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Effective Means of Implementing Rural Zoning

By George B. Alcorn

The title of this talk suggests that we know the effective means of implementing zoning. Unfortunately this is not the case. Let me emphasize that we, in California at least, are just beginning to explore a whole series of new and urgent problems being thrust on Agricultural Extension by the very rapid urban encroachment on our rural communities.

At the outset we should say zoning is not an end in itself but merely a means to an end. We are concerned with agricultural zoning simply as a device to aid in balancing all land uses in an area. Our objective in zoning the rural lands in California is entirely opposite from that in Wisconsin. While Wisconsin uses agricultural zoning to restrict agriculture, encourage forestry, and reduce the cost of public services, practically all rural zoning in California is aimed at maintaining agriculture on the land.

In the United States we lose about a million acres of agricultural land a year to nonfarm uses. On the other hand, we bring into production about a million acres so that the total agricultural plant has remained about static. Estimates show that California loses about 75 million acres of agricultural land a year to nonfarm use. I am told Indiana each year loses the equivalent of one county in farm land. At that rate in 92 years Indiana will have no more farm land.

Zoning ordinances in the past have usually contained regulations for use districts ranging from a most restricted district, such as a single family residential district, to a least restricted district, such as an industrial or an agricultural district. All uses permitted in a more restricted district are permitted in a less restricted district. For instance, single family residences usually have been permitted in the commercial, industrial, or agricultural districts. In California, however, the land zoned for agriculture is to be used only for agriculture. All other uses are prohibited. This relatively new concept of exclusive districts in zoning is being used not only to protect agricultural land uses but also other uses, such as industrial uses.

Since we are concerned with the total land-use program, and zoning is only a legal instrument for obtaining an optimum use, I think we might well summarize at this point some of the important land-use problems. The problem of adequate food supplies is different in the long run from the short and intermediate aspects. In this period of surpluses a case for agricultural zoning can hardly be made from

the standpoint of an adequate food supply. A reference, however, might be made to the fact that California is the source of 10 percent of the national agricultural production. Of course, some of this production could be shifted elsewhere. Another important factor is that about eight areas in California where urban encroachment on agriculture is most pronounced produce about 50 percent of California's farm products. But no real case can be made for agricultural zoning to protect our food supply.

Now, in the short or intermediate period we can list the following problems arising from the present pattern of unplanned and unrestricted urban development:

1. URBAN DISPERSAL. Urban dispersal as noted by Professor Ernest Englebert of UCLA might be classified as follows:

There is, first of all, the so-called "pressure dispersal," in which the urban expands out in all directions from the individual city. This is the usual pattern of urban dispersal and the one with which we are most familiar. A second type, or perhaps an intensification of the first type, is found where two or more urban communities are expanding into the same rural area, and their boundaries meet or overlap. The result is that agriculture is trapped between these growing communities. All the problems that exist in the first situation are also found in this case, but in addition two or more urban communities are involved in working out a reasonable program of land-use development. Another type of dispersal is the ribbon development in which the urban community develops along the arteries of traffic. The fourth type of dispersal, the one most important to us here, is urban development which is not necessarily contiguous to the central city. Subdivisions and other types of urban development may spring up anywhere. This has been called "leap frogging." With modern highways and other means of communication the family can live 25 to 50 miles from employment. In addition, industrial employment is dispersing so that in some cases it may lead to sporadic urban development in the open country.

We live in a new type of economy. No line of demarcation separates the urban from the rural areas. No longer does a different type of land use begin at the city limits. We have what some people call a "rurban" economy. In California we have some 4.5 million people living in these areas which are neither urban nor rural. The problem of agricultural zoning is how to achieve orderly development which will provide for needed living space with a minimum loss of good agricultural areas. In California the good agricultural land is in scattered and localized areas. However, these rather concentrated small

areas of good agricultural land lie directly in the path of urban expansion. They are closest to the city and easiest to develop.

2. TAXATION. Urban dispersal into agricultural areas creates a need for a level of governmental services which farmers cannot afford. Costs of these new services are high and must be borne largely by the agricultural landowners, who cannot and should not be expected to carry them. Hence, a serious tax problem develops.

3. CITY ANNEXATION. Cities have been annexing agricultural land at an alarming rate. In California we have two acts, the inhabited annexation law and the uninhabited annexation law, which permit cities to annex agricultural land in a very haphazard and in some cases a high-handed manner. The annexation procedures enable a city to annex the high-value areas in the rurban fringe leaving out the low-value high-cost areas. The result is a pattern which has no possibility of meeting the land-use problems.

4. AGRICULTURAL SLUMS. In many cases the agricultural areas which have been by-passed and are intermingled with the urban development are becoming rural slums. Farms are small and inefficient and offer little incentive for capital investment for improvements.

5. FARM OPERATIONS. Many problems develop when attempts are made to farm immediately adjacent to an urban area, whether that area is residential, commercial, or industrial. Livestock enterprises present a particularly difficult problem in this situation.

6. WISE DISTRIBUTION OF LAND USE IN THE COMMUNITY. An unfortunate aspect of the present type of development is that in many areas where good agricultural land is being shifted to urban use, there is available land with no agricultural value which would be more valuable for urban uses than the good agricultural land. It will have no value if not used for urban purposes. Monterey County is an example. It has two million acres of land of which only 140,000 acres is good agricultural land. The agricultural acres are as good as the best land in the state and support an economy of 100 million dollars annually. The nonagricultural land in the county is of relatively low value for agricultural purposes but is of equal or greater value than the agricultural land for urban uses — particularly for residential development.

The problem now is what to do about this situation. Before making our decision on what might be done we should note that: (1) We are concerned with the total land use in which agriculture is but one of the considerations. (2) We need to study the problem and make plans for the future. Our plans will and should change as new situa-

tions develop. This process is continuous. (3) In California we are thinking about an *orderly* retreat, perhaps on the order of a military retreat to prepared positions. That essentially is what we will have to do under the terrific impact of a population increase of about one-half million every year.

Agricultural zoning involves the use of the police power to compel the owner of the zoned land to use it in accordance with a certain pattern. California has given all counties the right to zone lands. Most of the counties have adopted some form of agricultural zoning at least on a tentative basis. What, then, have we done to cope with some of the problems discussed above?

1. Some counties have developed county master plans and adopted zoning ordinances for carrying them out. Several counties and some townships have master plans in which agriculture is the only permitted use in certain areas. High land prices offered by subdividers and others are putting great pressure upon the planning commission to change the master plan.

2. Agricultural zoning is ineffective against city annexation. How, then, can agriculture protect itself against city annexation? Several agricultural areas in California have incorporated as sixth-class cities. In this way the city has full control of the zoning and does not have to compete against another city in an attempt to acquire the area. The level of governmental services in the area can be controlled. However, the city assessment rates must be the same within the county and, of course, the agricultural area would have a low level of services.

3. The district form of governmental organization has some possibilities in California. This is a regrouping of governmental authority from several units of government into a district which has authority over land for one or more specific functions. However, this would not have much benefit because a district could not protect itself against city annexation or any unspecified use. In other words, we cannot form districts simply to prohibit encroachment on agricultural land.

4. Taxation might be mitigated if assessed valuations could be adjusted. The state constitution provides that land should be assessed at its value. Proper assessment calls for estimates of the replacement cost, sales analysis, and income analysis. If the area is within an incorporated agricultural city and, therefore, not available for subdivision, its value would be lower and presumably taxes would be lower. Some consideration has been given to the possibility of assessing land on the basis of use rather than value. I do not believe this proposal could legally be put into effect.

5. The question arises as to what unit of government should zone for agriculture. The proper unit of government to zone will depend upon the aim of the plan calling for zoning.

Some people think the police power is too severe and that the tax power should be adequate to direct land use. We should point out that this suggestion is premised on the push of urban dispersal, which calls for adjustments in the assessed valuation rate. The use of the police power in zoning shocks many people, but the police power has been used in connection with land for years. We have used zoning in cities for a number of years, and the zoning of towns in city areas has been rather well established.