

Zoning Constitutional in Many States; Court Support Is Also Given

Cases Decided in State Courts Upheld By the United States Supreme Court; Local Official Body Is Necessary.

(Third of a series of articles compiled from a "Zoning Primer," issued by the Department of Commerce, Washington, D. C.)

Doubt has arisen in many minds whether or not zoning is legal and if the courts will support any laws that have been drawn relative to the subject. When a zoning law is properly drawn there is no doubt that the courts will support it, the Zoning Primer states. In fact, the courts have approved zoning whenever it was done sensibly and comprehensively.

One of the earliest points raised regarding zoning was in Boston, where two different heights for future buildings were fixed throughout the city. This was supported by the highest court of Massachusetts and the United States supreme court.

The next important case arose in Los Angeles, where, under a zoning plan dividing the city into industrial and residential districts, a brickyard in a residential district was ousted, although it had been in existence for many years. This case was upheld by the California and federal courts. The best zoning case to show how far the courts will go in distinguishing between zoning districts is in Ohio, where the court held that one and two-family houses were subject to noise, litter, danger of contagion, and fire risk.

That they could be placed in different districts under the police power. In New York state the highest court has declared the zoning of New York City to be constitutional, stating that it can be done under the police power.

if done with care and good judgment so as not to be arbitrary or confiscatory. Zoning has been declared legal in a number of states, among them Oregon. States which have already authorized zoning are California, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Oregon, Rhode Island, Virginia and Wisconsin. In these states zoning applies to all classes of cities. In Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Pennsylvania and Texas the act does not apply to all classes of cities. This list does not include the District of Columbia, Connecticut, South Carolina and Tennessee, acts which apply to a particular city, and North Carolina, which has recently passed a city planning act granting zoning powers to city plan commissions.

There must be some local official body to initiate the work of zoning. If there is a planning board or commission, that is the logical body to take up the problem. If there is no such body, one should be created, because zoning, to be done with wise forethought, must take account of not only existing conditions and obvious tendencies of growth but of probable changes and improvements of many sorts. It is part of the general planning problem. It relates to the transportation system, including streets, street railways and other local passenger transportation, railroad freight and passenger service, and water-borne commerce, if any. It relates also to public works and utilities, to parks, schools, and many private and special public undertakings.

As there is nothing resembling a planning board or commission in Salem, the initial steps looking forward to a city zoning law in Salem have been taken by members of the Marion-Polk County Realty association.

Features of the building include a large marquette to provide shelter regardless of the weather for the arrival and departure of mourners and friends of deceased persons.

Modeled along the line of a Roman temple, the chapel is a work of art, with opalescent glass adding to the beauty of the room. When extremely large funerals are necessary, a disappearing wall can be raised so that the chapel and loggia open into one large room, nearly doubling the original seating capacity. Latest type opera seats are being used in the chapel, with the music room well to the front. A large fireplace is located in the loggia and two large slumber rooms, offices, rest room and preparation room complete the first floor equipment.

Three display room, a private office for W. T. Rigdon, senior member of the firm and a 3-room apartment for night attendants are located on the second floor. Space for a second preparation room, storage place for vaults and the furnace and fuel rooms are in the basement.

The building was designed by Freeman & Struble, local architects, with Carl Engstrom, of Salem in charge of the general construction.

Mr. Rigdon has been in Marion county for the last 75 years, of which 33 were spent in the mortuary business. He crossed the plains with his parents when but one year old, and is one of the best known pioneers in this part of the state. Lloyd T. Rigdon, his son, is the junior partner.

The investigation also brought to light definitely planned expenditures of nearly \$800,000,000 during the next two years for churches, hospitals, charitable and educational institutions, these figures not being included in actual shortages now existing.

The survey, which is the most complete study of actual building conditions throughout the country ever undertaken, was made by S. W. Straus & Co., through its educational department, Chambers of commerce, real estate boards, building departments, municipal governments and other agencies best qualified in their respective communities to give authentic data, co-operated.

It is pointed out in the survey that even within the boundaries of cities where the general situation is such as to justify reports of shortages there may be limited residential zones or there may be certain types of construction in which the saturation point has been reached. Such conditions particularly are pointed in connection with certain sections of Boroughs of Brooklyn and the Bronx in New York, and in Chicago.

The Eastern section of the country reported total shortage of \$2,812,510,000, of which \$1,652,387,500 was residential; \$439,320,000 commercial and \$229,492,500 public. The central states reported \$1,149,700,000 shortage, consisting of \$294,486,000 residential \$462,741,500 commercial, and \$392,472,500 public. In the Southern states a total shortage of \$307,495,000 was distributed as follows: residential, \$83,425,000; commercial, \$137,515,000; public \$86,555,000. The Western states reported shortages of only \$281,115,000 of which \$79,900,000 was residential, \$91,375,000 commercial and \$117,840,000 public.

Of the 25 leading cities, New York led with a shortage of \$855,000,000, the greater part of which is needed for residential types of buildings. Chicago with a shortage of \$501,543,000 was second. Philadelphia reported a shortage of \$240,000,000; Milwaukee, \$130,000,000; San Francisco, \$78,500,000; Pittsburgh, \$77,000,000; Los Angeles, \$51,000,000; Denver \$45,500,000; Cincinnati, \$42,000,000; Portland \$35,000,000; Cleveland, \$29,750,000.

Josephine Stewart has purchased an 8-room modern home at 469 North Thirteenth from Emma Beckett, for a consideration of \$5300. The new owner takes possession the first of the month. Purchase of a house and four lots at 1046 North Seventeenth was made this week by Roland Randall, from George Mentzer. The sales were made by Mrs. Winnie Pettyjohn, local realtor.

Rich L. Reimann, local realtor, who has moved twice in the Oregon building, has again changed his location. Mr. Reimann, who formerly occupied rooms on the third floor of the Oregon building is now to be found at rooms 3, 4 and 5 in the D'Arcy building, over the Piggly Wiggly store.

U. S. COUPLINGS ABROAD LONDON, Oct. 22. (AP)—English railroads are to adopt the automatic couplings as used in the United States and throw over their present system of coupling with heavy iron chains which have fastened together English cars since Victoria's youth. Installation of automatic couplings will cost the English railroads about \$1,250,000.

St. Louis, \$16,000,000; Buffalo, \$5,250,000; Newark, \$5,000,000; Detroit, \$7,000,000; Indianapolis, \$3,000,000; Seattle, Wash., \$2,500,000; Rochester, \$1,800,000. No shortage was reported in Boston, Baltimore, Washington, D. C., New Orleans, Minneapolis, Kansas City or Jersey City.

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FARM LAND VALUES WILL BE STUDIED

Federal Department of Agriculture Will Tabulate Selling Prices

The United States department of agriculture will draw upon the real estate men of the country specializing in farm lands in getting facts for a very detailed study which it is about to make of the actual annual turnover in farm ownership in the various states, of the trend of farm values, and of the prevailing farm rents.

Information on the average amount of taxes on farm real estate in each locality will be included. So also will be the amount of unimproved out-over land available in each locality. In addition to the number of farms which have changed ownership during the year, the survey will record prices paid and ascertain in what proportion of cases the change was by sale, in what by trade, by forced sale, as for mortgage foreclosure, bankruptcy or

tax sale, and by inheritance or gift.

Although isolated studies have been made here and there of farm sales prices no agency heretofore attempted to compile a record of actual prices being paid at bona fide sales of farm lands.

The new survey, will be of great value in giving an accurate index of prices of which farms are selling and of the rapidly with which offerings are being absorbed. Reliable data covering the whole nation will enable a comparison to be made between the price of farm lands and the price of farm products. It will probably give further light on the tax problem

in relation to farms, and it will make possible an examination of what is taking place from year to year in relation to farm tenancy.

Census reports, the only basis for present information of the extent of tenantry, give only a static picture of each decade, it is pointed out. They cannot record what takes place in the tenancy situation following a "good" or a "bad" far year.

Crop correspondents of the department of agriculture, to the number of more than 100,000, and real estate men chosen because of their familiarity with conditions under which farm lands are selling in each territory will be enlisted in making the survey.

Further light on the tax problem



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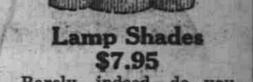
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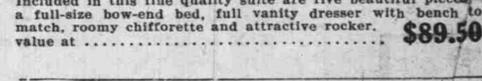
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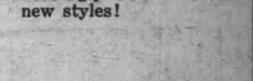
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