

MINNESOTA STATE LAND USE PLANNING
IN THE CONTEXT OF
A DEVELOPING NATIONAL LAND USE POLICY

STATE PLANNING AGENCY
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A NOTE TO THE READER

In the past few years, it has become very apparent that certain land use decisions which are normally made by local governments affect the jurisdiction of numerous other governments. Pressures have increased for State government to become a more active participant in land use planning and regulation. Land use planning is considered to be a tool for providing a balance between issues of environmental quality and economic development.

This paper is an introduction to the subject of land use planning in Minnesota State government. It attempts to conceptualize some of the issues that need to be considered in the preparation of a State land use plan. This paper does not provide answers to the problems of land use. It should be used as a framework for further discussion on how Minnesota should proceed in the development of statewide environmental policies and land use plans.

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SUMMARY

1. The State of Minnesota should develop a State Land Use Plan.
2. Land use planning is a tool for providing a balance between issues of environmental quality and economic development.
3. Land use planning is a strategy for influencing the way in which natural resources can be used. A land use plan is a written document describing the strategy. A land use plan establishes the rules of the game for both private interests and public officials.
4. A national land use policy is being proposed. It may re-structure some of the traditional American approaches to land use planning and regulation.
5. The national land use policy is intended to influence the location of population and economic activity. Federal programs that affect population and economic activity frequently conflict with each other. Primary land use planning responsibility is supposed to reside with the states.
6. The Minnesota Land Use Plan should provide state government with a Minnesota position on major national land use issues.
7. The statewide planning program can be conducted within the present context of state laws and state organizations.
8. The Minnesota State Planning Agency should provide the leadership in the development of the State Land Use Plan.
9. The development of an acceptable plan will depend on the full participation of all relevant participants in the plan preparation stage. Every attempt should be made to achieve a consensus among the relevant participants, using a concept called joint planning.
10. Representatives from 17 state agencies, from local, regional and federal governments, and from the private sector should be actively involved in the plan preparation phase.
11. The basic question that needs to be addressed is, "What is the best mixture of land uses, and in what geographic locations should they be guided in order to maintain stable economic conditions and a high-quality environment?"

12. A careful evaluation needs to be made to determine which land use decisions belong under the jurisdiction of each level of government.
13. The Minnesota Land Use Plan should be designed to accomplish the following:
 - a) encourage wise use of all natural resources.
 - b) provide for economic stability and full employment.
 - c) provide for diversity in the resource base.
 - d) influence the distribution of population.
 - e) revitalize rural communities.
 - f) coordinate government programs that affect the demand on natural resources.
14. The Minnesota State Land Use Plan should be statewide geographically, and it should include all public and private lands (including Federal lands). The plan should incorporate concepts of scale and intensity of development. It should inventory the resource base, define open space functions, define demand, and classify land use.
15. The development of the land use plan is important for providing a broad statewide perspective to assist officials in making wise decisions which affect the quality of life of all of Minnesota's citizens.

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TABLE OF CONTENTS

	<u>Page</u>
I. Introduction: Environmental Quality - Economic Growth	1
II. The Federal Framework	4
Assumptions Behind the Federal Legislation	4
Elements of the Federal Legislation	5
III. The Beginning of Minnesota's Land Use Planning Program	7
How Minnesota Should Begin	8
Providing the Leadership, the Role of the State Planning Agency	9
IV. The Institutional Relationships for Land Use Planning	10
The Problems of Participation	11
The Involvement of Relevant Participants	14
Staffing for Statewide Land Use Planning	16
V. Considerations for the Content of a Statewide Land Use Plan	18
The Basic Question	19
What a Statewide Land Use Planning Program Should Accomplish	20
What a Statewide Land Use Planning Program Should Include	22
VI. The Issue of Enforcement	26
VII. Conclusions	28

MINNESOTA STATE LAND USE PLANNING IN THE
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I. INTRODUCTION: ENVIRONMENTAL QUALITY - ECONOMIC GROWTH

Environmental quality and economic development are two primary issues of discussion in the political arena in America. In an address before the Financial Executives' Institute, the U. S. Secretary of Commerce said that the time has come to consider "economic reality" in dealing with environmental problems. The Secretary further stated his case by asking, "Are the environmental dangers so imminent, so critical, that we have to throw thousands of productive people out of work? Are the dangers so great, so immediate, that whole communities must be run through the economic wringer?"¹

One week earlier, a Louis Harris and Associates Poll in New York indicated that citizens of that state consider pollution the most serious problem facing their communities. Pollution was ranked as more serious than drug addiction, law enforcement, and housing.

During the same week that the citizens of New York indicated pollution as the most serious problem facing their communities, environmental-economic issues were being confronted by several states. The Illinois Pollution Control Board ordered a roofing company to pay a \$50,000 fine for violating air pollution rules and ordered the company to comply with regulations or shut down. In Indiana, the Indian Stream Pollution Control Board ordered a

metals company to submit plans to eliminate water pollution, and the company agreed to make corrections. In New Jersey, a private company was ordered to install more facilities to control odor and water pollution. The company's waste treatment plant was only two years old. In West Virginia, the Air Pollution Control Commission voted to sue a corporation for air pollution violations. These are only a few of the examples of the confrontations that are occurring between environmentalists and economic developers.²

In the midst of the environmental-economic issues is a large group of people who believe some kind of balance is necessary between conflicting sides. One expression of this belief is found in a speech by the Commissioner of the Bureau of Reclamation before the Seventh American Water Resources Conference in Washington, D. C. on October 26, 1971. He said, "The emotional argument that there is no alternative except a choice between protection of the environment and continued economic development should not be accepted. We can --and must--have both."³

The discussions on the environmental quality-economic development issues have generated a movement toward finding an acceptable balance between the two that will succeed in providing Americans with a high standard of living in high-quality natural surroundings. An expression of this movement is the attempt by Congress to draft legislation on an idea termed a national land use policy. Senator Henry Jackson, an author of a national land use policy bill, remarked, "To a very great extent, all environmental management decisions are ultimately related to land use decisions...The collective land use decisions which we make today and in the future will dictate our

success in providing the American people with quality life in quality surroundings...Experience during the past year has strengthened the realization that adoption of a national land use policy is a matter which cannot be delayed."⁴

The Congressional hearings have generated debate and made land use planning an important issue. Opinions have been formulated and positions taken. Individuals and organizations representing both the public and private sectors have turned toward Congress for assistance in formalizing a national land use planning program. It is assumed that such a program will provide the way out of the complexity of the situation. Once again, they ignore the challenge of Lord Acton's warning, "There is no error so monstrous that it fails to find defenders among the ablest men. Imagine a Congress of eminent celebrities such as More, Bacon, Grotius, Pascal, Cromwell, Bossuet, Montesquieu, Jefferson, Napoleon, Pitt, etc. The result would be an Encyclopedia of Error."⁵

It is possible that a formalized national land use policy could become an encyclopedia of error. It could even be argued that the collection of America's current land use policies comprises an encyclopedia of errors. Despite opinions, arguments, errors, etc., some kind of a national land use policy is likely to develop that will in part restructure the traditional American approaches to land use planning and management.

The subject examined in this paper will be the role of Minnesota State government in the context of a developing national land use policy. Two Senate bills will provide the initial basis for analysis. The bills themselves will not be analyzed in detail.

Rather, they will be considered as the Federal framework within which Minnesota will develop its own programs and procedures for administering a statewide land use policy and program.

II. THE FEDERAL FRAMEWORK

Two Senate bills were introduced in February, 1971 to establish a National Land Use Policy. They were S.632 and S.992. They were referred to the Senate Committee on Interior and Insular Affairs. The framework within which states will develop their land use plans will probably be some kind of a compromise between the two Senate bills. In addition, it is expected that a House version of a National Land Use Policy will also be compromised with the Senate bills. When the final bill is hammered out and eventually becomes law, it is expected that it will contain important assumptions and elements.

Assumptions Behind the Federal Legislation:

The assumptions behind the passage of a law are important because they supposedly reflect the intent of the lawmakers. After legislation is passed, guidelines for the administration of the law are normally adopted by the appropriate Federal agency. These guidelines should be consistent with the original assumptions. Guidelines are then followed by work programs which become the base upon which land use plans are developed. If the original assumptions are neglected in this process, or if a new set of assumptions replaces the original ones, then much confusion can result as to the proper content of the land use planning programs. It is important, therefore, to identify the primary assumptions behind the legislation and to develop programs that are consistent with these assumptions.

Three major assumptions are included in the Federal framework.

They are:

1. The National Land Use Policy shall encourage wise use of resources, foster economic activity, and influence population patterns.
2. Federal programs have a significant effect on the location of population and economic growth, but these Federal programs are frequently in conflict with each other.
3. Primary responsibility for land use planning rests with state and local governments.

A listing of these three assumptions raises numerous questions. For example, how should population patterns be changed? Another question is, if Federal programs have a significant effect on economic growth, then how can state and local governments change these Federal programs to make them more consistent with state and local plans? One could continue asking similar questions. Some of them can be answered by a listing of some of the major elements that are expected to be part of the Federal legislation.

Elements of the Federal Legislation:

The major elements of a National Land Use Policy will set the stage for further program direction. These elements will answer some of the questions on how the National Land Use Policy is expected to proceed. Some of the important elements are as follows:

1. A Federal agency or Council of Federal Agencies will be given administrative responsibility for the National Land Use Policy law. For purposes of this paper, it will be assumed that a Council of Federal Agencies will administer the law.

2. The Federal Council will
 - A. Review Federal programs that affect land use
 - B. Inventory the land resources of the United States
3. The Federal Council will encourage the development of State land use plans through a grant-in-aid program to a single state agency in each state.
4. The State land use plans will not include Federally-owned lands.
5. The State land use plans will include components of the following types of land use or developments:
 - A. Recreation (including scenic and historic areas)
 - B. Agriculture
 - C. Mining
 - D. Industrial and commercial developments
 - E. Transportation and utility facilities (including airports and highway interchanges)
 - F. Coastal zones, shorelands, flood plains
 - G. Other valuable ecosystems
6. State eligibility for Federal land use grants will depend on two major conditions:
 - A. Federal Council approval of the State plan
 - B. Whether or not the State has authority to enforce the plan.
7. After an initial planning phase, Federal projects, or state and local projects that use Federal money, should conform to the State plan under most circumstances.

These seven elements, plus the three assumptions discussed

earlier, can be considered as the original framework within which a National Land Use Policy and State land use plans will develop.

III. THE BEGINNING OF MINNESOTA'S LAND USE PLANNING PROGRAM

The State government in Minnesota can look forward to the opportunity of developing a statewide land use plan. Land use planning is not a new concept in Minnesota, even though development of a statewide land use plan under the anticipated Federal legislation is new.

Minnesota has a tradition of land use planning experience dating from the 1930's, and that tradition has threaded its way into the present. There have been several times when individuals and organizations have been particularly active with natural resources planning. (It should be noted that the term "land use planning," as it is used by many people today, usually includes planning for all natural resources.)

A State Land Use Committee and some county land classification committees were active for a time in the 1930's. In 1961, the Minnesota Natural Resources Council examined many land and natural resources problems and produced a plan for action in a publication entitled, "Natural Resources of Minnesota: 1962."⁶ Other recent State land-use planning activities have resulted from various projects of the Minnesota Resources Commission and the State Planning Agency's administration of the HUD 701 and water resources planning programs.

In addition, there is a long history of certain kinds of functional land planning within the Department of Natural Resources.

These various state-oriented land planning activities form a composite of State government experience for various types of land and natural resources planning. It is assumed that this background of experience will exert some influence on the development of a new and complete statewide land use planning program.

How Minnesota should Begin:

The early stages of any new government program are important because they establish a set of procedures that strongly influence the further development of work programs, staffing, controls, and budgeting. The early stages of a statewide land-use planning program are also very important because of the potential influence that may be exerted on the private sector of our economy. The State will have to proceed very carefully and deliberately in establishing its program, and that program will have to contain considerable flexibility. This flexibility is important because it is anticipated that land use planning will have to balance economic goals with environmental goals. Plans that are not flexible and subject to change may lead to more serious conflicts than those that already exist.

Since the statewide land use planning program may receive a matching grant-in-aid program, the State will have to provide some matching funds. A source of these funds may be the Minnesota Resources Commission's natural resources account. The Minnesota Resources Commission (MRC) makes its legislative appropriation recommendations on the basis of a philosophy of acceleration. This means that its funds are used to begin new programs or to speed up existing natural resources programs. It is not clear how soon a National Land Use Policy Bill will become law so that the 1973 session of the

Minnesota Legislature might consider passing the following type of appropriation:

The sum of \$200,000 of the natural resources account is set aside for statewide land use planning by the State Planning Agency. If a national land use policy act, or similar act, is passed by the United States Congress, this sum shall be used to match the funds made available by that national land use policy act. The funds may be used for purposes such as inventorying, designating, and preparing plans for areas of important State environmental concern. Such areas shall include, but not be limited to agricultural lands, forests, wetlands, shorelands, wilderness areas, natural and scientific areas, scenic areas, recreational areas, valuable ecosystems, and areas impacted by key facilities, such as airports, mining operations, electrical power plants, and other large-scale developments.

It would be appropriate for this appropriation to be made to the State Planning Agency because of its unique role as a "directing, advisory, consulting, and coordinating agency to harmonize activities at all levels of government, to render planning assistance to all governmental units, and to stimulate public interest and participation in the development of the state."⁷

Providing the Leadership, the Role of the State Planning Agency:

The State Planning Agency should provide leadership in the development of a Minnesota Statewide Land Use Plan. Three portions of the state planning legislation indicate the role of the Planning Agency in relation to statewide land use planning:

1. The Agency was created so that Minnesota could benefit from "an integrated program for the development and effective employment of its resources."⁸

2. The Agency shall "prepare comprehensive, long-range recommendations for the orderly and coordinated growth of the state."⁹

3. The Agency received the duties of the land use committee, which basically were to classify all public and private lands in the State.¹⁰

While the State Planning Agency should provide the leadership, staffing, budgeting, and program control for statewide land use planning, it cannot successfully prepare plans without basic input from other agencies. It will be necessary to establish a process by which other agencies can have a planning input. This kind of process is very difficult to establish. The process needs to be continuous. One method of assuring continuity along with input from other agencies is to institutionalize the process.

IV. THE INSTITUTIONAL RELATIONSHIPS FOR LAND USE PLANNING

The institutional relationships between the State Planning Agency and other agencies are important for the successful development of a state land use plan. If the plan is to be flexible, manageable, and enforceable, it must be a product of some kind of consensus of the relevant participants. In the statewide planning process, these participants should include state agencies, local governments, regional governments, Federal agencies, and representatives from the private sector. These participants need to become

active in the very beginning stages of the planning process, and they need to remain active until a product called a "plan" is produced. After that, they need to be active in plan renewal and plan enforcement.

The Problems of Participation:

As desirable as it may be to have active participation in the planning process, there are two obstacles which must be overcome before full participation can be achieved. The first obstacle can be called the "borrowed-time" obstacle. The second can be called the "cooperative planning" obstacle.

Assume that the State Planning Agency wants to begin the planning process and include several state agencies. According to the State Planning Law, other state departments may be directed to furnish staff and services to the Planning Agency.¹¹ Theoretically, the Planning Agency can request a state department to provide staff services in the preparation of statistics and reports. The department would then provide the assistance. In essence, the State Planning Agency is borrowing someone's time. In reality, this "borrowed time" is very difficult to get. A competent staff person in a state department is already busy with research and administration and does not have a plentiful supply of extra time. The department director can only free that key individual by buying someone else to replace him for a time.

Borrowing from another department is difficult, not only because the key individual is already busy but also because a replacement has to be trained to fill in for him. Another difficulty is that each department head has his own legislative direction and department goals and is understandably reluctant to let a key

individual go for a time. Yet, it is these key individuals that are so important to the planning process by virtue of their experience and knowledge. The only way to "borrow time" is to substitute an equally competent individual for the key individual who is needed from the department. This "key substitute" would have to have enough experience to be able to fill in quickly and efficiently. Under the current State Civil Service system, there does not appear to be any source of "key substitutes" who could be used to aid the planning process.

Another borrowing difficulty is associated with money. Department heads can be expected to guard their budgets as well as their key personnel. The State Planning Agency can best face the money problem by buying the individual (or paying for his key substitute) for the necessary amount of time.

The second obstacle to active state department participation is the "cooperative planning" obstacle. Assume that the Planning Agency is able to buy key individuals from other state departments. What could normally be expected to happen would be that each individual would take charge of writing the plan for the component in which he is the expert. For example, the highway planner would write the highway chapter in a state land use plan, and the hydrologist would write the water resources chapter for the same plan. In the end, each could be expected to throw his chapter into the hat, and this could be called the "state plan." However, difficulties would arise when projects (which eventually result from plans) would come in conflict with each other. Theoretically, the State Planning Agency could arbitrate these conflicts as they appear, but that is difficult

because of political realities. Highway planners and hydrologists have clientele; state planners do not.

A dilemma is created in plan preparation because plans need a broad-based support to be implemented. In order to have credibility with state departments and other interests, these plans must have their participation. Their participation can create conflicts, so it is necessary to have a mechanism to resolve the conflicts. The best way to resolve conflicts is to settle them before they become serious issues. The best way to keep them from becoming serious issues is to adopt a program of "joint planning" from the very beginning.

Joint planning is an approach that is necessary for the preparation of a state land use plan that will have general acceptance of the relevant participants. Joint planning means that each participant will have considerable input into the preparation of first-draft reports of every other individual. Joint planning relies on the development of some kind of a consensus among all the participants. One mechanism for consensus decision-making and joint planning is suggested by Charles W. Taylor. These steps or action levels are "ideate, screen, select, refine, and decide."¹² This process is guided by a panel that blends special skills and disciplines. Evidently, conflicts are primarily avoided by controlled discussions and private balloting. This panel consensus process might be a useful tool in joint planning for land use in Minnesota.

Assuming that the borrowed-time and cooperative planning obstacles can be overcome, it needs to be decided who should be active in the process. Who are the relevant participants?

The Involvement of Relevant Participants:

The participants who should be involved in statewide planning include representatives from State agencies, local governments, regional governments, Federal agencies, and the private sector.

In Minnesota State government, there are 17 State agencies, besides the State Planning Agency, that should be directly involved in the land use planning process. Not all of these agencies may be involved in the entire process, but at some point each one should have input into various components of the process. In some cases, several divisions within the same department may be called upon for participation. The 17 agencies are:

1. Department of Administration
2. Department of Aeronautics
3. Department of Agriculture
4. State Auditor
5. Department of Civil Service
6. Department of Economic Development
7. Department of Health
8. Department of Highways
9. Historical Society
10. Iron Range Resources and Rehabilitation Department
11. Department of Military Affairs
12. Department of Natural Resources
13. Pollution Control Agency
14. Department of Public Safety
15. State Soil and Water Conservation Commission
16. Department of Taxation
17. Water Resources Board

In addition to these State agencies, the Legislature and the Governor's Office will need to make input into the planning process. The Legislature is the State policy-making body and should be kept apprised of the land use planning efforts through its legislative staff as well as through the committee hearings that are held. The Governor's Office, by virtue of its politically sensitive position, should also have a Governor's staff member participate at various stages of the process. There may also be other State agencies that will need to be called on for assistance in preparing reports for some of the components of the land use plan.

Representatives from outside of State government should also participate in the development of a statewide land use plan. Numerous organizations already exist that could designate those who they wish to be active in joint planning. Many of these organizations have a considerable amount of expertise on land use problems. Some of them are the following:

1. League of Minnesota Municipalities
2. Minnesota Association of Counties
3. Metropolitan Council
4. Regional Commissions
5. Federal Executive Board Subcommittee on Natural
Resources and the Environment
6. Citizens' League
7. University of Minnesota
8. Environmental groups

These representatives need to be actively involved in a capacity that is more than just advisory. Advisory committees may become

an integral part of the statewide land use planning process, but they should not be considered as sufficient for providing the valuable input of relevant participants. The non-state government participants would have the same problems of participation that State agencies face. The State Planning Agency might have to administer a series of contracts with non-state government participants, to be assured of their full participation.

Even if the problems of participation can be solved, and assuming the relevant participants can be brought into the land use planning process, the major question of how to organize the program is still only partially answered. The details of how to develop concepts and how to organize the daily activities in line with the planning goals should be considered in another paper. They are not included here primarily because this paper is intended to be used as an introduction. An entire organization and procedures manual needs to be written on the details of the state land use planning program.

Staffing for Statewide Land Use Planning

The State Planning Agency, in guiding the preparation of a statewide land use plan, will be responsible for staffing, budgeting, and program control. This will necessitate the involvement of numerous staff planners. The staff will use a background of experience in land-related planning to develop a statewide perspective.

There are presently about 20 professionals within the State Planning Agency who could provide the nucleus for the broader effort of relevant participants which has been discussed earlier. The 20 staff planners are working on various aspects of land-related planning activities. These planners are presently working in the

Environmental Division, the Office of Local and Urban Affairs, and the Transportation and Intergovernmental Affairs Divisions.

In addition to the Planning Agency's staff, there are certain other key groups that could be expected to provide important staff assistance. These groups are normally considered to be working on functional programs which are generally described as being more specific than broader policy planning. The distinction between functional and policy planning is a difficult one to make, so for the time being, it will be assumed that all functional land planners will be used in the initial stages of the program. It appears that initial major staff assistance outside of the Planning Agency would come from the Department of Natural Resources and the Department of Highways.

The Department of Natural Resources employs many professionals who will be important in the planning process. The major coordination for DNR's involvement should be through the Bureau of Planning, which presently has half a dozen professionals on its staff.

The Highway Department would probably coordinate its planning input through the Transportation and Transit Planning and Programming Division. There are approximately 110 professionals in this division, and eight of them are in a section called the Statewide Planning Section.

Other key members for the initial planning process could come from a group of approximately 40 planners and researchers in the Departments of Aeronautics, Economic Development, Health, Taxation, and the Pollution Control Agency.

The use of staff from several State agencies, plus the active participation of numerous other State, local, private, and Federal

organizations, does not necessitate the formation of a new organization. If properly done, the formation of a statewide planning program can succeed within the present context of State laws and State organizations. This is true for the planning activities, but it might not be true for the implementation phase that will be expected to follow the planning activities. More will be said about that later. One issue that needs to be examined in this introductory paper is the possible content of a Minnesota Statewide Land Use Plan.

V. CONSIDERATIONS FOR THE CONTENT OF A STATEWIDE LAND USE PLAN

Land use planning is a phrase that describes a concept that is a combination of many ideas. If the question were to be asked of planners, "What is a land use plan?", the response of each individual would probably vary from the response of every other individual. Land use planning means different things to different people. For purposes of this report, land use planning shall be defined as follows: A strategy for influencing the activities that can be conducted on the land and the way in which land and natural resources can be used. A land use plan is a written document describing the strategy defined above. It should be noted that most of the people using the term "land use planning" include natural resources as part of the definition of land.

The process of land use planning and the drafting of a land use plan can be a very detailed and time-consuming effort. During this process, constant evaluation will have to be made of what should be contained in a land use plan.

The content of a land use plan will be influenced by a host of legal and administrative constraints, plus the assumptions of the participants as to what goals should be pursued. In the context of these constraints, there are certain elements and considerations that should be part of a statewide land use plan. The outlining of these elements will be useful for providing a statewide land use planning perspective.

The Basic Question:

A land use plan needs to clarify and answer numerous questions. The most basic question that needs discussion, clarification, and answering is the following: What is the best mixture of land uses, and in what geographic locations should they be guided in order to maintain stable economic conditions and a high-quality environment?

The basic question can best be answered in the context of the present situation. Therefore, it is necessary first to determine the current uses of land in the State. The Minnesota Land Management Information System (MLMIS) provides a good beginning description of current land use.¹³ The MLMIS should be updated continuously to assure a good information base for land use planning. Certain ownership, building, and tax records should be integrated into the MLMIS and updated on a yearly basis. The land use portion of the MLMIS should be updated every five years in growth areas and every ten years in the remainder of the State. The land use planning program should include periodic updating of the MLMIS.

The description of current land use is only a small part of a land use plan. The next major question that needs clarification is, "What stimulates change in land use?" The answer to this major

question is likely to vary from region to region and from rural to urban areas. Changes can result from decisions generated from the ideas of men and from natural causes.

"The road network is and will continue to be the most important factor shaping the pattern of development and population change."¹⁴ This is an example of a change that results primarily from decisions generated from the ideas of men (assuming certain natural constraints are about equal). The road network statement is made in reference to the State of Minnesota. In other words, the question, "What stimulates change in land use?" can partially be answered by saying, "the road networks." A careful examination of how to use the road network to shape development patterns would have to be part of the statewide land use planning process. This is one example of a consideration for land use planning.

Changes in land use can also be stimulated by natural causes. For example, "Since the 1930's they (droughts) have accelerated... contemporary basic changes in America: fewer, bigger, and more fragmented farms."¹⁵ Obviously, there is an inter-action between the natural cause (drought) and man's reaction to the drought that will stimulate changes in land use. This example and the road network example are but two of a long list of considerations that need to be part of the land use planning process.

What a Statewide Land Use Program Should Accomplish:

The land use planning program in Minnesota will be guided by value judgments and political constraints. This means it will be difficult to agree on many of the policy issues that are raised during the process. There are certain policy matters, however, that

most, if not all, participants can probably agree on. Six of these policies are listed below because they are important in providing a framework for consideration of the elements of a statewide land use plan. A statewide land use planning program should do the following:

1. It should encourage wise use of all natural resources. This means that the resources or their byproducts should not be wasted.

2. It should provide for economic stability and full employment.¹⁶ It should not seek to encourage economic growth for its own sake. Theoretically, for example, an ore deposit could be mined in a five-year period, generating tremendous economic activity and growth. However, at the end of five years, when the ore deposit was depleted, the economic instability of the surrounding area would be a disaster. In this example, economic growth could lead to economic instability. On the other hand, the same ore deposit could be mined over a 50-year period, which would tend to create a more stable economic situation for the surrounding region.

3. It should provide for variability in the resource base and the management of the resource base. This is an important concept.

4. It should influence population distribution as population relates to the natural resource base, economic stability, and employment.

5. It should revitalize rural communities if the supply of natural resources, land, and infrastructure can support the new growth.

6. It should coordinate government programs that influence demand on natural resources.

What a Statewide Land Use Planning Program Should Include:

In determining the most desirable mixture of land uses to maintain stable economic conditions and a high-quality environment, and in relating this to the policy framework listed above, it becomes apparent that there are several major considerations that should be included in a State-managed land use planning program. If the goals of statewide planning are to be accomplished, and if the policies are to be followed, and if the plan is to be comprehensive, then the planning program should include the following:

1. It should be statewide geographically.
2. It should include all of the following ownership components: A. State B. Federal C. Local D. Private
3. It should incorporate a concept of scale and a concept of intensity of development.
4. It should include a current, accessible land and water inventory.¹⁷
5. It should define open space categories and functions. These, in turn, should become part of land use classification.
6. It should classify land use for the entire State according to the several different but related methods of land use classification.
7. It should define and attempt to quantify the different types of demand.

In order for the plan to be statewide geographically and to include all ownership components, the Federal framework from proposed National Land Use Policy legislation will have to be changed so that the State land use plans can include Federally-owned lands. It would

be a mistake to exclude 3,305,000 acres of Federally-owned land in Minnesota from the State's land use planning program.¹⁸ This is especially true when the Federal legislation acknowledges that Federal programs have a significant effect on the location of population and economic growth and that primary responsibility for land use planning rests with state and local governments. This is not to say that the State should determine how Federally-owned lands are used. It does mean that Federal lands should be included in State land use plans. An institutional arrangement would have to be made that would include the Federal government as a relevant participant in the State land use planning process.

The concepts of scale and intensity of development are difficult to assess. They should not be neglected in the planning program. Very careful definitions and criteria need to be established.

The current, accessible land and water inventory should be provided by the MLMIS which was discussed earlier.

Open space categories and functions should be considered as an integral part of the State land use plan. In Minnesota, 97.7% of the land can be classified as open space.¹⁹ This open space is vital to the well being of the people living in urban areas, even though they do not occupy that open space. Open space is important because it has numerous functions. Some of the functions of open space are listed below:

1. Productive function.

This is an economic function. Open space used for production includes agriculture, forestry, commercial fisheries, etc.

2. Water management function.

Open space is necessary to provide water supply, flood protection, etc.

3. Outdoor recreation function.

4. Preservation function.

Includes scenic, historic, scientific and natural areas.

5. Design function.

This means open space can be used to separate areas of intensive development and to channel growth in a desired direction or area.

A statewide land use program should include land use classification. It is generally argued that classification is not worthwhile unless it is accompanied by the authority to implement the classification through zoning and other land use controls. This argument ignores the educational value of a land classification process. It further ignores the influence that a classification process might have on management and funding programs of governmental agencies.

Land can be classified in a number of ways. Some ways in which land can be classified include classification which is based upon:

1. the natural characteristics of the land area
2. the present use being made of the land area
3. the use capabilities of the land
4. recommended use for the area
5. use programming. This last classification is to get from present use to recommended use over a period of time.

A statewide land use planning program should also attempt to define and quantify the different types of demand. Demands for

natural resources cause demands for land, and the use of land will result in the use of the natural resources above and below the land surface. As was stated earlier, the terms "land" and "natural resources" are used interchangeably. Land can be considered either as a resource itself or as the composite of natural resources. A demand on land and natural resources requires a quantity of the resource to fulfill the demand. Sometimes, a demand will affect the quality of the resource. Demands can be considered as consumptive demands or non-consumptive demands.

Consumptive demands require a quantity of the resource. When a resource is consumed, it is generally not available to fulfill other demands. For example, the removal of taconite from a mining region diminishes the amount of that natural resource which will be available for future use. Other consumptive demands remove a quantity of a resource for a specific time period, but the resource can gradually be replaced. The harvesting of timber is an example of this.

A non-consumptive demand on a natural resource would be a demand that uses a quantity of a resource but does not remove that quantity. Therefore, the resource is available for future use. An example of a non-consumptive demand would be the activity of wildlife photography.

There are many demands on land that fall somewhere between consumptive and non-consumptive. It is not necessary to detail them at this time but only to recognize that they do exist and will have to be considered in the preparation and management of a comprehensive land use plan.

Demands on natural resources and land result from needs. Needs can be deceptive. They can range from real physical needs to wishful thinking. Men need food, shelter, and clothing, but do they need a second lake home or a wilderness canoe area within 100 miles of their metropolitan residence? A land use plan must consider the real physical needs of people, and, to a certain extent, it should also consider the psychological needs of people. The quality of life that is so often referred to as important to Minnesotans is directly related to the needs that might be called the perceived psychological needs. A major issue in a statewide land use planning program will be to consider to what extent the perceived psychological needs should be planned for.

The basic purpose of this section has been to outline some considerations for the content of a statewide land use plan. Little attention was given to the details of how to proceed in the land use planning process and in the development of a land use plan. These details should be considered by the staff of the State Planning Agency as they begin the initial stages of the land use planning program.

VI. THE ISSUE OF ENFORCEMENT

The enforcement of land use plans is a very difficult task. Enforcement is the application of the plan. The application of a land use plan will influence the use and possibly the ownership of natural resources. It is the enforcement of a land use plan that brings the general citizenship in contact with public officials. Conflicts and disagreements are likely to result in these contacts

which, in turn, will cause political pressure to change the enforcement of the plan. These conflicts cannot be avoided, but a carefully drawn land use plan with flexible review procedures can formulate the parameters within which the conflicts are worked out. In essence, the land use plan should establish some of the rules of the game for conflict resolution.

One of the elements of the Federal legislation contains the condition that the State land planning agency will have to have the authority to enforce the land use plan. The nature of that enforcement authority is unclear, and it will probably have to be spelled out in the Federal guidelines if not in the Federal legislation. Regardless of what those guidelines specify, they will have to be placed in the context of Minnesota laws. In anticipation of a statewide land use planning program, the State Planning Agency has already conducted a study of the legal framework for the regulation of land use.²⁰ That study describes the land use planning and control authority that is available to local and regional units of government and to State agencies. This legal framework should be used as the base for evaluation of possible new legislation that may affect land use. Another useful document for evaluation of the planning and enforcement framework has been provided by the American Law Institute.²¹ The A.L.I. document contains articles on state land development regulation, state land development planning, and judicial review. The A.L.I. document and the State Planning Agency study are excellent tools for an evaluation of the legal framework of Minnesota's statewide land use planning process. Both are necessary for an examination of the problems of enforcement.

One major problem that needs consideration is the issue of control at each level of government. Historically, the states have delegated most of the land use control authority to local units of government. The proposed Federal legislation indicates that there will be a shift away from this practice. If this happens, one can expect some fundamental changes in the governmental process which could exert a tremendous influence on the control of America's resources. Before the statewide planning process develops very far, a careful examination should be made to determine which land use decisions belong under which one of the following jurisdictions: (1) local, (2) county, (3) regional, or (4) state. Once the types of decisions are clarified, it should become a matter of legislative policy to determine the proper location for each type of decision. "Where should the authority reside?" is not as easy a question to answer as one might expect.

VII. CONCLUSIONS

The development of a Minnesota State Land Use Plan is an important function of State government that should be conducted under the direction of the Minnesota State Planning Agency. There are many difficulties that will be encountered in the process, but they should not extinguish or slow the effort. It can justifiably be argued that there already is a land use plan. The question is, "Should the present and developing land use patterns be guided by State government for the purpose of maintaining stable economic

conditions and a high-quality environment?" If the answer is "yes," then the problem becomes one of choosing how to influence land use patterns.

The preparation of a Minnesota State Land Use Plan will hopefully alleviate some of the conflicts between environmental quality and economic development. A land use plan is a strategy for influencing the way in which natural resources can be used. It establishes the rules of the game for both private interests and public officials.

Enforcement is a major issue in land use planning. Successful enforcement of a land use plan and management of natural resources in harmony with the land use plan will depend upon the acceptance of the plan by the relevant participants. Acceptance of the plan by the relevant participants will depend upon the credibility of the plan. Credibility of the plan will depend on a broad-based support, which means all relevant participants will have to be active in the plan preparation stage. It is important also to resolve conflicts in the plan preparation stage by adopting a concept of joint planning. Joint planning in the beginning will alleviate some of the problems of enforcement in the end.

The development of a Minnesota State Land Use Plan is also important because it will provide the State with a framework within which Federal National Land Use Plans can be evaluated. The Minnesota plan should provide State government with a Minnesota "position" on major national land use issues.

Finally, it is also important for the State of Minnesota to produce a statewide land use plan for educational reasons. The

process of planning will provide governmental officials with a body of knowledge and a necessary extension of experience that is valuable for providing a broader perspective on land use issues. This broader statewide perspective will assist officials in making wise decisions which affect the quality of life of all of Minnesota's citizens.

FOOTNOTES

1. Maurice H. Stans, U.S. Secretary of Commerce, Address to the Financial Executives' Institute, Houston, Texas, October 26, 1971.
2. "Current Developments," Environment Reporter, October 29, 1971, Vol. 2, No. 26, p. 767.
3. Ellis L. Armstrong, Commissioner, U.S. Bureau of Reclamation, Address to the Seventh American Water Resources Conference, Washington, D.C., October 26, 1971.
4. "Hearings before the Senate Committee on Interior and Insular Affairs," (remarks by Senator Henry Jackson), May 18, 1971, p. 1.
5. Webb, "What is Wrong with Congress?" - Government Executive, October, 1971, p. 71, quoting Lord Acton, on Congress, 1881.
6. Minnesota Natural Resources Council, "Natural Resources of Minnesota: 1962." (Report to Elmer L. Andersen, Governor of Minnesota).
7. Minnesota Statutes 1969, Vol. 1, Ch. 4.10, p. 131
8. Ibid.
9. Ibid. Ch. 4.12, Subd. 1(1), p. 132
10. Ibid. Ch. 4.16, Subd. 2, p. 134.
11. Ibid. Ch. 4.11, Subd. 5, p. 132
12. Taylor, "Organizing for Consensus in Problem Solving," Management Review, Vol. 61, No. 4, April 1972, P. 21.
13. David M. Hamernick, "The Establishment of a Land Management Information System within Minnesota State Government" (unpublished staff paper, Minnesota State Planning Agency, St. Paul, Minnesota, August, 1971.)
14. John R. Borchert, Donald D. Carroll, Minnesota Settlement and Land Use 1985. Minneapolis, Minnesota. (Minnesota State Planning Agency and the University of Minnesota, 1971) p.3.
15. Borchert, "The Dust Bowl in the 1970's" Reprinted from Annals of the Association of American Geographers, March 1971, Vol. 61, No. 1, P. 1.
16. Full employment does not necessarily mean zero unemployment.

17. The Minnesota Land Management Information System (MLMIS), as described in "The Establishment of a Land Management Information System within Minnesota State Government," is the base for a current, accessible land and water inventory.
18. Public Land Statistics, 1970. U.S. Department of the Interior, P. 10.
19. This classification of open space means all land that is not classified as urban-residential, urban-mixed, or transportation in the pamphlet entitled, "Minnesota Land Use, the Minnesota Land Management Information System." (Minnesota State Planning Agency, March, 1972).
20. Stephen E. Lee, "Protecting the Minnesota Environment through Regulation of Private Land Use." (Unpublished paper - State Planning Agency, St. Paul, Minnesota, 1972.)
21. "A Model Land Development Code," Tentative Draft No. 3, The American Law Institute, April 22, 1971.

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U.S. Congress. Senate. A Bill to Establish a National Land Use Policy: To Authorize the Secretary of the Interior to Make Grants to Encourage and Assist the States to Prepare and Implement Land Use Programs for the Protection of Areas of Critical Environmental Concern and the Control and Direction of Growth and Development of More than Local Significance; and for Other Purposes, S. 992, 92nd Congress, 1st Session, 1971.

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