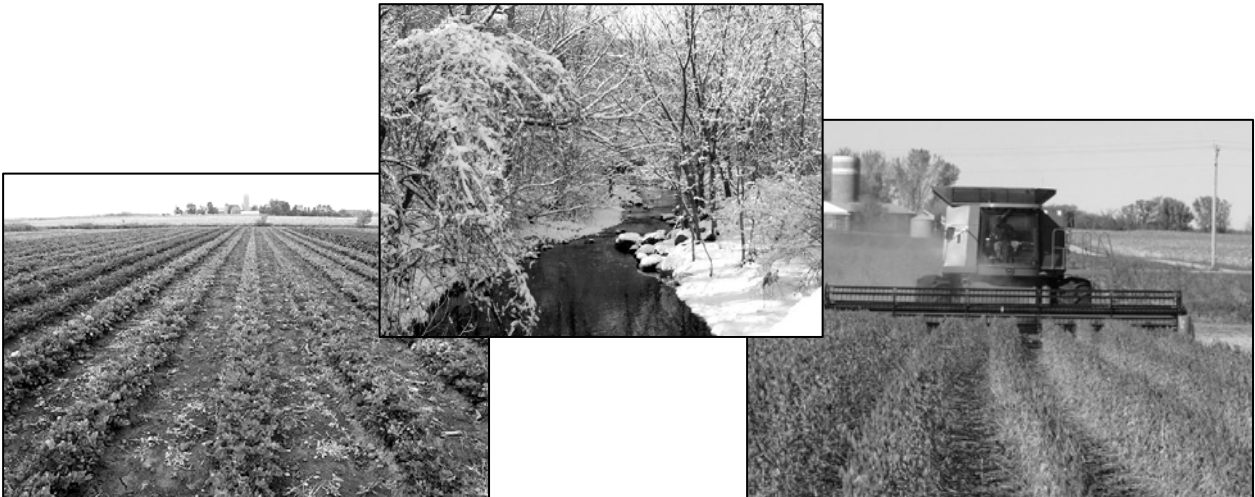
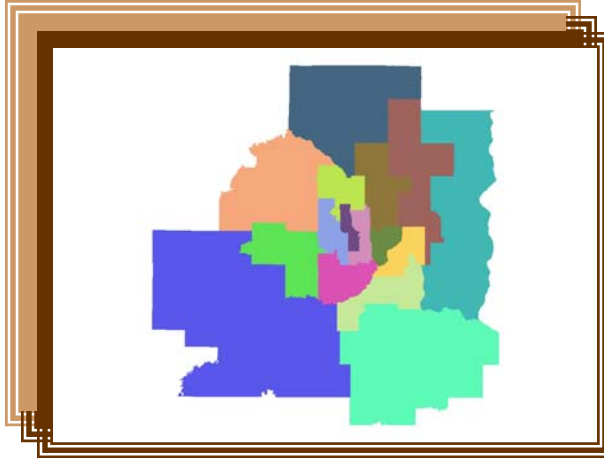


Rural Planning Best Practices Review

Prepared by
Land Use Advisory Committee
Metropolitan Council



June 2008



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Introduction

This review of best practices was developed by the Land Use Advisory Committee (LUAC) for use by rural communities as they prepare and implement their comprehensive plans.

Around half of the Twin Cities' 3,000 square miles area is rural. That includes cultivated farmland, nurseries, tree farms, orchards and vineyards, scattered individual home sites or clusters of houses, hobby farms, small towns, gravel mines, woodlands, and many of the region's remaining important natural resources.

According to the *2030 Development Framework*, rural lands not needed for urban development should be preserved for post-2030 development. Therefore, only limited growth is forecast for this planning area. Only about 5% to 8% of new growth is forecast for the rural area—most of it in rural centers that want to grow and that lie along major highways. Many rural communities on the fringe of the region have areas that are also designated as a Long-Term Service Area for the Regional Wastewater System (*2030 Water Resources Management Policy Plan*). These areas are essentially staging areas for future urban development, so tools and strategies should be adapted so as not to preclude urban-density development in those areas at such a time when urban services are available.

Rural communities are expected to:

- Accommodate growth not to exceed forecasts at clustered development not to exceed 1 unit per 10 acres.
- Plan development patterns that will protect natural resources. Preserve areas where post-2030 growth can be provided with cost-effective and efficient urban infrastructure and accommodate growth without requiring the provision of regional urban services.
- Protect the rural environment. Locally oversee the management and maintenance of alternative wastewater treatment systems such as community drainfields to avoid the environmental and economic costs from failed systems.
- Ensure financial and environmental accountability for installation, maintenance, remediation and management of any permitted private wastewater treatment systems.
- Adopt conservation subdivision ordinances, cluster development ordinances, or environmental protection provisions in land use ordinances

The following resource guide focuses on five topics:

- Cluster development
- Natural resource protection
- On-site sewer systems management/ISTS

- Rural level of transportation service/access management
- Conflicts around growth and development

Seven resources were selected to provide an introduction to these topics. The first, *Under Construction*, provides a comprehensive introduction to planning in Minnesota and addresses each of the issues. The remaining resources are more targeted. At the end of this report are additional resources and references. Sources do not offer one-size-fits-all solutions or suggest that the Met Council endorses every example or policy mentioned.

A variety of landscape features and predominant land uses exist among the rural areas, with some being home to an abundance of wetlands and other sensitive natural resources while others are largely agricultural. Because of this variety, the tools, techniques, and strategies described in the following resources may not be applicable in all areas, while others may need to be adapted to fit the local needs and circumstances of the community. For example, cluster ordinances and other flexible residential development ordinances will vary among communities depending on individual community goals and landscape features. A cluster ordinance developed for a community with an abundance of wetlands may be adapted to protect those natural resource features, while a community containing land in the Long-Term Service Area designation may adapt a cluster ordinance to preserve buildable land for post-2030 development and to facilitate future extension of regional urban services. Still other communities might have both natural resources features that they seek to protect as well as a need to preserve land for post-2030 development, so a cluster ordinance should be modified to accomplish those goals.

The Metropolitan Council is considering draft parameters to guide communities in adapting flexible residential development ordinances in rural areas that are designated as Long-Term Service Areas. The Council may put these parameters in place in June.

Best Practices Selected Resources:

- *Under Construction: Tools and Techniques for Local Planning* (2002)
- *The Economic Value of Open Space—Implications for Land Use Decisions*
- *Tools and Techniques* (2000)
- *When a Factory Farm Comes to Town: Protecting Your Township From Unwanted Development—A guide for Minnesota townships on using an interim ordinance to promote responsible development*
- *Onsite Sewage Treatment Program—Information for Small Communities*
- *Partners in Access Management Model Access Management Plan—Minnesota Trunk Highway 7 (Hutchinson Segment) Comprehensive Plan Amendment—DRAFT*

Best Practices

Under Construction: Tools and Techniques for Local Planning (2002)

Minnesota Planning

<http://www.gda.state.mn.us/pdf/2002/UnderConstruction.pdf>

Summary

Under Construction is a guide to local comprehensive planning for cities, townships, counties, residents, economic developers, citizens, businesses, and others. Resources show how to establish good planning for making decisions on proposed developments, public investments and delivery of public services.

Contents

- Defines comprehensive planning, explains the benefits of planning, identifies laws establishing planning, distinguishes planning authority by type of jurisdiction, and describes the main parts of a comprehensive plan.
- Explains how to start the planning process and encourage public participation.
- Describes how to create a community profile by collecting and analyzing information on assets, needs, problems, and trends.
- Outlines how to set goals, develop policies, and establish benchmarks.
- Gives examples of policies and effective strategies to achieve goals.
- Explains how to implement a comprehensive plan using land regulation tools, codes, fiscal tools, and housing and economic development programs.
- Offers extensive appendix of planning elements, techniques and resources.

Selected Strategies and Implementation Methods

- A. Clustered Development
 - Establish **cluster overlay zones** to increase density where subdivisions cluster residential units and protect a majority of land for open space or agricultural use (p. 94)
 - Enact a **traditional neighborhood development district** to develop large tracts of land consistent with rural character or provide an alternative to a PUD (p. 132)
- B. Protecting Natural Areas
 - **Identify and map priority areas to preserve and acquire** for parks and trails or protect through private conservation in order to balance development and open space (p. 85)
 - Create a **sensitive natural environmental area overlay district** to protect and conserve natural areas and define sustainable uses (p. 133)
 - Preserve open space, agricultural land and forest with a **purchase of development rights program** (p. 137)
- C. Managing Onsite Sewer Systems

- **Decentralized treatment options** include community drain fields, soil treatment mounds, constructed wetland systems, sand filters, drip irrigation, and aerobic tanks and package plants (p. 103)
 - For **individual treatment systems**, establish fee-based inspection programs and require approved backup sites and contingency plans (p. 105)
 - **Manage wastewater infrastructure** by assessing a wastewater and treatment system's age, condition, efficiency and capacity (p. 105)
 - **Condition changes on compliance** with the individual treatment ordinance before issuing building permits, transferring property or replatting or subdividing land (p. 105)
 - **Adopt concurrency requirements for growth** and extension of infrastructure (p. 120)
- D. Rural Transportation Services
- Apply **access management** to reduce congestion and effectively use existing roads by controlling connections to different types of roads and balancing mobility, access and safety (p. 97)
- E. Conflicts of Growth and Development
- Set criteria for locating and designing **animal feedlots** to protect natural areas and minimize impacts on neighboring land uses (p. 93)
 - Revise a **subdivision ordinance** to set performance standards for converting agricultural land to housing, require fiscal impact analysis before subdividing land, and mandate complying with floodplain, shoreland and environmental area ordinances (p. 139)

The Economic Value of Open Space—Implications for Land Use Decisions

October 2005

Paul A. Anton, Wilder Research

<http://www.embraceopenspace.org/EOSReport/EconomicValueofOpenSpace.pdf>

Summary

The Economic Value of Open Space summarizes current research about the economic value of open space and conclusions that should help local land-use decision-making. The central theme and finding of the study is that “open spaces have positive economic value.” Using the framework can provide communities with the information and analysis needed to inform local land use decisions.

Contents

The study provides:

- Descriptions of the different types of land and water open spaces,
- An overview of research on the value of open space including a focus on the Twin Cities with a summary and lessons,
- A framework for open space analysis including a financial framework for value analysis, and ;
- Sample applications of the framework.

Selected Strategies and Implementation Methods

A. Protecting Natural Resources

- National research findings on the value of **parks** (p. 11-12), **golf courses** (p. 12), **greenways and parkways** (p. 13), **greenbelts, preserves and forests** (p.13), **undeveloped land and farmland** (p. 14), and **water amenities** (p. 14-15).
- Minnesota/Twin Cities research finding on the value of **open spaces** (p.15-16) bicycle trails (and parks) (p. 16-17), **wetlands** in Ramsey County (p. 17-18), and **natural areas and farmland** in Dakota County (p. 18-19).
- **Land use policy tools** (including a brief description), that can be useful in open space planning are identified (p. 47)
- An example for addressing **open space in a comprehensive plan** is provided regarding initial policy discussion, value analysis, and policy choices (p. 48-50)

B. Conflicts of Growth and Development

- To determine the value of open space a framework table is provided (p. 39) and following that there are tools identified that local governments can access and use to fill in the actual numbers for a financial analysis (p. 42—44)
- An example of a **rural community reacting to a residential development plan** is provided including initial policy discussion, value analysis, and policy choices (p. 51-53)

Tools and Techniques (2000)

Metropolitan Council, prepared by Freilich, Leitner & Carlisle for Tischler & Associates

Summary

Tools and Techniques provides a summary of the various techniques available to provide more efficient development patterns in the Twin Cities metropolitan area. The report analyses many tools from across the country that have applicability to local issues and situations. The tools either are expressly authorized by Minnesota law or fall within the purview of existing legislative authority.

Contents

- Summary of techniques within legislature authority to manage growth in Twin Cities in urban and rural communities. The focus in this summary is the techniques related to conserving natural resources or protecting open space.
- Tools are classified by type:
 - Incentive-based. Use financial inducements or the police power to encourage certain patterns of development.
 - Regulatory. Require development to comply with mandates as to form, density, timing or style.
 - Financial. Use techniques that either raises revenues to address the cost impacts of growth or require new developments to mitigate its financial impacts.
 - Entrepreneurial. Involve government agencies in the process or acquiring, disposing of or developing land.

Selected Strategies and Implementation Methods

A. Protecting Natural Resources

1. **Fee simple acquisition**—permanent acquisition of land for a public purpose such as park, open space or school (p.6) (*entrepreneurial technique*)
2. **Compensable regulation**—regulations which provide compensation for restrictions (p. 7) (*entrepreneurial technique*)
3. **Purchase of development rights (less than fee simple acquisition)**—acquisition of easements or other interests short of full ownership to control or restrict development (p. 7-8) (*regulatory technique*) (*entrepreneurial technique*)
4. **Bonus and incentive zoning**—bonuses, usually in the form of density or floor area ratio, in the exchange for developer-provided amenities, nor normally obtainable via zoning regulations. (p. 13) (*incentive technique*)
5. **Conditional or contract zoning**—ties the rezoning to compliance with conditions to mitigate the impacts of development (p.13-14) (*regulatory technique*)
6. **Cluster or conservation design (flexible zoning)**—reduces or eliminates minimum lot sizes in order to allow development to cluster away from environmentally sensitive lands, agricultural areas, or protected open space (p. 15) (*incentive technique*) (*regulatory technique*)

7. **Performance standards**—specifies maximum levels of impact on natural resources (p. 19) (*regulatory technique*)
8. **Transfer of development rights**—a system which permits landowners to transfer development rights from areas unsuitable for development to areas suitable for higher densities or intensities (p. 19-20) (*incentive technique*)
9. **Exclusive agricultural zones**—zoning districts which restrict uses to the raising of crops or livestock and/or uses which support agricultural operations (p. 21) (*regulatory technique*)
10. **Environmentally sensitive lands ordinances**—requirements that new development avoid wetlands, steep slopes, lake shores, or other designated sensitive areas (p. 22) (*regulatory technique*)
11. **Critical areas**—geographically defined areas in which special development restrictions apply in order to avoid regional impacts (p. 22) (*regulatory technique*)
12. **Preferential assessments or tax abatement**—preferential assessments or tax rates for farmers in order to avoid premature or inappropriate conversion of land to urban uses (p. 23-24) (*financial technique*)

When a Factory Farm Comes to Town: Protecting Your Township From Unwanted Development—A guide for Minnesota townships on using an interim ordinance to promote responsible development

Land Stewardship Project (Second Edition August 2006)

www.landstewardshipproject.org/pdf/township_manual06.pdf

Summary

While written as a manual to help township officials and residents to deal with large developments having a significant impact upon the townships such as unwanted feedlots, the manual lays out the comprehensive planning and zoning process that townships can use to get in charge of their land use and development. The manual is designed to help townships deal with major developments such as feedlots, housing developments, mobile home parks, waste sites or gravel mining.

Contents

- Provides brief overview of comprehensive planning and zoning for townships.
- Explains how to use an interim ordinance to get on top of unexpected development proposals and set up a local planning and zoning framework to address them.
- Describes barriers that townships can face in comprehensive planning and zoning.
- Identifies resources that township can use for assistance.
- Provides the Minnesota municipal planning statutes.
- Describes a short case study of one township's experience with comprehensive zoning and planning.
- Provides several examples of interim ordinances passed by Minnesota townships and the Minnesota Attorney General's opinion on one such interim ordinance.

Selected Strategies and Implementation Methods

- A. Conflicts of Growth and Development
 1. What is an interim ordinance is designed to do? (page 1)
 2. Explanation of the permitting process that a large-scale feedlot must follow. (page 3-5)
 3. What a town board should do to pass an interim ordinance. (pages 10-13)
 4. Since an interim ordinance is temporary, what are the steps and process the township needs to follow after adoption to set up a permanent planning and zoning framework? (pages 17-18)

Onsite Sewage Treatment Program—Information for Small Communities

Water Resources Center, University of Minnesota Extension

<http://septic.umn.edu/>

Summary

The ***Onsite Sewage Treatment Program*** is a web based resource offered by university extension. It is designed to assist communities in finding solutions for wastewater treatment that meet environmental, social and financial needs. The information available focuses on the process a community can follow to address the issues surrounding onsite wastewater treatment rather than on the technologies available.

Contents

Small Community Wastewater Education Program (SCWEP) offers a five phase program:

- Phase I: Understanding Your Situation and Developing Capacity, generally a 6-12 timeframe, topics addressed:
 1. Who will be involved throughout this process?
 2. How do we assess what we have in our community right now?
 3. How do we develop a task force or community leadership group?,
 4. How do we conduct site evaluations?
 5. How do we get the community involved?

- Phase II: Exploring Your Options, generally an 18-36 month timeframe, topics addressed:
 1. Choosing a direction,
 2. What are the ways to treat our community's wastewater?
 3. What legal structures allow us to manage our wastewater infrastructure?
 4. What are the options for financing wastewater infrastructure?
 5. What do we need to know about working with professionals?

- Phase III: Making Informed Decisions, generally a 3-12 month timeframe, topics addressed:
 1. How do we do Requests for Proposals or Requests for Qualifications?
 2. How do we move past the planning stages?

- Phase IV: Implementing Decisions, generally a 1-24 month timeframe, topics addressed:
 1. How do we share the committee's thoughts and ideas with the community and get involvement?
 2. Information about contracting with professionals

- Phase V: Creating and Operating the Management Plan, ongoing, topics addressed:
 1. How can a community develop a sustainable management plan?

Selected Strategies and Implementation Methods

F. Managing Onsite Sewer Systems

- Task force worksheet outlines the steps for **organizing a leadership group** to guide a community through a process that includes all interests and provides contact information.
(<http://septic.umn.edu/scwep/techandtreatops/pdfs/scseriesindvsclus.pdf>)
- Discusses individual and cluster systems, a good community wastewater treatment plan doesn't necessarily mean one wastewater system but it does include a **management and maintenance plan**.
(<http://septic.umn.edu/scwep/committees/pdfs/scseriestaskforceworksheet.pdf>)
- Provides general and resources for individual homeowners, cluster systems and communities on care and maintenance, operation and other aspects of management. (<http://septic.umn.edu/scwep/management/index.htm>)

Partners in Access Management

Minnesota Department of Transportation

<http://www.oim.dot.state.mn.us/access/pdf/Brochure-View.pdf>

Model Access Management Plan—Minnesota Trunk Highway 7 (Hutchinson Segment) Comprehensive Plan Amendment—DRAFT

Minnesota Department of Transportation

<http://www.oim.dot.state.mn.us/access/pdf/TH7-Model-Plan.pdf>

Summary

Partners in Access Management describes what access management is and what local governments can do to manage access.

The draft ***Model Access Management Plan*** provides a framework for consistent access management along the Trunk Highway 7 Corridor through Carver and McLeod Counties.

Contents

Partners in Access Management

- What is access management?
- Why manage access?
- What are the benefits?
- Mn/Dot's access management guidelines
- Ten ways local governments can manage access
- Access management requires a partnership approach

Model Access Management Plan

- Background on access management in the corridor
- Existing and future land use and highway conditions
- Access management planning areas and policies
- Implementation strategy

Selected Strategies and Implementation Methods

Partners in Access Management

A. Rural Transportation Services

1. Describes guidelines for rural area access to highways.

<http://www.oim.dot.state.mn.us/access/pdf/Brochure-View.pdf>

Model Access Management Plan

A. Rural Transportation Services

1. Describes rural access management areas and policies for public street connections, direct private access, zoning changes. (p. 9)

<http://www.oim.dot.state.mn.us/access/pdf/TH7-Model-Plan.pdf>

2. Details implementation responsibilities (p.10)

<http://www.oim.dot.state.mn.us/access/pdf/TH7-Model-Plan.pdf>

Other resources

1. Overview of growth management and planning tools

Center for Rural Design
University of Minnesota
[Http://ruraldesign.cfans.umn.edu](http://ruraldesign.cfans.umn.edu)

Timing and Sequential Controls - The Essential Basis for Effective Regional Planning: An Analysis of the New Directions for Land Use Control in the Minneapolis-St. Paul Metropolitan Region (1974)

Robert H. Freilich and John W. Ragsdale, Jr., *Minnesota Law Review*, Vol. 58
Contents: Study and recommend legal policy for regional growth in Twin Cities

Statutory Summary for State of Minnesota (updated May 1996)

American Planning Association, *Growing Smart*
Contents: Summary of planning and zoning statutes

2. Tools and policies for rural areas and agricultural land

State Environmental Laws Affecting Minnesota Agriculture (2000)
National Association of State Departments of Agriculture Research Foundation
<http://www.nasda.org/nasda/nasda/foundation/STATE/Minnesota.pdf>
<http://www.nasda.org/nasda/nasda/foundation/STATE/Federal.pdf>
Contents: Separate state and federal guides to laws affecting agriculture

Saving the Land: The Utilization of Modern Techniques of Growth Management to Preserved Rural and Agricultural America (Winter 1991)

Robert H. Freilich and Lind Kirts Davis, *The Urban Lawyer*, Vol. 13, No. 1
Contents: Police powers and land use techniques to preserve rural and agricultural land

Survey and Analysis of Existing Protection Programs (2001)

Draft submitted to Metropolitan Council Rural Issues Work Group by Thomas Daniels, Suzanne Rhees, Bill Weber, and Steve Hobbs

Contents: Evaluation of farmland protection techniques and programs

Review of Minnesota's Agricultural Land Preservation Programs (1998)

Minnesota Department of Agriculture, prepared by Resource Management Consultants, Inc.
Contents: Review of legislation and policies on agricultural land preservation and criteria for evaluating policies

3. Tools and policies for open space

Land Protection Options: A Handbook for Minnesota Landowners (1996)
The Nature Conservancy
Contents: Landowner options for protecting open space

Open Space Acquisition and Financing Authority for Local Units of Government in Minnesota (1999)

The Trust for Public Land and the Green Corridor Project, prepared by Kennedy & Graven, Chartered

Contents: Authority of local governments to acquire land and financing tools to fund acquisition

Open Space Design Development: A Guide for Local Governments (1997)

Washington County Office of Planning and Administrative Services and Metropolitan Council

Contents: How to develop and apply an Open Space Design ordinance

“Open Space” Zoning: What It Is & Why It Works (1992)

Randall Arendt, Planning Commissioners Journal

Contents: Open space zoning as method for regulating land development instead of large-lot zoning

Growth Pressures on Sensitive Natural Areas (2006)

Ameregis and Minnesota Department of Natural Resources

http://www.dnr.state.mn.us/nrplanning/community/ameregis_report/index.html

Natural Resources Guide: Land Use Regulations (2004)

Minnesota Department of Natural Resources

<http://files.dnr.state.mn.us/assistance/nrplanning/community/nrig/fullguide/reg.html>

Contents: Zoning and other tools for conserving natural resources, including local examples

Note: Some links in the publication have not been maintained and are outdated.

Conservation Zoning Tools—The Role of Zoning

1000 Friends of Minnesota

<http://www.1000fom.org/PDFFiles/SprawlPrimer/conservationzoningtools.pdf>

The Economic Benefits of Land Conservation

The Trust for Public Land (2007)

<http://www.tpl.org>

Note: Downloading the publication requires completing an online registration form.

Establishing Park Dedication Requirements (2005)

League of Minnesota Cities

<http://www.lmnc.org/pdfs/LandUse05/ParklandDedicationRequirements.pdf>

Note: Rural communities have less expensive options to direct purchase of open space. A community may require a developer to deed a percentage of developable land and require lot sizes to exclude steep slopes and other undevelopable land, as well as dedication of wetlands and wetland buffer areas.