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F. B. Trenk

Iowa State College

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Land Zoning in Cut-Over Regions

F. B. TRENK, '23
Extension Forester, University of Wisconsin, Madison.

The Town of Minocqua is in the “heart of the lakes” region of northern Wisconsin. Like every other town in the newer north country, so fortunately situated, it advertised far and wide the inviting charm of its crystal lakes and its cool climate tempered by northern forests (or what remained of them). It was equally generous in its welcome to those who came to patronize its existing resorts and to those who came to add wealth by building new homes, new hotels, new farms.

The Town of Minocqua is large. It includes five full Government survey townships—more than 125,000 acres. Yet for all its size, its county and state trunk highway system totals less than 17 miles; it has but four schools, and these are all within the confines of a single government township of 23,000 acres.

Financially the town is better off than many of its northern neighbors, thanks to substantial summer home developments. But when, early last winter, a family established itself upon the shores of one of these crystal-clear lakes, traveling over a fire lane built by the State Conservation Department, some 12 miles from the nearest road and school, and when this family proceeded to make demands upon the town for services guaranteed to it by State law—services which promised to cost upward of $2,000 the first year and heaven knows how much for future years—the tax-payers knew that the time had come to discover how to prevent such a thing’s happening again.

Not that settlers in out-of-the-way places were an unusual source of demand upon the finances of towns wholly incapable of caring for them; in fact hardly a town in the cut-over areas of northern Wisconsin has a record one hundred percent free from such extravagance. The Town of Spider Lake in Vilas County, nearby, spent over $1,800 in services to one family in one year; while the entire investment made by this family could have been purchased for $800. Another town had spent $4,000 for snow removed for the benefit of one small community, whereas the town would actually have been money ahead if it had paid each family $500 in cash to stay at home while the roads were snowed shut. The really important point is that when the people of Minocqua called the attention of its Oneida County Board of
Supervisors to the seriousness of the situation and insisted that something be done, something of an epoch-making nature in governmental control was done. The means of control was found in a State law which gave counties the power to zone land for agriculture, forestry, and recreation.

Oneida County struck vigorously at the problem through its zoning ordinance—the first of its kind in any state in the nation. It had, of course, always favored new recreational development, because recreation meant relatively high investments with relatively low governmental services. It had welcomed forestry investment. One pulp company had bought thousands of acres and was developing this land for future forests. It always welcomed farm settlers, but not with the freedom of location that pertained to forest and recreational areas. Farm settlers meant year-round roads, meant schools, meant that the farmer must be on reasonably good soil to make a living; and, if he wasn't, then very likely it meant that some day he would be a public charge. The zoning ordinance was the means to prevent this waste of human resources.

The zoning ordinance recognized three types of land ownership and separated the areas within which they might be developed. Forestry and recreation, supplementing each other and neither representing heavy demands for aid from town or county, were placed into one land-use district. Agriculture, because its demand for public services was so much greater and so different from the other two, was restricted in its further location.

This was not a new classification of the three main types of land use. Oneida County had been applying this to its own lands for a number of years. As Oneida County became the owner of land through the process of tax delinquency and then entered the market as a land owner to find a sale for this land, it endeavored to keep prospective settlers from land unsuited for agriculture or where the demands for roads and schools would be a real burden. But Oneida County owns only about 30 percent of its land. There were plenty of private land owners who were also in the market to sell land, and they cared nothing about these liabilities to remaining tax-payers. Therefore Oneida County went beyond its own holdings and made this ordinance apply equally to private and public land.

A drastic move, you say, for the county to tell the private owner for what purpose he shall use his land. Not so drastic, if we pry into this zoning business and note what has been done repeatedly with private lands in many cities throughout the nation.

After all, zoning is not so new. What we have is merely a new application of an old principle.
Now there are two ways of protecting the financial resources of a tax-payer: One is to prevent that kind of indiscriminate private development of land which will cause heavy losses in the capital investment; the other is to prevent such indiscriminate development of private lands as would result in unreasonable cash outlay yearly through his tax bill. And yet this latter waste is precisely what has been going on for years in many of the towns of northern Wisconsin. Zoning, therefore, aims primarily to so control and direct the use of lands, public as well as private, as to insure the tax-payer that he will not be made to suffer, through his tax bill, from either the greed or the bad judgment of others.

Oneida County had scarcely enacted and published its zoning ordinance when zoning became an issue in practically all the counties of northern Wisconsin suffering similar ills. State law had granted the power to zone, and other counties were equally interested in involving this same authority. There was, in short, a wholesale revolt against the old order of exploitation in land development, and in its place there arose a demand for governmental control of the factors of governmental expense.

What is the part of forestry and foresters in this dynamic movement? Forestry and forest development will be inseparable from every plan for rural zoning in cut-over regions. Since one of the primary purposes of zoning is to restrict in location those land uses which result in unreasonable costs for governmental services, it is easily seen why forestry has received such general consideration. Large forests require a minimum of public roads, and these roads do not need winter servicing. Few men are employed while the trees are growing; hence there are few or no families scattered through the forested area, and therefore no need for schools. Other governmental services are equally light.

Because forestry as a land use can function with a minimum of governmental services and therefore does not contribute to the very financial problems zoning is designed to remedy, it will be for many years to come a preferred enterprise in the restricted land use districts.

But if operating forestry is such a boon to the zoning movement, is zoning equally attractive as an incentive to more forestry? A brief review of the current draw-backs to forestry practice indicates that zoning marks a distinct forward step in the forestry field.

Forestry as an enterprise in the cut-over areas has long suffered from the hazard of serious fire losses. It is definitely known that in this region the largest single cause of fires is land clearing, while most of the other causes of fire are directly traceable to the freedom of human movement and trespass within the haz-
ardous areas. Zoning aims virtually to abolish one of these sources of fire and materially to curb the others.

Land settlement for agriculture and therefore land clearing, with its inevitable fires, is definitely prohibited within certain land use districts as provided by the zoning ordinance. Settlers living within a restricted district when the ordinance becomes effective will be permitted to remain on the land in the status of "continuing non-conforming users," but generally they will be few in number.

Zoning develops land for its best use: farms along highways, wooded shores for lakes, forests on non-agricultural land.

Because, as we have already pointed out, forestry itself can operate with a minimum of governmental service, it would appear probable that taxes may be reduced in large forest districts, provided of course that the local tax districts do not have to maintain roads and schools for scattered settlers. Zoning is too new in the North for one to be able to cite examples where this situation has become a reality, but local officials are agreed that this may reasonably be expected to develop from general application of the zoning power.

Among the conclusions of the recent Forest Taxation Inquiry is a reference to the imminent need for more economy in local governmental costs. There is far more likelihood of this objective being realized when the cause of high cost is removed. This indicates zoning, and it means that zoning is going to be a very positive aid in future forest development.