policy sounds wonderful, but it is actually just a conglomeration of certain categorical grant programs with no responsibility for research at all. For a few short years in the 30s we had a National Resources Planning Board, but that disappeared in 1941 when World War II started and was never revived.

You could look at our society this way: The Federal government has all the money, the states have all the power-police, sovereignty and ability to legislate--and the urban areas have all the problems.

Two major programs in this century have affected the cities -- FHA and the construction of interstate highways. What the Federal Housing Authority did in the 1930s, mainly as an economic boost for the survival of the building industry, was to create a program of massive subsidies to middle income people to escape the cities. It created 30 year mortgages, 3% down payments and equal monthly payments. It enabled Middle America to get out into the suburbs by the use of financing Through the Internal Revenue Code it simultaneously enabled all the interest and taxes to be deducted from the Federal income tax.

Middle Americans always believe they are not getting any subsidy, that all the subsidies are going to the poor. Yet the amount of interest and taxes deducted by homeowners of single family homes in the suburban areas alone last year amounted to \$6.8 billion. The total amount of the tax deducted was about \$13 billion.

Until 1965 the FHA had never financed or insured a single mortgage for a black person in the U.S. Until 1948 the FHA had a policy requiring racially restrictive covenants on all housing tracts to keep out blacks, Orientals, any persons of non-Caucasian background. (Reason: Neighborhoods with blacks were, by definition, not economically sound). This was the U.S. government in operation in the formation of our sub-

After 1948, when racially restrictive covenants were outlawed, loan offices were closed down when blacks moved into a neighborhood. In 1968 the National Housing Act provided programs in which the FHA would finally get into the business of intra-subsidies in the cities -- the 235 and 236 programs and various others. Lack of experience led to the problems of abandonment, defaults and foreclosures and continued segregation and problems.

The other Federal policy which has had a major effect on the growth of the cities has been the construction of interstate highways. Let nobody misunderstand, the program was intended to be, and is, a major contribution to American society. Our society depends primarily on automobile and truck transportation for our economic way of life. The purpose of the freeway program is to get us from one city to another. It's an inter-city civil defense program. But it has secondary ram-

Freeways cut swaths through the cities. Then to avoid this, we build ring roads and bypasses around the major metropolitan areas. The net result is the drawing out of industry-out of the central cities -- at an astronomical rate since 1955. Every major city has, in absolute terms, lost industry, while the suburbs have gained something like 400%. Every study, every statistic of the Federal Transportation Research board. will tell you that a freeway through the middle and into the



#### **SPEAKERS**

- ROBERT FREILICH, Hulen Professor of Law in Urban affairs and Director of Urban Legal Studies, University of Missouri, Kansas City. Consultant to the Twin Cities Metropolitan Council.
- DR. DOROTHY DODGE, Political Scientist, Macalester College.
- DR. ROLF SARTORIUS, Philosopher, University of Minnesota
- DR. JOHN ADAMS, Geographer, University of Min-
- CYNTHIA CONE, Anthropologist, Hamline Univer-
- LANCE LAVINE, Architect, University of Minnesota

downtown of a central city will take out twice as much taxable industry as it will bring in. Industries find it much more convenient to locate where freeways intersect and where transportation networks are available.

A recent survey made in Minneapolis shows that since the freeways have been built, the amount of retail trade in the central cities of Minneapolis and St. Paul has declined by 50% in absolute terms. And yet we want to build another one here.

Another interesting thing about the freeways is that the more crowded they get, the first lanes you close off are the ones in which the city people can get on. The only ones you leave open are the lanes in which the suburban people can get out on.

What has happened in the suburbs? Rapid growth through housing--fragments of government, special districts, school districts, counties, townships, and an uneconomical kind of distribution of service and of cost to society.

Suburbs are dependent exclusively on the property tax for financing their services. This is the most regressive of all the taxes in American society. It is a very difficult kind of tax. Worst of all, it doesn't pay its own way for housing. Think of the cost of educating a child in the suburbs of Minneapolis and St. Paul. It runs, after you subtract state aid, between \$500 and \$600 per child. A \$20,000 home will pay about \$500 total property tax. That includes the schools and all the other amenities with it. It's obvious that a \$20,000 home, if it has two children in it, isn't going to approach half the cost of educating those children. That's aside from the municipal costs and everything else.

#### Dr. Dorothy Dodge:

We have a 1985 projection that if we continue to do the same thing that we are doing, despite the Metropolitan Council and urban proposals by the legislature, we will be more accurately a 12 county conglomerate here. We are going to pick up Sherbourne and Olmstead counties. Then, as we sprawl, virtually from St. Cloud into Rochester, into western Minnesota and half of Wisconsin, we become the Los Angeles of the Midwest. It is definitely within the realm of possibility.

#### DELINEATING THE PROBLEMS

#### Cynthia Cone, Anthropologist:

Well, if Dr. Sartorius has a skeptic, so have I--but my skeptic believes that those in power sincerely want to make decisions on behalf of the greatest public good. But no matter how anxious the decision maker is to serve the needs of the whole community, he or she will make decisions that will primarily benefit his own group--not out of desire, but out of ignorance. A decision-maker necessarily makes plans according to his or her own experience. Errors will be made from lack of knowledge of "those others", ignorance about the impact of decisions made in the past, implications of changes to be initiated, ignorance of the problems, difficulties and joys of lives different from our own. 'Errors will be made out of ignorance of ourselves -- our lack of awareness of the extent to which assumptions and beliefs from our own experience unconsciously influences our perception of the nature of the problems and their possible solutions.

The primary challenge of urban planning today is the accommodation of diversity. We, in the U.S. are being forced to reconsider the melting potimage--Black Power, Wounded Knee, striking migrant workers, women's lib, counterculture freaks (our wives, our kids) are opening our eyes to the necessity of offering alternatives. We are going to make costly mistakes if we assume that others ought to, want to, or can live like we do. Zoning regulations and building codes have not only excluded poor people from the suburbs but have severely restricted their choice of housing in the city. In Latin America a low

income family can build a shack, double up with another family, rent or buy secondhand or twentieth hand housing, and to a very limited extent, subsidized housing.

In the U.S. the first choice has been complete barred, the second has been largely barred by the operation of police power. Subsidies for low income housing in 1971 amounted to about \$2.5 billion--less than half that for owner occupied homes. In the U.S. the poor must pay rent, and welfare payments become landlords' profits. Furthermore the poor and low income people have been isolated in inner cities far from the economically dynamic suburbs where they can find the work they can do.

#### Dr. Robert Freilich:

Have we a growth policy in terms of the environment, in terms of other things? Look at what we've done in rural areas. We have adopted a policy where last year, 1973, 100 cities between 5 and 10 thousand population lost all air transportation. Amtrak has closed down services to thousands of small American towns and cities. How can you survive as a city when the policy of the Federal government is to not furnish you any more transportation for your city? If salesmen depend only on the Greyhound bus for getting in and out you are not going to survive industrially.

#### Dr. Dorothy Dodge:

Maybe where government fails us is that sometimes the urban population is doing things that citizens do not readily perceive. You may only see what's happening in your own

#### From the Workshops:

Here there was earnest effort to identify the problems, from the natural ones we have: One of our problems is that we have no natural boundaries to the metro area, like mountains or an ocean. It's harder to convince people to control development -- to planning problems: "Planning has occurred", said the Mayor of Crystal, Peter Meitsma, "but not for the public good. The problems have accumulated by just haphazard accumulation of individual choices. My community is 95% filled, without adequate open space, without adequate resources, in need of redevelopment, with problems more like those of the central city rather than the suburbs." From Moundsview came a similar complaint: "Because of the way the land is platted and the size of the sewers, we are locked in. If the question is could we implement the suggestions made today, the answer is no, we can't without taking down present structures." Arden Hills has some undeveloped areas. One sees the need and desirability of higher density housing, but at the same time hears and feels the need for open space, without crowding people together. "Who's to decide what the

Mary Rollwagen, a Minneapolis LWV member complained that as a city dweller she thinks she has less input into planning than does the suburbanite. She's not saving exclusionary zoning is good, but it reflects what the people want in their communities. Maybe if there were decentralization into the size of suburbs the city dweller would have more to say about planning. But, she added, you can't change through zoning what's already built.

The cost of services was brought up by a man from Robbinsdale. Property tax dollars do not cover everything, but when you try to broaden the tax base with industry and a higher density, people start to leave. A government official said that local officials who must stand for re-election are penalized because there is no simple solution or explanation for fluctuating tax bills. The confused citizen gets even at the polls.

Problems of local units of government with regulating development took a large share of the discussion. It was said that local units of government are unable to regulate develop-

ment because they have to worry about being sued by a developer--are being clobbered because of law suit threats if a comprehensive plan downgrades private property, are not really free to do an over-all plan. Too often Planning and Zoning Commissions are influenced by developers and builders, not considering the effects. But another said that a lot of small communities use builders' funds for planning, requiring the builder to do a study of the effects of his project-but then they're obligated to him, "bought off"

The Mayor of St. Louis Park, Frank Fleetham, said: "There's too much crisis decision. Business takes 10 years to decide to move. then gives the city two weeks to decide whether to take them." Another said: "What we snould look at is not only why industry moves out, but why we want industry, and one of the big reasons is money, and the other is

jobs for people'

The Metro Council came in for some criticism: "If controls are desirable in one area they are saying they're desirable in another and we should all have approximately equal controls. Then we say 'We don't want you to tell us what to do.' How do you handle that? We're talking about this right now in this housing mix." A Plymouth housewife talked about a basic shift of power in land use decisions from a free economic system to the government's assuming more and more control. There was consensus that there should be controlled growth, but confusion as to who should do it, and doubt that local governments would have the clout. Some fear of brother". Also the Metro Council, said one local official, is a place for local officials to pass the buck. It helps local officials escape making long-range decisions that may be unpopular. Another thought one representative to Metro Council from his district was not enough.

Talk about the farmer and farm-land covered such remarks as, "Think of the little farmer next to sewered land, but not allowed to sell except for farming. He wants to get more money. This is unfair and it is also going to create an artificial shortage of land." And was answered: "Why should the farmer be able to make a whole lot of money off his property?" "If there is excellent farming land, why not leave the farm there, then if there is a population push for more housing we have to go out a little bit farther." "No, it costs more to put the sewer and the road in to get to the new one." "Our communities know where there should be housing and where open space should be left. However, I don't think our communities relate a good deal of this information. Some use it

Some were upset about sewer costs, not able to understand why some are paying three times as much as they used to. . . Sewage must be treated properly, but Metro Council is being blamed for the cost.

There was some talk about how long range planning was essential to prevent builders from buying swampy land dirt cheap and wanting to put apartments on it.

Leap frogging outside the jurisdiction of the Metro Council was discussed, as a reality and a possibility

## **HUMANISTIC NEEDS**

#### Dr. Dorothy Dodge:

Master plans are inclined to emphasize the physical environment and perhaps the ecological environment to the detriment of the social community. We have not really planned cities for the individual, but for the economy, for efficiency, for speed. The overall plan should respond to the people who live there and how it is when they live there. If you pick one unit of government to do it all, you may get into decision overload. With all that demanded of them they may not be able to respond, and if they're not responding, you may have the same pattern we are already evidencing, that is a 7 county proposal which is already a 10 county fact.

What is it you want the urban area to be, what are the goals? If the goals are vague, then the planner tries to bring in "interests" to help clarify them. When this happens there are mem-

bers of our urban population that are not well represented. When you bring in the "interests" you bring in very heavily the educated, upper middle class, perhaps the suburban dweller, certainly the one in the higher than average housing. The center city resident is often under-represented or not represented, but he is the one who is often most impacted by where you plan or do not plan for him. I am thinking now of the minorities, the aged, the unemployed.

How do you get political participation in a new urban structure? In the old form we did that by partisanship, wards, aldermen, districts -- in o der to make people responsive to those they represented. But urban population has sprawled beyond anything they can really handle. Those that live in an urban area are going to be concerned about what happens to the whole. not only what happens at the local school or the immediate area around them. So a new system would suggest that in order to get an overall plan, you go to hierarchy, to one unit, to professional planning. But, the question is, where does mass mobilization enter?

A study made of 25,000 cities over 10,000 population in 1965 showed that for every reformed system, voter participation dropped significantly -- so that doesn't solve the problem of accountability. And if you are planning for a populace of which all parts are not represented, you may be turning to a kind of bureaucratic authorization. How do we get people back into active participation--and not just the few who happen to be the middle-aged, the upper income, the suburban dweller?

#### Cynthia Cone, Anthropologist:

Let me give you two examples from Latin America. In 1955 a new town, Sahagun, was begun in a barren valley northeast of Mexico City. It was an experiment in decentralization and regional development, designed to revitalize an area of economic depression. Factories were built, a town designed and the first homes and public buildings constructed. The town grew rapidly the first five years and then even more rapidly the population growth began to level off. The resulting population of 12,000 was a far cry from the plan for 60,000 people. In contrast, the nearby villages grew considerably.

Why did the local workers decline to move into Sahugun? The villages have dirt roads; many homes have no electricity. Few are equipped with bathroons, hot water or stoves. Only one has a weekly market. Shopping is limited to small "corner" stores.

In contrast, consider the amenities of Sahagun. A man can walk to work. Every house is equipped with electricity, modern bathrooms, running water, water heaters and gas stoves. The housing is subsidized by the government and the rents are very low. The streets are paved, and in between the rows of houses are ribbons of park land and green grass.

What went wrong in the planned town? First of all, the houses. Traditional Mexican houses are built around courtyards. The house fills the lot lines and all the windows face the courtyards. In contrast, the recently built middle and upper class housing in Mexico resembles its North American counterpart in some essential details. The houses are detached, have no courtyards, and are surrounded by yard space.

The homes for workers in Sahagun resemble the middle class model. There is a living room picture window facing the street, and there are front and back yards. From the point of view of Mexican workers, the houses have serious design defects. There is no privacy outdoors and little privacy vis-a-vis the street and yards. For someone accustomed to a courtyard house, it is imprisonment in a very small space. Equally as significant is the lack of flexibility of space. Traditional Mexican family patterns involve closely linked networks and sharing of households. Sometimes a single courtyard is shared by several related families. The middle class model was built for workers in Sahagun at the expense of privacy and extended family relationships.

Sahagun was to be a model city. There were to be no cantinas (saloons). Yet, in Mexico the neighborhood cantina is the center of local social life. There were to be no shops and no peddlers outside the designated commercial areas. Yet, one source of extra income, a little economic independence, as well as a reason for a woman to visit her neighbors, is the little snops that low income women establish inside their doorways. In the villages around Sahagun, the homes are traditional, visitors and dependent relatives are welcome. The women have their shops. The cantinas consolidate neighborhood networks. Why give all that up for paved roads, bathrooms and hot water?

Consider, too, the "problem" of shanty towns. The attempted solution to this has been to resettle the shanty town residents in government built housing some distance from the city. A recent plan is to move 250,000 inhabitants of nine specified shanty towns to a satellite town 30 miles from the center of Rio de Janiero. They will be housed in apartment type buildings and expected to pay monthly installments on their homes and the cost of transportation to and from the city where the jobs are. One resident of a similar government sponsored housing project complained:

"I hate it here--they brought me to this place in handcuffs--it's too far from any work--my old shack had plenty of room for me and the family and it didn't leak. I'm too far from the beach to go find crabs. Sometimes I just can't make the payments on the house. The house can wait. My children cannot wait."

I'd like to examine his complaint by describing how shanty towns develop.

Generally they are an organized seizure of public land; usually land that is near economically dynamic areas where people will be close to work. Literally overnight an organized group of people erect the flimsiest kinds of dwellings to establish occupancy on the land. As time goes on they construct and reconstruct their homes, gradually developing a community of more substantial buildings. Bit by bit sheet aluminum replaces thatch, cement blocks begin to replace earth construction. During this process they will begin to demand services from the government, schools and public water taps, or water delivery, then electricity, roads and garbage collection, sewers and finally, basketball courts and baseball diamonds.

Considering the portion of the population of Latin American cities that live in shanty towns at various stages of development, often from 30 to 50% of the metropolitan population, this is entrepreneurship on a grand scale. A shanty town house is a property investment and a form of social security.

In both cases I have discussed, the planners have been working from images of the good life, of the ideal city, of standards of adequate housing that ignore both the difficulties and advantages, the tragedies and the joys in the lives of the people for whom they are trying to provide. Whether they are aware of it or not, they are attempting to make people's lives over in a middle class image. In doing so they are offering amenities of a higher standard of living but simultaneously placing restrictions and limitations on how these people live.

#### Dr. John Adams, Geographer:

For many middle class people, it's what they have compared to what they want that determines their material satisfaction or level of "relative deprivation". Their Wants depend in part on what others around them have. People indirectly regulate wants by their choice of friends and neighborhood.

Satisfaction levels are raised by closing the gap between what a person has and what he wants.

If a relative position along income, or wealth or status lines is important to people, those in the lower half of the distribution may judge themselves as being in inferior positions. The upper half focus on those in a better or higher position than themselves. Now only half the people can be in the top half-so we can change what people get only by massive redistribution of income and wealth, but redistribution seems as unlikely as changes in taste.

#### Lance La Vine, Architect:

Aesthetics is not the most overused or misused word in physical planning, but it isn't lagging far behind. Everybody seems to have his own idea of what is beautiful, why, at what worth. What beauty is, and making basic improvements in our physical environment, are two entirely different issues. what we are concerned about is the creation of environments that preserve and give access to natural amenities which don't frustrate and confuse us, which give meaning to our sense of physical organization and prevent us from feeling de-sensitized and ordinary.

My definition of aesthetics in regional development regards an aesthetic act as any development decision which goes beyond adequacy in achieving these ends. Design is simply the strategy employed. The impact of aesthetics and design on the region is then simply the sum of all physical development acts which create more than adequate physical surroundings.

#### FROM THE WORKSHOPS

Frank Fleetham, Mayor, St. Louis Park: "When people talk about change and new modes of housing, there isn't enough information to convince the public. People don't like change--they're afraid of it. It took us many years to get a comprehensive plan and to get such things as Planned Unit Developments (PUDs) considered. Now we're starting in the first phase of townhouses and considering cluster housing. We don't have the hard data to give people, that it isn't going to cost more. In a sense what we're doing is the reverse of what was done in Mexico, where they took people out of cluster courtyard homes and put them in conventional ones. Now we're taking them out of conventional and putting them in clusters. How are people going to get along with the change? Cities need help with information."

Mageet Tangai, Minneapolis Planning staff: "We need to give enough options. We need to study people's life styles and give options."

It seems that they are talking about having open space that everybody could use instead of space that many people don't really use--like their back yards. "But maybe we like that" "Whatever you are used to is what you are for." And don't forget the legal aspects of controlled growth--the individual vs. the public right.

Recent Robbinsdale graduates were polled about where they wanted to live after graduation. It turned out to be places like Elk River and Monticello--these kids are going out where they can find that cheap house that most of us moved to the suburbs for originally. They are out now beyond the 7 county or the 12 county area.

A Brooklyn Center woman said: "It seems that developers are stronger because they're more vocal. People don't get into the issues unless they're really affected."

But in one workshop when the initial question asked was whether we should continue random choice in development as we now have, or should we have phased development, there was a unamimous show of hands in favor of phased development.

Money is the name of the game, it was said--money to provide services. Communities want growth to increase the tax base to pay for services. Some thought we should broaden the tax base and make it metro-wide. Also mentioned were the need for tax incentives, and some provision for the interim while working toward the future. And again--We need communication between municipal officials and the public.

# LOOKING TO THE FUTURE

#### Dr. Robert Freilich: The Phasing and Timing of Development

We are beginning to see the revitalization of the central city - to realize that if it is important to have an economic and racial mix in the suburbs and outlying areas, it is just as important for the cities. Urban renewal can work. It failed in the 50's and 60's because we demolished all the structures and erected commercial buildings, hospitals, other types of civic centers - but we didn't have any place to put the poor people that we dislocated.

However, the federal courts, in interpreting the Civil Rights Act, no longer allow housing projects to be built which will further impact the poor in the central cities. They are requiring that public housing and housing subsidy programs be scattered throughout the metropolitan area. The program is called dispersal.

Through the discovery that housing projects can be mixed in the suburban areas, we realized that we do have the relocation resources and it is vital for the downtowns to rebuild. Downtown is no longer going to be solely an industrial area. Downtown is going to be a cultural center, a university center, an office center, the headquarters of regional government and state and local government. It's going to be a hospital center.

If you want the commercial, the retail parts to survive, you have to build housing. You have to attract the middle class back into downtown. If we have two thirds middle and upper income and one third lower income, our schools will work better. Our poor will have more incentives to move ahead. We will have better neighborhoods because the wealthy have more clout to clean the streets, to see that buildings are revitalized, that housing codes are enforced.

We recognize, too, that our city governments are obsolete in some ways. In some ways Minneapolis or St. Paul are too large for effective citizen participation in government. Everybody who lives in the suburbs recognizes the tremendous importance of his immediate contact with his councilman, his school superintendent, his principal - the vitality of the principle of citizen participation in the running of government. The relationship between the police and the people who live in the community is one of greater understanding in terms of needs.

Consider the two-tier principle of governmental operations. For those functions in which citizen participation is not important it is significant to move to the regional level. Air pollution, sewer lines, water desalinization, or the problem of effluent or solid waste disposal. They are handled more efficiently at a regional level, along with transportation, housing, and various other things.

Schools, police, housing code enforcement, library service and the way the neighborhood looks - things that matter to me as a human being, social services and social contacts - are functions that need to be handled at a lower level.

One of the principal obstacles to solving urban and regional problems has been the proliferation of sprawl, scatteration, and its increasing costs. The net effect upon the central cities is disastrous. Traditional zoning is inadequate for controlling sprawl and leap frog development.

A report has been developed called "Legal Solutions to Urban Growth Sprawl in the Metropolitan Region." It is one of the most exciting things that has happened in any area of the country and I'm proud to say I'm associated with it. The Metropolitan Council, with the legislature, is attempting to come to grips with methods of controlling development, of controlling planning through working with local communities. They would leave the basic laws of planning and zoning at the local level but attempt to work cooperatively toward certain regional and metropolitan goals, leaving the implementation and decision making at the local level.

Too often everything we want by way of planning becomes outdated before we ever get there. Why? We haven't effectively used that tool called interim development controls a simple technique which takes planning and says that until it is completed no development will take place that might be antithetical to the plan, for a year or 18 months or whatever time is necessary. This protects the planning process. It opens up citizen participation because while all the controls are on, the government can say to the citizens. "What do you think of the plan?"

There is another kind of control we are beginning to look at - short term environmental controls. We're beginning to recognize that we need environmental impact statements. Local governments need them. The regions need them.

What are the effects of a highway system? What are the effects on human beings? Aren't they part of the environment? Don't they deserve to be considered along with the impact on marshlands and trees and bushes?

#### Lance La Vine: Aesthetics in Regional Development

We did a study recently for a small community in the Twin City area. It emphasizes the kind of processes in planning that allow words like "aesthetics" and "design" to have real meaning at a regional scale. It's a strategy for achievement of these goals. The concepts involved in this study attempt to provide aesthetics in our physical environment at low cost to the region. Our efforts centered completely on the preservation of open space and existing natural amenities.

This small community is approximately 30 miles from Minneapolis. Its population is expected to expand significantly over the next 30 years; it may grow to 80,000 by the year 2000. The land around the town is rich in natural amenities including waterways, slopes, wetlands and woodlands. The goal was to preserve and organize these resources at minimum public cost.

The study deals only with controlling residential location and density to achieve this end. All other land uses, including the basic greenway system, are established by a convential comprehensive plan. Its only objective in aesthetic terms is the assembly of more than adequate open space. Preserving, organizing, and improving this space is the definition of regional aesthetics.

The first objectives are directed toward low public development costs. To these we've added two benefit categories: The first directed toward minimal site coverage of building and parking in multiple family developments; the second toward creating an extensive and continuous greenway system.

The means to achieve these ends is to allocate development points to proposed projects which meet these criteria. The payoff is that a greater point count allows a greater number of total residential units to be built on the land in question. You cannot build any housing if you can't generate at least 17 points, which eliminates development that does not meet minimum cost criteria. Six units to the acre can be built if all minimum cost criteria is met optimally, but to construct higher densities requires setting aside public or private open space Private developers are given an incentive to promote public aesthetics.

This is only a partial and embryonic concept of the creation of aesthetics in regional environments. It expands the concept of "lowest public cost" to include "most public benefit,"

#### Dr. Robert Freilich:

We have a National Growth and New Town Policy of 1970. You know about two New Towns, Cedar-Riverside and Jonathan. We've built about 36 new towns nationally, and only one is outside a satellite area of a major metropolitan area, although the Act called for equal distribution - in-town, satellite and rural. So far the only rural New Town being developed is Soul City, North Carolina - an all black New Town.

Columbia, Maryland is a fantastic New Town. It has 17% black population. It has homes from \$20,000 up to \$110,000 and a waiting list of about five for each home that is available. It has an education system designed by Harvard University and a health system run by Johns Hopkins. It has magnificant open space and greenery and a beautiful downtown area. And it all worked.

#### Dr. John Adams:

If we can't change wants or rewards, we can at least tinker with the location of various residential opportunities. People choose a house and a neighborhood that suits family needs and status aspirations. They move to a better neighborhood partly for its own sake - and partly to improve their position.



#### WORKSHOP MODERATORS

ELIZABETH EBBOTT, White Bear Lake, Board of Education

HON. AL HILDE, Mayor of Plymouth

HON. JOHN KEEFE, State Senator

HON. DUANE MIEDTKE, Mayor of St. Anthony

BARBARA STEINBERGS. Exec. Dir., Jonathon Association

HON. EUGENE STOKOWSKI, State Senator

Can growth controls help create neighborhoods people want to live in? Can there be a "hardware solution" to the problem of conflicting values and tastes? If the upper income group can't get what it wants at central locations, it drifts outward. If the drift is reversed, this may solve the city's problem, but it will not solve the problem of the dissatisfied persons in the bottom half of the distribution. The city is the people in it - so that is the problem that has to be solved.

#### Cynthia Cone:

I am going to have the audacity to suggest we reconsider the nature of shanty towns, not according to our images of what housing ought to be like, but according to the needs and desires of the people who live in them. Free land for private development has had an important precedent in our history in the form of homesteading. What not set aside areas of land, in the city and in the suburbs, divided into small plots, free land for private development. Free to be occupied and free from zoning and building restrictions

The North American visitor saw the Mexican shanty town as a problem - the former resident saw it as a solution. In developing social policy it is necessary that we begin with the necessities, beliefs and values of the people involved. Not after the laws are passed and the construction finished, when we discover that we have made assumptions about the good life. the ideal city, the "proper house," that those for whom we plan are unwilling or unable to live with.

#### Dr. Dorothy Dodge:

When we come to the solution of that problem, along with better forms of handling urban population sprawl, then we may have to answer that if the political structure is going to respond, then the citizen is going to have to push.

#### 

#### FROM THE WORKSHOPS

Limits to Growth: Who would implement limits to growth? Would there be conflict among counties, municipalities? The discussion centered on ways the Metro Council could provide information and planning, leaving the power with local government. "We need a source of over-all ideals while keeping neighborhood government and the accountability that we feel goes with it."

A suburban mayor said that local officials have much to offer the Metro Council, that their experience in working with local projects is invaluable. He thought that the Council should work from philosophy to concepts, to goals, to general guide maps; add some regulatory teeth and let local government work within the guidelines. "If local officials don't have to take the heat from some of the land use control rules they may be able to accomplish more."

Another suburban mayor commented, "Soneone has to force all of us to work together - highway engineers, railroads, everybody."

It was agreed that since major factors affecting change are roads and sewers, it is important that all phases of capital development should be coordinated, including transit.

Planned Growth and Developers: It was agreed that implementation of phased development demands recognition of the difference between "staged growth" and "no-growth." Suggestions included: a point system could be used to evaluate proposed development and keep it in tune with the Metro Council's proposals for staged growth; developers should not be allowed to build any place they want to, or where services are not available; perhaps tax incentives for developers would be useful.

Regarding the problem of young people choosing to move farther and farther out: "would they stay if there were cheap houses? That points out the problems we face if we don't act cooperatively. Those who want or need cheaper housing will go farther out, and we're all going to help bear the cost of spreading the sewer out there, putting the highways out there, putting the schools out there."

The suggestion was made that a developer should be required to provide an education impact statement - and that such a statement also be required for regional parks. Which prompted the comment: "We can build schools that don't have to be schools forever. A youngster might go to school in the same building used later for senior citizens."

A suburban mayor mentioned a proposed Planned Unit Development (PUD) planned to take human and environmental concerns into consideration. But the political reality was that the people in the vicinity were opposed. "It is hard to go ahead with new ideas." Another comment "But if people have to defend what they really want, sometimes you get a good reaction. "We've always had it that way, but why?" Then you get a whole new ball game."

More comments: "If people were educated as to how much their lots were really costing them in terms of surcharges and the like, a lot of their opinions would change."

"What you have to do is show them what new communities look like, with alternative housing, alternative ways of using open space, public space, lakes, other beautiful things. Don't forget the industrial leaders. If you talk about their problems work force, commuting, housing location - you're not appealing to them as a do-gooder. You are talking about their own self-interests."

Education and Communication: The Citizen and the Government: A state senator said that while he personally favors the regional approach, he has found a parochial view among local officials, with regional cooperation lost at that level. He said, "More and more education is needed about regional problems. Educated, aware citizens will cause local officials to change."

A member of a suburban planning commission said, "Not one citizen in ten has ever heard about the Metro Council. It would be worth while for the Council to educate people as to what they are and what they do."

A suburban mayor: "These philosophies are going to have to go out to the masses in the community." He said that he wouldn't be alone in working for change - or he would be ousted from office and some other "dummy" (his word) would have to be educated all over again. But, "I see myself going to the people and telling them why I take the stands I do, the rationale behind it. People understand better if they know the whys and wherefores"

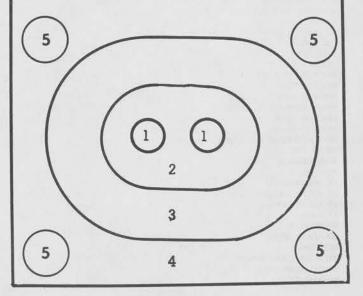
The theme was repeated in all the workshops: "We need more communication with each other, we need more interaction, we need each other." "We need total cooperation of all units of government and the people." "All that we've heard today from very learned people will be moot points if the electorate in general can't be convinced." "It is up to people like us to let them know."

■ The education/communication problem was summed up as demanding: 1) volunteer time, 2) a determined leadership, willing to stand up on an issue, and 3) repetition of the message over a period of time.

Dr. Freilich: "I would suggest to you that government is nothing more than a form society has selected to solve its problems in common. If you sit back and govern by inaction you are going to get a certain result. It really just depends on the activity and enlightenment of the citizenry. I like to push government very, very hard and I like to raise high expectations from governmental leaders, from local leaders and from other leadership levels. If we expect them to do more, and think they will be able to do more, they will surprise themselves. And they may find within themselves the ability to do what they were supposed to do, and that is - lead!"

#### THE FIVE PLANNING AREAS USED BY THE COUNCIL FOR DEVELOPMENT FRAMEWORK PLANNING ARE:

- METRO CENTERS Downtowns of Minneapolis and St. Paul
- 2. CENTRAL CITY AND OLDER SUBURBAN
- 3. AREAS OF ACTIVE URBANIZATION
- 4. THE RURAL AREA
- 5. FREESTANDING CITIES





Dr. Robert Freilich:

The Metropolitan Council is proposing to divide the metro area into five planning tiers. Tiers 1 and 2 will be the downtowns of the central cities and the first ring suburbs, where some growth and development will occur. Tier 3 is where new urbanization is taking place. Tier 4 is an outlying area, essentially rural, open space, that we will preserve. Tier 5 will be older, freestanding communities farther out.

The Council is beginning to ask, "How shall we develop Area 3?" We ought to develop regional and local and countywide capitol improvement plans to bring about better develop-We should require that no development take place unless it is served by drainage and sewer and schools and roads, etc. We will prevent leapfrogging, scatteration. Every developer will know that land is there to be bought, that development will take place in a sound, logical way. This should cut the cost of governmental services, make far more effective the various kinds of planning. We will preserve the openspace for the future rather than consume it in ever increasing larger size lots and private open space, so that it all disappears and you have to go 120 miles to get some kind of recreation. And through the careful use of New Towns, people can build new kinds of exciting architectural patterns for communities. We can also get green belts and open space and new kinds of preservation of environmental systems that will permanently maintain the open space needs of the region. Older freestanding communities will be encouraged to grow so that there will be some decentralization, some kind of survival for this area. Outlying counties are really very interested in growth control and growth management and environmental use that is reasonable. The farmer is interested in the programs. If we can time and phase growth a little better we will be reducing our differences and helping our own development. It has to be intelligent planning - a system in which the incentive and decision-making is left at the local level.

This kind of pattern of growth is vital to the future of the suburbs. It should help reduce taxes. It should get better service to the citizen. It should be helpful to the central cities and the first ring suburbs and closer-in areas in terms of encouraging some development to return to the cities, because all the land area will not be open to development. It should encourage redevelopment, rehabilitation of some of the cities, and do something about older neighborhoods and prevent some of the traditional blockbusting and abandonment that's taking place in our central cities.

This Twin Cities Metro area is known throughout the nation for progress and progressive thinking about solutions. You have a glorious opportunity for fashioning a community of excellence, a rebirth of the city and community on a local and metropolitan scale that benefits everybody, so that you are no longer afraid to go to your cities, to use your streets, to use your parks, to visit the cultural areas. In short, to see the city as a humanistic, cultural place where people interact socially - a place of learning, of enjoyment.

The alternative, the present drift non-policy, I think will lead to an intolerable and unlivable environment for everybody.



#### COUNCIL of METROPOLITAN AREA LEAGUES

League of Women Voters of Minnesota

555 Wabasha Street, St. Paul, Mn. 55101

ANOKA ARDEN HILLS BLAINE BLOOMINGTON **BROOKLYN CENTER BROOKLYN PARK** CHASKA **COLUMBIA HEIGHTS** COTTAGE GROVE CRYSTAL-NEW HOPE EDINA **EXCELSIOR-DEEPHAVEN AREA FALCON HEIGHTS** FRIDLEY GOLDEN VALLEY MAHTOMEDI AREA MAPLEWOOD MINNEAPOLIS MINNETONKA-EDEN PRAIRIE AREA MOUNDS VIEW **NEW BRIGHTON** NORTHERN DAKOTA COUNTY AREA RICHFIELD ROBBINSDALE ROSEVILLE ST. ANTHONY ST. CROIX VALLEY ST. LOUIS PARK ST. PAUL SHOREVIEW WAYZATA AREA WESTONKA WEST DAKOTA COUNTY WHITE BEAR LAKE WOODBURY

CMAL is a nationally recognized inter-league organization of the local LWVs shown at the left. It was formed in 1962 to study and act on problems of area-wide importance. BULK RATE U.S.POSTAGE PAID PERMIT 3200 ST.PAUL, MN.

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102 - February 1974 The following summary is the long-awaited Comprehensive State Land Use Act (Chief Author - Rep. Willard Munger) It will be introduced before this legislative session ends and move into interim hearings. Passage of the amended act will be early in the next legislative session. A council of land resources would be created within the Department of Natural Resources (DNR) but the council would be separate and autonomous from other DNR branches. The council would consist of nine members appointed by the governor for a four year term. No member appointed could be a state or federal employee, nor receive - two years prior to appointment - a substantial portion of his income from the development business. Statutes relating to floodplains, shorelands, wild, scenic and recreational rivers, power plant siting and critical areas would be administered by the new council. A director of land resources would also be appointed by the governor for a four year term, coinciding with the governor's term. The director could appoint a deputy to serve at his pleasure and other employees to carry out the functions of his office. All of the powers and duties conferred on the director by this act would be exercised with and subject to the approval of the council. The director of land resources is designated as the state agent to apply for and disburse federal funds made available to Minnesota for land planning and programs. All state departments and agencies are directed to cooperate with the new council and vice versa. At the council's request, the governor can require any state department or agency to furnish assistance to the council or its director. A state land information service would be established by the council to compile, corrdinate and distribute land use data to affected and interested governmental units. The state land information service would have the authority to acquire any data subject to public disclosure, and specify particular data that local or regional units of government shall use in preparing plans to insure uniformity in the planning process. All meetings or hearings conducted by the council would be open to the public, and any documents or transcripts would be public records. The council would promulgate minimum statewide standards and criteria for the protection, use, development or subdivision of the land and water of the state which would: A) protect groundwater recharge areas B) minimize erosion of slopes C) eliminate unnecessary reduction of forests D) determine soil suitability for development E) protect areas containing unique or endangered species of plants and animals F) prevent nonagricultural use of prime agricultural lands G) minimize adverse environmental effects of nonmetallic mining H) preserve areas of cultural, esthetic or historic significance I) preserve wetlands essential for flood control, groundwater recharge, nutrient removal or wildlife habitat J) protect wetlands which are a potential water resource base or natural environment area K) insure that subdivision regulations protect natural watercourses, waterbodies, forests and woodlands The standards and criteria would include for each type of area described above its: geographical boundaries, area identification criteria, model ordinances, structure placement and construction, suitable building site lots, permissible land use types, public information procedures and subdivision plat review procedures. In preparing the standards and criteria, the council would seek information and advice from state and federal agencies, local and regional units of government, citizens groups and interested individuals. Sixteen state governmental bodies are stipulated for seeking advice. The council would assist local units of government in the development and enforcement of land use ordinances required by this section.

Each municipality or county containing areas identified in section 7 within its boundaries would be required to adopt an ordinance according to the statewide standards and criteria. The council would review the local ordinances to judge their consistency and compliance, and if any changes are needed, the municipality or county would have to conform with the change. If a municipality or county fails to adopt a land use ordinance by Jan. 1, 1976 or if the council after July 1, 1976, and a proper notice and hearing, finds that the local ordinance does not meet minimum standards, the council can adopt their model ordinance to the municipality or county similar to the model shoreland conservation statutes. A further provision stipulates that local units may establish zoning districts for purposes consistent with the standards and criteria. The council would draft standards and criteria to identify developments of regional and statewide importance which have environmental, social or economic effects beyond the boundaries of the municipality or county in which they are located or proposed to be located. In drafting the standards, the council would consider the size, location and timing of developments in relation to particular areas of the state. The appropriate regional development commission would review the regional or statewide development, and - before commenting - could hold a public hearing or request the Environmental Quality Council to order an environmental impact statement by the responsible person. A final decision of a municipality or county regarding a regional or statewide development could be appealed by anyone to the land appeals board; The council and the State Planning Agency would prepare a state land capability plan consisting of a map and statements of present and prospective land uses stating the capability of lands in the state for various types of uses. Before the adoption of the capability plan, the council would hold hearings in each development region to gather information from citizens and local and regional officials. After adoption of the state land capability plan, municipalities and counties would have until Jan. 1, 1976 to revise or prepare comprehensive plans for land use within their jurisdiction, consistent with the capability plan and incorporating the land use ordinance provisions. Regional development commissions would review and comment upon municipal and county comprehensive plans to assure compliance with the state capability plan, the bill's policies, the state environmental policy act, statewide standards and criteria and regional plans. If discrepancies between the above exist, the regional development commission would suggest changes in the local comprehensive plans. Any person could petition the council to review a local comprehensive plan that is alleged inconsistent with the standards. The council could decide upon the petition or refer it to the land appeals board for a hearing. The regional development commissions, including the Metropolitan Council, would: A) act as the planning body for local governments lacking a planning commission B) review and comment on land use ordinances and comprehensive land use plans C) review and comment on proposed statewide standards and criteria D) review and comment on variance applications by local governments from land use ordinances E) provide technical assistance to the council, municipalities and counties for ordinances and plans required by this bill. An intergovernmental advisory committee would be established to advise the council regarding implementation of this bill. The committee would consist of two municipal board members, two county board members, two members of regional development commissions, two members of the Metropolitan Council and three members at large appointed by the governor. The committee's duties would be to: A) study land use management and regulations B) hold meetings throughout the state on land use policies C) make recommendations to the governor, Legislature and affected agencies on coordinated land use policies, planning and management D) assist the council in developing and revising standards and criteria E) meet with the council at least four times a year F) before Jan. 1, 1976 advise the governor, Legislature, council and public on the effects

of this bill upon individual land owners and the tax revenue of local governments.

A three member land appeals board appointed by the governor would be established to hear and decide appeals from land use decisions of local and regional governments. Each member must have training in land use planning disciplines, and one member must be licensed to practice law in Minnesota. No more than two members shall be of the same political party, and no member shall be employed in a business inconsistent with his duty as a board member.

After July 1, 1978 all board members would serve a four year term. No member could serve more than two consecutive terms. The board would be part time or full time, as determined by the governor, and the chairman of the board could appoint any necessary employees. The board could sit or hold hearings anywhere within the state.

A written decision would be made by the board in each case decided by it. The board would have jurisdiction on appeals from the land decisions of municipalities or counties which involve any ordinances required by statewide standards and criteria or any development of regional or statewide importance, and anything referred for hearing by the council. The board, after a formal hearing, would have the power to reverse or modify a local government decision.

The board would be directed to approve local variances where the applicant demonstrated that strict enforcement of the local ordinances would result in particular hardship, that the proposed action is substantially in compliance with the bill's policies and the environmental policy act, and that no substantial harm would come to Minnesota natural resources. Economic considerations alone would not constitute a hardship if a reasonable use for the land exists under the terms of the ordinance.

No specific appropriations were written into the bill.

Another bill of land use importance which is being heard now is the County Planning Act. The bill is designed to clarify the planning and zoning authority of the counties and to increase the authority of the counties to deal with certain problems, as well as to provide uniformity throughout the state. It authorizes increased county control over surface water zoning, wetlands preservation, open space, parks, sewage disposal, advertising signs, and erosion andisedimentation control. It has very liberal provisions on the allowance of variances.

A bill being used as a weathervane for the Comprehensive Land Use Act and which has a good chance of passage this session is the Metropolitan Open Space Protection Bill. This bill provides authority in the DNR to promulgate standards and criteria and model ordinances for the metropolitan area to protect wetlands, groundwater recharge areas, erodible slopes, forests and woodlands, nonbuildable soils and bedrock, surface water zoning, stormwater runoff channels, areas of unique or endangered species, prime agricultural lands, gravel mining and historically significant areas.

Shirle Mark League of Women Voters of Minnesota, 555 Wabasha, St. Paul, MN 55102 Aug.1974 CONSENSUS QUESTIONS ON STATE ROLE IN LAND USE From LWV of Return by Jan. 31, 1975 To LWV of Minnesota 555 Wabasha, St. Paul, Minn. 55102 Instructions: Please follow the same instructions as noted at the beginning, national's consensus questions, "The Federal Role in Land Use." sent July 8, 1974. Should state government reassume authority to engage in state land use I. planning and control 1. for overall land use within the state 2. for selected land areas and activities of statewide concern ("more than local control") 3. for uncontrolled areas where local governments fail to regulate land use of local concern 4. other (List on additional sheet) If the state government were to exercise planning and control functions II. for areas and activities of more than local concern, specify, on a separate sheet, which critical areas and critical activities your League would regard as requiring such consideration. (See question III A, 3-6 of the national land use questions for some examples.) Critical areas B. Critical activities C. Other (List on additional sheet) III. Which critical land areas and activities listed in question II above should be subject to the following methods of control? Mark your list of critical land areas and activities in question II with the appropriate number, listed below. 1. This land use decision should be subject to direct state control. 2. This land use decision should be left to local decision-making according to state-established standards and subject to state review. 3. Other (list on additional sheet)

- 2 -

IV.	In a state organizational framework to carry out land protecti your League support	lon	, W	uld
	tying it closely to the state's total integrated overall (development) planning	Y	N	٠,٠
	<ol> <li>coordinating it with plans and policies of local and regional agencies</li> </ol>	Y	N	U
	3. tailoring it to enhance maximum local decision-making		N	U
	4. requiring local governments to exercise at least a minimum level of planning and control over land use	Y	N	U
	5. requiring impact statements on major public and private developments	Y	N	U
	6. other (List on additional sheet)			
٧.	Should the state government help localities develop and exercise local land use management functions?	Y	N	U
	If the state government were to give such help to local governments, would your League support			
	1. increased state financial aid for research	Y	N	U
	2. increased state technical assistance	-	-	U
	3. increased state data information			U
- 0.0	4. state compensation to localities that suffer revenue losses from state override of local land uses	Y	N	U
	5. state authorizing localities to exercise innovative land use planning and regulatory techniques such as land banking, planned unit developments, transfer of development rights, timed development ordinances, etc.	Y	N	U
	6. other (List on additional sheet)			
VI.	Should there be an appeals board with power to arbitrate conf between	lic	ts	
***	1. governmental bodies in land use decisions	Y	N	U
	2. citizens and governmental bodies in land use decisions		N	U
	3. other (List on additional sheet)			
VII.	Should the state government encourage substate regional bodie land use planning and regulation on matters of more than local	s	for	ern
	Which of the following should be included as a basis for representation on the regional body?			

a.	population	Y	N	U
b.	local government	Y	N	U
c.	field of expertise	Y	N	U
d.	other (List on additional sheet)	Y	N	U

Which of the following powers for regional land use decisions would you favor or recommend for regional bodies?

		appoint	ed	members	electe	d n	nembers
a.	advisory	Y	N	U	Y	N	U
b.	review and comment	Y	N	U	Y	N	U
с.	review and veto	Y	N	U	Y	N	U
d.	planning	Y	N	U	Y	N	U
e.	regulation	Y	N	U	Y	N	U
f.	provision of services	Y	N	U	Y	N	U
g.	control over special dis	tricts Y	N	Ü	Y	N	U
h.	taxation	Y	N	U	Y	N	U

- i. other (List on additional sheet)
- 3. Other (List on additional sheet)

Number	of members	
Number	of members	participating
Approve	ed at Board	Meeting of
by the	LWV of	(date)
Procide	n+la Ciana	+

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# memorandum

The League of Women Voters of the United States

This is going on DPM

June, 1974

TO: State and Local League Presidents

FROM: Marion Nichol, Land Use Chairman

RE: Enclosed publication, LAND USE: CAN WE KEEP PUBLIC AND PRIVATE RIGHTS IN BALANCE?

Here is the new publication you've been waiting for. This is the every-member piece which raises and explains the national land use issues members will need to consider in order to reach agreement. In fact, the summary at the end includes the main contours of the forthcoming questions.

But don't keep it just in the family - share the wealth. Other citizens, many officials, teachers and students are looking for a reliable pamphlet that will help them understand, in under 600 pages, the basic issues underlying land use controversies. Within the next couple of weeks, we will send you a sample promotion flyer. When you develop a promotion for LAND USE: CAN WE KEEP PUBLIC AND PRIVATE RIGHTS IN BALANCE?, we'd be glad to send you additional free copies of the promotion flyer.

Other land use tools coming up:

- Forms for reporting responses to questions designed to elicit member agreement on land use issues -- to local and state presidents only (to be mailed by mid-July)
- A Committee Guide suggesting ways of reaching member agreement -- to presidents and DPM subscribers (to be mailed by the end of the summer)

# Guide land use

This COMMITTEE GUIDE is designed specifically to help resource committees organize to do the best job possible of informing and involving members in making decisions on national land use issues. If offers:

- --background on where we are in the national study of land use
- --a legislative update on national land use proposals and League action
- --techniques for reaching member agreement
- --a guide to the national land use questions
- --a glossary of terms
- -- supplementary reading suggestions

#### WHERE WE ARE

Land use is not a new issue to the League. State and local Leagues have been studying and acting on land use for years. At the national level we have also come a long way. Our 1974-76 National Program for Action includes pertinent criteria, as well as related EQ and MR program positions. (They are quoted in the July 8, 1974 covering memo sent to local League presidents with the national Land Use questions. Complete statements of position are in the 1972-74 edition of STUDY AND ACTION and in the forthcoming publication DOCU-MENTS, BACKGROUND ON NATIONAL LEAGUE PROGRAM.)

On the basis of some of the specifics from the EQ and HR positions, the LWVUS has already spoken to

tion in 1973 and 1974. On July 10, 1973, the LWVUS sent a letter to the House Interior and Insular Affairs Committee supporting firm housing goals in the national land use bills then under consideration. On May 16, 1974 the national board, in a memo sent to all members of the House of Representatives, urged passage of H.R. 10294, the "Land Use Planning Act," as a first step toward assuring that land use planning "will promote a wise use of land resources, enhance the social and economic wellbeing of people, and protect the environment." Copies of the memo were sent to state Leagues.

So, land use action has already been taken under existing EQ and HR positions. These positions, which affirm League support for a physical environment beneficial to life and for equal rights for all, apply to decisions relating to land use as they do to other important issues. The development --suggestions on how to inform mem- of a <u>national land use</u> position bers prior to reaching agreement still lies ahead. A League position expressly on national land use will need to deal specifically with

- -- the role of government and the balance between private and public rights;
- -- the extent and nature of the federal role; and
- -- the relationship among federal, state, regional, and local land use programs.

Plainly, the Land Use study is related to other League activities. You will need to be in communication with EO, HR and other League leaders, particularly those familiar with local planning and zoning and ILO studies and positions related to land use. In addition, the work of the Energy Task Force now underway is clearly related to land use. Among the most important energy-related land use issues are the siting of power plants or other energy facilities; the choice of energy sources and the method and place of their procurement; and means of energy conservation such as mass transportation and more compact communities. Many conflicts in land use will arise from energy issues. The Land proposed national land use legisla-Use position, because it will be

League of Women Voters of the United States 1730 M Street, N.W. Washington, D. C. 20036

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cided overshelmingly to move forward on our national Land Use study. The focus is on land use policy and objectives and the role of the federal government. The goal is to develop a position in time for effective League action on land use during the first session of the 94th Congress.

Three copies of the report forms containing the national land use questions, with a covering memo dated July 8, 1974 attached to each, have been sent to local League presidents. Return a copy of your local League's completed report form to the LWVUS c/o Organization Department, 1730 M St., N.W., Washington, D.C. by January 31, 1975. Please consult the July 8, 1974 memo for further instructions.

focused on process (not only what kinds of decisions should government make, but also by what means), should ultimately be very useful in future action on energy. Meanwhile the exploration of energy issues will enrich this present Land Use study phase.

#### Present and Future Materials

The following materials are essential for resource committees:

-- LAND USE: CAN WE KEEP PUBLIC AND PRIVATE RIGHTS IN BALANCE? (#485, 75¢) offers information sions of the bill (see below). on the history of land use planning and explores the basic national land use issues. The issue of public good v. protection of private rights surfaces as the fundamental issue in determining which level of government should have what powers to make what types of land use decisions. You will want to be thoroughly familiar with this basic tool; it corresponds very closely in content to issues raised in the national Land Use questions and it is the publication you will be urging every member to read.

(#292, 50¢). Review this 1973 CURRENT FOCUS, as and the companion bill, H.R. 10294. [See the you evaluate what your members already know and will need to know. It discusses the national proposals to aid state land use control, summar- pp. 17-18 and pp. 24-26) for the chief features cribes what state Leagues are doing in the area of land use, and gives an account of both the Colorado and Alaska land use battles.

--GETTING A NATIONAL PERSPECTIVE ON LAND USE ISSUES (#267, 35¢) is the COMMITTEE GUIDE you received a year ago, to help you start on the land use study. If you're running to catch up, check

--PLANNING IN THE SEVENTIES (#396, \$1) recommends questions to ask when making a survey of local and metropolitan planning functions in government.

-- STUDY AND ACTION 1972-74 (#409, 75¢) provides background history and wording of past national positions. (DOCUMENTS will contain all official

der the National Program for Action, 1974-76. Ev-Delegates to the May 1974 national convention de- ery local League president and DPM subscriber will receive a copy later this year.)

> --NATIONAL BOARD REPORT June 1973 (#284, 50¢) gives you details about innovative techniques Leagues are using for reaching member agreement (pages 7-10, in the section entitled "Report to the LWVUS '73 Council: Alternatives to Program Management").

-- VOTERS: If you plan to use some of the new techniques for reaching member agreement, remind members of the article on pages 4-9 of the June/ July 1973 VOTER, which tells what Leagues are doing in program management. The Summer 1974 VOTER will give every member the adopted national Program for Action (including the criteria in the introductory paragraph) and an interview with the national Land Use chairman, concerning plans for 1974-75. The Fall 1974 VOTER will briefly summarize the national issues in land use.

-- REPORTS FROM THE HILL: R/H No. 93-I-8 (Nov. 7, 1973) briefly discusses Senate-passed S. 268, "The Land Use Policy and Planning Assistance Act of 1973" and the narrowly defeated H.R. 10294, "The Land Use Planning Act of 1973," this session's companion bills to aid and encourage land use planning. R/H No. 93-II-4 (June 3, 1974) reports the progress of H.R. 10294, summarizes the May 16, 1974 LWVUS memo sent to House members to support H.R. 10294 and reviews the updated provi-

#### LEGISLATIVE UPDATE

National land use legislation, under congressional consideration for over four years, appears to have been shelved for this session of the 93rd Congress; the need for some kind of comprehensive land use legislation becomes more pressing. Postponement of congressional action makes it likely that the League will have a voice in the shaping of proposals in the 94th Congress. It's worth re--- LAND USE AT THE STATE LEVEL: THE GROWING EDGE viewing carefully the main features of the S. 268, CURRENT FOCUS, (#292, pp. 1-3), LAND USE: CAN WE KEEP PUBLIC AND PRIVATE RIGHTS IN BALANCE? (#485, izes important state land use laws, briefly des- of S. 268, and REPORT FROM THE HILL (Nov. 7, 1973, pp. EQ 1-2) for the provisions of H.R. 10294.] Even though they are probably dead letters as bills, they are worth studying for the clues they offer on the possible shape of future legislation. It is also worth noting that the motion to consider the House bill failed by only 7 votes -- a margin narrow enough to mean that intensive lobbying can make a difference.

The only "national land use law" we currently have is the Coastal Zone Management Act of 1972, Which sets up in the Department of Commerce a direct grant-in-aid program to encourage states to plan for and manage their coastal lands and waters. Other federal laws have impacts on land use: the Clean Air Act Amendments of 1970 require regustatements of position currently applicable un- lation of "complex sources" of air pollution,

such as shopping centers, and the Federal Water Pollution Control Act Amendments of 1972 require that developments affecting water quality be related to overall land use planning. We should of the federal role in land use. For more information on the Clean Air Act, you can refer to CLEAN AIR: COSTS AND TRADE-OFFS (#467, 60¢).

#### HOW TO CAPITALIZE ON WORK ALREADY DONE

In preparing members of your local League for de- useful in dealing with the subject matter. cision-making, you can build on the work already done in land use.

1. The LWVEF publication, LAND USE: CAN WE KEEP PORT and the June-July 1973 VOTER. For example, PUBLIC AND PRIVATE RIGHTS IN BALANCE? (#485, 75¢) Leagues could use telephone polls, tearoff quesis must reading for every member. Urge your mem- tionnaires enclosed in the VOTER, call-in resbers to read it. Bibliographies at the end of LAND USE? and at the end of this publication re- Some Leagues may decide that the philosophical nacommend additional non-League readings for inter- ture of land use issues is best suited to member ested members and the resource committee.

standing the pitfalls and successes of local land lative roles of different levels of government use will help members decide whether and how high- are sorted out and discussed. Other Leagues may er levels of government can solve these problems. Wish to use a combination of techniques, such as Over the years, your League has probably used the polling members in advance on some of the ques-1973 COMMITTEE GUIDE (#267), which suggests ways to relate local land use to national issues, and PLANNING IN THE SEVENTIES (#396), which advises on how to make a local land use survey. You have If your League decides to hold member discussion undoubtedly talked to people in your local plan- meetings (in units or otherwise), you will have builders and developers, realtors, real estate ing(s). The number of meetings will depend on appraisers, farmers, architects, conservation or- the amount of attention your League has already ganizations, civil rights groups, university fac- directed toward land use. ulties, bankers. Many Leagues have visited development projects in their communities and assessed the positive and negative results of these two meetings, to do justice to members and to projects--low and moderate-income housing developments, large-scale shopping centers, industrial -- Leagues that have done a great deal in land use parks, and subdivisions, for example.

Now is the time to recap and update these findings for members. Did you find that community land use practices related to land capabilities (such as flood plain management) and filled com- so, because they may see more layers of meaning munity needs? Did you find that local problems required assistance from higher levels of govern- sessions desirable. ment? Don't tell people every detail. Boil down --Your planning for reaching agreement on nationyour research papers. Highlight your findings, all land issues may be modified by the decision for members and the community, through articles in your newsletter, workshops, television programs, community meetings, newspaper articles, go-see trips. Put people in the know about what's happening now.

sion to your preparations for member agreement. Describe problems and responsibilities associated -- Leagues that are considering land use for the with any regional or metropolitan governmental first time will probably need at least two meetbodies concerned with land use in your area. Pre- ings in order to catch up. sent members with facts concerning state land use management--how much authority is vested with your state government and what the problems are. meeting(s). Following too literally a report You can use some of the same techniques mentioned form with standardized questions may inhibit sponabove to inform your members.

TECHNIQUES FOR REACHING MEMBER AGREEMENT

Leagues are at different points and stages of development in their study of land use. Some Leagues look at these laws and consider their delineation have developed local, regional and state land use positions; some are in the process of developing them: others have just begun to consider land use.

> Flexibility is the key. Leagues can reach agreement by whatever methods they prefer. Leagues will want to adopt only those techniques that are appropriate for their situation, as well as most

Many innovative techniques for reaching agreement are described in the June 1973 NATIONAL BOARD REponses to a TV presentation or newspaper series. discussion in the course of which the relation-2. Give a local accent to national issues. Under- ship between public and private rights and the retions and holding meetings to discuss others.

#### If you hold meetings

ning and zoning office and interviewed local home to determine the number and structure of the meet-

Many Leagues will want to consider calendaring the subject:

will already have thought through many of the issues in Sections I, II and III of the national Land Use questions and will be able to devote most of their efforts to Sections IV and V. Even in a question than do others, they may find two

your state League makes about whether and how to use the optional state land use questions they have received. If your state League asks local Leagues to respond to questions on the state role in land use in this study period, you will proba-3. Bring a regional/metropolitan and state dimen- bly need to schedule meetings on state issues before you ask members to tackle national issues.

You will want to consider the structure of the taneous discussion, and could make participants

feel as if they were taking a test and getting a The Land Use questions have five main sections, grade for "right" answers. The aim is for an easy, open atmosphere, one that makes people feel have expressed a preference for this format in to participate. One good way to involve members followed by more specific points for decision. is to dramatize the immediacy of the national Land Use questions, for example, by starting out with a recent newspaper story about a controversial plan or development. Or, you could use visual aids, role playing, quizzes, short skits to start the meeting off on a spontaneous note. If possible dig out your file copy of MEANINGFUL MEETINGS (#419). It's out-of-print but is loaded with helpful tips on discussion meetings.

#### Points to be covered

No matter what the format and techniques you help members make decisions about national land use. By one means or another--meetings, bulletins, newspaper series, TV shows, or a mix--you need to explain the purpose of the study and clear away some underbrush by establishing the relationship of current League positions to land use (local, ILO, River Basin Group, or state posi- Save time and attention for these discussions, inter- and intra-governmental coordination and or- Sections I to III. ganization). If you do a good job of identifying differences and overlaps, you will be helping mem- Section I: The Philosophical Framework--The Conbers keep their thinking focused. (You may, in the process, discover that you want to reconcile some existing positions.)

Above all, bring alive the issue that are pinpointed in the national Land Use questions with concrete, close-to-home examples. For instance, presenting an immediate, vivid example of a new industrial park in your community, may help members to link the immediate reality of local land use with the broader national implications of land use.

ships among the concepts we are dealing with. These are laid out in a logical flow in the national Land Use questions. You may well never present them in this exact form and sequence, but you do need to enable members to choose specifics that are consistent with the overall philosophy and goals they say that they believe in.

#### A GUIDE TO THE NATIONAL LAND USE QUESTIONS

This brief guide to the questions is designed to be used in conjunction with the national Land Use This section lists possible land use goals which questions sent to local League presidents on July should guide and direct the use of any land in 8, 1974 and LAND USE: CAN WE KEEP PUBLIC AND PRI- the United States. It is a more specific applifor shorthand hereafter. In general, this guide the public interest in any land use decision. attempts to supplement rather than repeat the fac-Here some national goals are listed. By their ences to LU whenever particular portions of LU ing and delineating what they see as the public have special relevance. The glossary of terms (page 5), defines or clarifies phrases and words 16, for a discussion of the reasons and goals in the national Land Use questions that may be for the exercise of governmental powers to plan unclear to League members.

each with a number of sub-questions. Leagues personally involved in the issue at hand and able which questions are grouped in topical categories, The five main topics themselves follow a logical sequence from basic concepts to the specifics of a federal role. (We are deferring detailed consideration of federally owned lands, but, wherever relevant, responses to the questions can be applied to both publicly and privately owned lands.)

Section I deals with overall philosophy, Section II with goals, and Section III with functions for a governmental role in land use. These sections outline very general land use issues which provide the perspective for considering the federal choose to use in reaching member agreement, cer- role in Sections IV and V. Philosophical discustain basic points need to be covered, in order to sions have a tendency to go on and on. Your job-whether in written material, a TV show or a discussion meeting--is to keep generalized discussion within bounds and firmly headed toward the federal issues represented in Sections IV and V. It's the responses on these points, that will give the League a firm base for national action. tions relevant to land use planning, homerule, or even if it may mean sacrificing some subpoints in

> cept of Public Interest In the Use and Ownership of Land

The purpose of the questions in this section is to develop the philosophic basis or framework on which day-to-day land use decisions by government and public and private landowners must be made. See LU, pp. 3-8 and pp. 11-13 for the history of our attitudes toward land and how these attitudes have been challenged. See LU pp. 27-28 for an outline of the citizen's role whenever Finally, you need to make clear the interrelation- government exercises land use planning and control powers.

> Although no specific question has been posed on the conflicts between private interests and the public good, this issue is implicit in the questions in Section II - V. Your responses to Sections II - V will provide more specific criteria for making decisions where public and private interests conflict.

#### Section II: National Land Use Goals

VATE RIGHTS IN BALANCE? (Pub. #485), marked "LU" cation of Section I which outlines, very broadly, tual background material in LU, with cross refer- choices, Leagues will in effect be further defininterest in land. See LU, pp. 8-10, and pp. 13and control land use.

#### Section III: Role of Government (National, State or Local) in Land Use Decisions

The purpose of this section is to suggest functions which could be included in a governmental program at whatever level, in order to implement and realize the goals decided upon in Section II. This section does not yet separate out which land use functions are most appropriately the prerogative of the local, state, or national governmental levels. Rather, responses to this section will help determine functions which government at any level should carry out to plan and regulate certain land uses. Refer again to LU, pp. 8-10, for background on the powers that government could exercise. The more complex questions of what level of government should make land use decisions and by what means ((incentive or penalty) are treated in Sections IV and V.

This broad section could be grouped into a consideration of several categories in order to respond to questions:

-- the need to provide information (questions 1 and 2) and to assess impacts of major developments in order to plan and regulate them more efficiently (question 7). Refer to LU, pp. 8-9 for a treatment of the utility of land use planning and the need for an adequate data base in order to correctly prescribe land goals and methods of implementation. See THE USE OF LAND by the Task Force on Land Use and Urban Growth (Crowell Co., 666 Fifth Ave., N.Y., N.Y. 10019, \$3.), pp. 195-213, for an assessment of what impact statements can and cannot accomplish.

-- the kinds of geographic land areas for which governmental regulation might be necessary [question 3 (a) through (c)]. Refer to LU pp. 14-15, for a description of critical geographic areas often cited as possibly requiring governmental protection.

-- the kinds of uses or activities that owners make of the land for which governmental regulation might be necessary (questions 4 through 6). Refer to LU, pp. 14-15, for a list of critical activities often mentioned as possibly needing special governmental regulation.

-- the use of regulatory powers--such as permit systems, zoning ordinances, and subdivision regulations--to further land use goals and protect the public from uses of private land that are clearly injurious (question 8). This question assumes that such powers would be exercised judiciously and cautiously. The limits to this power are often referred to as the "takings issue." Refer to LU, p. 9 and pp. 11-13, for the arguments, both pro and con, on the "takings issue."

--acquisition of land by gift, outright purchase, cial process that takes place in the executive or partial purchase of certain development rights, branch of government. A board or body would be including the power of eminent domain (the power established to hear appeals on administrative to condemn and purchase private land for public actions and to grant relief from literal enforcepurposes, such as parks and urban renewal) (ques- ment of those actions in certain hardship situation 9). Refer to LU, pp. 9-10 for an explana- tions. Decisions made by such bodies are always tion of "eminent domain" and "public expenditure". subject to reversal on appeal to the courts.

#### Section IV: Role of the Federal Government in Land Use Decisions

This section outlines the specific powers available to the federal government and the varying degree to which these powers can be exercised. Your League will want to consider federal powers such as federal financial assistance to states and localities versus the stronger power of imposing federal sanctions. The list includes both incentives and penalites to encourage state and local governments to exercise better land planning and control. Consider what improvements in land management are needed in your community or state and what kinds of federal actions might be effective. Refer to LU, pp. 23-27, for background on how the federal government is presently influencing land use and what it could be doing in the future. Then refer to LU, pp. 17-23, for the status of state and local governmental programs and ideas on ways the federal government could help states and localities improve their land management capabilities.

Section V: Mechanisms to Ensure Full Consideration of State, Local and National Interests in National Land Use Decisions.

This section is concerned with developing a process for defining which land decisions are of "multi-state" or "national" concern. Just as certain land decisions can be classed as "local". "greater-than-local", or "statewide" in importance, so can certain land decisions be labled "national". Use specific concrete examples as you discuss whether a process should be developed to identify areas and activities of "multistate" and "national" concern. Questions B, C, and D cover whether federal land activities (which include federal tax policies, financial assistance, siting of federal installations, and granting of permits and leases) should conform to state programs, preempt state programs, or be subject to some mechanisms for accommodating nonfederal interests. Use of specific examples will also help members respond to these questions. Refer to LU, pp. 24-25, "National Policies and Substantive Review," for arguments in favor of allowing the federal government to preempt state and local governments in certain land decisions. LU, p.25, "A Minimal federal role?", includes arguments against federal preemption of state and local land decisions.

#### GLOSSARY OF TERMS

administrative appeals procedure - A quasi-judi-

carrying capacity - The suitability of land for various uses, based upon natural/ecological characteristics. If the intensity of a particular land use exceeds the natural and ecological resource constraints of an area, adverse environmental consequences could result. For example, a development with too many septic tanks will exceed the soil's natural capacity to treat septic tank effluent and thereby cause water pollution.

criterion and standard - These terms are often used interchangeably. In order to eliminate confusion, we are drawing distinctions between the terms in this study. In LU and in the questions, we use standard to mean a general requirement; we use criterion to mean a specific test, to determine whether or not a standard is being met. For example, under a standard that requires land areas of critical environmental concern be identified and regulated, one specific criterion might be that land with slopes over 20 degrees and above 2,500 feet in elevation must be regulated as an area of critical encironmental concern.

eminent domain - The governmental power to condemn and purchase private land for public purposes, such as highways or parks. By exercising eminent domain, a government can condemn and purchase land for outright public ownership or buy only some of a private landowner's development rights through easements.

land banking - Purchase of land by government for HOMETOWN USA: PROSPECTS FOR TWO-TIER GOVERNMENT. future transfer or sale to public agencies or pri- #477, July 1974. 138 pp. \$1.95. LWVEF, 1730 M St., vate developers. In the interim, a government could hold and manage the land or rent it out for various purposes.

national growth policy - An overall coordinated set of policies and priorities at the federal lev- Myers, Phyllis. "Two Years Before the Mast With el of government to determine how large and in what directions our nation should grow--physically, socially, and economically. Coordinating potentially conflicting and diverse federal programs, such as dam construction with wilderness preservation, to meet a specific set of priorities could be one component of a national growth policy. Other policies could include correlating patterns of settlement, employment, and community services.

#### SUPPLEMENTARY READING SUGGESTIONS

These suggestions for further reading supplement the basic bibliography in LAND USE: CAN WE KEEP PUBLIC AND PRIVATE RIGHTS IN BALANCE? (#485, 75¢). Pike, Lexington, Ky. 40511, Attn: Order Dept. and the bibliography in the CURRENT FOCUS Land Use at the State Level (#292, 50¢).

Advisory Commission on Intergov'tl Relations. AMERICAN FEDERALISM: INTO THE THIRD CENTURY. Pub. No. M-85. May 1974. 39pp. 90¢. Sup. of Doc., U.S. Gov't. Printing Off., Wash., D.C. 20402. Reports the recommendations of the ACIR--a national bipartisan body created by Congress in 1959 to propose ways in which local-state-federal relations might be strengthened. Includes suggestions for achieving balanced growth and housing opportunity, U.S. land use and estimates future land and water metropolitan/regional reform, and stronger states. requirements.

CONGRESSIONAL RECORD, "Providing for Consideration of H.R. 10294, Land Use Planning Act." June 11, 1974. H5019-H5042. Includes the debate on the floor of the House of Representatives to consider H.R. 10294, "The Land Use Planning Act of

Conservation Foundation, "Enlightened Land Choices Are Very Elusive." CONSERVATION FOUNDATION LETTER, Apr. 1974. 8pp. \$1. Pub. Dept., CF, 1717 Mass Ave., N.W., Wash., D.C. 20036. Discusses ways local, state and federal levels of government have managed growth and some difficulties encountered.

Council of State Governments, "Growth and the States," STATE GOVERNMENT. Spring 1974. pp.75-96. \$2. CSG, P.O. Box 11910, Lexington, Ky. 40511. Includes a series of informative articles: "Harbingers of State Growth Policies"; "Legislating a Growth Policy"; "State Growth and Federal Policies"; "The Governor and Legislation"; "Effective State-Local Partnerships: Steps We Need to Take."

Healy, Robert. "Land Use: Rights in Conflict". ATLANTIC NATURALIST, Summer 1974. pp. 53-57. Audubon Naturalist Soc., 8940 Jones Mill Rd., Wash., D.C. 20015. Looks at the various ways state and federal laws have defined the "public interest" in land use.

League of Women Voters Education Fund, SUPERCITY/ N.W., Wash., D.C. 20036. Reports trends toward regionalism and decentralization in metropolitan government and tells how people feel about gov't. decision-making and the citizen role.

A Land Use Law". CONSERVATION FOUNDATION LETTER. March 1974. 8pp. \$1. Pub. Dept., CF, 1717 Mass. Ave., Wash., D.C. 20036. Offers insights into the problems of implementing Florida's state land use act, passed in 1972.

Hart, John. "The Petaluma Case." CRY CALIFOR-NIA. Vol. 9, No. 2. Spring 1974. pp. 6-15. \$2.50. California Tomorrow, Monadnock Building, 681 Market St., San Francisco, Ca. 94105. Discusses the issues behind a federal district court's decision to declare the growth limit of Petaluma, Ca. illegal and why the city intends to appeal.

Council of State Governments. THE LAND USE PUZ-ZLE. May 1975. 37pp. \$3.00. CSG, Iron Works Revises and updates the Council's previous report entitled, The States' Role in Land Resource Management. Includes state tools and techniques. relevant federal legislation, and options for state action.

Econ. Res. Service, U.S. Dept. Agric.. OUR LAND AND WATER RESOURCES: CURRENT AND PROSPECTIVE SUP-PLIES AND USES. Mis. Pub. No.1290. May 1974.54pp. \$1. Supt. of Doc., U.S. Printing Off. Wash., D.C. 20402. Includes statistical summary of current