

October 11, 2011

To: REGION FIVE SUSTAINABILITY PROJECT  
Land Use Work Group  
Jean Coleman

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Re: Sustainability in Example Zoning Ordinances

The purpose of this memorandum is to provide summary and analysis of the zoning ordinances of two of the Micropolitan Project jurisdictions. The chosen jurisdictions are Cass County and Crow Wing County. This memo identifies which provisions in the zoning ordinance of the example communities promote sustainability and which do not.

NOTE: There is a definitions list in Appendix A that may be helpful in understanding some of the terminology used in zoning ordinances.

Both counties include a lot of interesting sustainability practices but there are areas for continued improvement. The examination of these two ordinances proved helpful because Region 5 would like to establish a set of sustainability criteria for evaluating projects or work against those criteria. Instead of establishing criteria in a vacuum, an examination of what other communities have done may yield some criteria in practice, some successes or struggles, and what might work in different parts of the region. Density is a good example: dense developments

are more useful in urban areas, or areas with limited land mass, or more built-up parts of the community.

In developing the framework for this examination, I used the HUD-DOT-EPA Partnership for Sustainable Communities definition of sustainability and the Minnesota GreenStep Cities “GreenStep 28 Best Practices” List.<sup>1</sup> The HUD-DOT-EPA Partnership for Sustainable Communities definition of sustainability is encompassed in the six “Livability Principles” which are:

- Provide more transportation choices;
- Promote equitable, affordable housing;
- Enhance economic competitiveness;
- Support existing communities;
- Coordinate and leverage federal policies and investment;
- Value communities and neighborhoods.<sup>2</sup>

As mentioned in the August 30, 2011 memorandum, these “Livability Principles” were incorporated into and expanded upon by Region Five in its identification of the “Twelve Needs” for the Region.<sup>3</sup> They also are incorporated into the recently refined Land Use Work Group’s “Key Issues with Recommendations”.<sup>4</sup>

The Minnesota GreenStep Cities “GreenStep 28 Best Practices” List (The List) was utilized to provide a more in-depth analysis of the zoning ordinance components.<sup>5</sup> The List provides 28 best practices a municipality can use to achieve its sustainability goals in the areas of

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<sup>1</sup> PARTNERSHIP FOR SUSTAINABLE COMMUNITIES WEBSITE, <http://www.sustainablecommunities.gov/index.html> (last visited Aug. 13, 2011).

<sup>2</sup> *Id.*

<sup>3</sup> Region Five Development Commission, *R5DC Sustainable Communities Applicant Abstract* 23, 24 (2009), [http://www.regionfive.org/departments/indexes/community\\_planning/documents/PrintableversionofAbstractandNarrativeHUD.pdf](http://www.regionfive.org/departments/indexes/community_planning/documents/PrintableversionofAbstractandNarrativeHUD.pdf) (last visited Aug. 14, 2011).

<sup>4</sup> These recommendations are located in the Base Camp portion of Region Five’s Website- <https://r5dscrp.basecampHQ.com/login>. As this website is accessible only by members, the recommendations are attached as Appendix D.

<sup>5</sup> THE GREENSTEP 28 BEST PRACTICES, MINNESOTA GREENSTEP CITIES WEBSITE, <http://greenstep.pca.state.mn.us/bestPractices.cfm> (last visited Oct. 10, 2011). A copy of the simplified 28 Best Practices List is attached as Appendix B. A copy of the more detailed 28 Best Practices Spreadsheet is attached as Appendix C.

Buildings and Lighting, Land Use, Transportation, Environmental Management, and Economic and Community Development.<sup>6</sup> According to the Homepage of the Minnesota GreenStep Cities website:

“Each best practice can be implemented by completing one or more specific actions from a list of four to eight actions. These actions are tailored to all Minnesota cities, focus on cost savings and energy use reduction, and encourage innovation.”<sup>7</sup>

The List provides a set of detailed actions under each best practice which are geared towards helping cities evaluate their comprehensive plans and various ordinances for sustainability. Cities likely have land use issues and concerns that may differ somewhat from counties. Nevertheless, the best practices can be modified to apply to counties because they are based on sustainability concepts that are more universal in nature. The best practices categorized under Land Use are the best practices that are most useful evaluating the selected zoning ordinances.<sup>8</sup> The Land Use best practices are: Comprehensive Plan and Implementation, Higher Density, Mixed Uses, Efficient Highway Oriented Development, and Conservation Design.<sup>9</sup>

The template for evaluating these two county ordinances is a simplified version of The List, because some of the more specific details in The List were more applicable to cities and townships. The template is attached as Appendix E.

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<sup>6</sup> THE GREENSTEP 28 BEST PRACTICES, MINNESOTA GREENSTEP CITIES WEBSITE, <http://greenstep.pca.state.mn.us/bestPractices.cfm> (last visited Oct. 10, 2011).

<sup>7</sup> MINNESOTA GREENSTEP CITIES WEBSITE-HOMEPAGE, <http://greenstep.pca.state.mn.us/index.cfm> (last visited Oct.10, 2011).

<sup>8</sup> THE GREENSTEP 28 BEST PRACTICES, MINNESOTA GREENSTEP CITIES WEBSITE, <http://greenstep.pca.state.mn.us/bestPractices.cfm> (last visited Oct. 10, 2011).

<sup>9</sup> *Id.*

## CASS COUNTY

### HIGHER DENSITY

#### *Limit Barriers and Provide Incentives to Promote Higher Density Housing*

With a population of 28,567 and area of approximately 2,017 square miles of land to build on, there isn't a concern about sprawl or inefficient land use in Cass County as there would be in a more populated county.<sup>10</sup> This does not mean, however, that counties and other rural areas can't benefit from sustainability goals promoting density. Higher density housing could be useful in employment centers, near transportation and other built infrastructure, and more populous residential areas of the County, especially in those areas with unincorporated townships or territories. The benefits include reduced sprawl, increased protection of rural, agricultural and natural resources, and the promotion of the use or re-use of land in areas that have already been developed, avoiding the need to develop more land.

In the current Cass County Ordinance, the lot standards for a single family home depend on whether the lots are located in shoreland or non-shoreland areas.<sup>11</sup> The definition of shoreland in the Cass County Environmental Definitions Ordinance includes land up to 1,320 feet from the ordinary high water mark of the waterway, whether or not the land touches the water.<sup>12</sup> Densities in the ordinance are regulated by minimum lot areas, minimum lot width, and

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<sup>10</sup> U.S. Census Bureau, U.S. Dep't of Commerce, Census 2010 Redistricting Data (Public Law 94-171) Summary File: Population and Housing Occupancy Status, Minnesota-County, GCT-PL2 (2010). Available at [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\\_10\\_PL\\_GCTPL2.CY07&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_PL_GCTPL2.CY07&prodType=table). See also. U.S. Census Bureau, U.S. Dep't of Commerce, Census 2010 Population, Housing Units, Area and Density-Cass County-Census Tract, Summary File 1, GCT-PH1 (2010). Available at [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\\_10\\_SF1\\_GCTPH1.CY07&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_GCTPH1.CY07&prodType=table).

<sup>11</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1113.1-1113.2 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>12</sup> CASS COUNTY, MINN., ENVIRONMENTAL DEFINITIONS ORDINANCE #2007-04, 29 (Amended by #2009-03) (Effective Mar. 1, 2009). available at [http://www.co.cass.mn.us/ordinances/200704\\_definitions.pdf](http://www.co.cass.mn.us/ordinances/200704_definitions.pdf).

minimum buildable area.<sup>13</sup> The shoreland lot standards also vary based on whether the lot is located directly on a lake or river or merely within the Shoreland Zone.<sup>14</sup> The minimum lot areas for a lot located on a lake are between 30,000 and 80,000 square feet.<sup>15</sup> The minimum lot areas for a lot located on a river are between 40,000 and 200,000 square feet.<sup>16</sup> One acre equals 43,560 square feet. These are fairly large lot sizes and the applicable size is dependent on whether the lot is riparian or non-riparian and where the lot is located. A riparian lot abuts a public or protected water; a non-riparian lot does not.<sup>17</sup> Therefore, the lot standards seem to be fairly appropriate overall for the character of Cass County.

The non-shoreland lot standards are also divided into several categories based on type of area and, in some cases, minimum lot size.<sup>18</sup> They are:

- Urban Growth which has a minimum lot size of 20,000 square feet [not quite a half acre] (UG)
- Rural Residential with a minimum lot size of 1 acre (RR-1)
- Rural Residential with a minimum lot size of 2.5 acres (RR-2.5)
- Rural Residential with a minimum lot size of 5 acres (RR-5)
- Rural Residential with a minimum lot size of 10 acres (RR-10)
- Rural Residential with a minimum lot size of 20 acres (RR-20)
- Agricultural/Forestry with a minimum lot size of 40 acres (AF)
- Two Commercial Districts with minimum lot size of 2.5 acres (C1, C2)<sup>19</sup>

The UG district is intended to “encourage orderly growth of development of an urban density and nature around incorporated municipalities or in and around unincorporated trade

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<sup>13</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1113.1-1113.2 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 1113.1.

<sup>16</sup> *Id.*

<sup>17</sup> CASS COUNTY, MINN., ENVIRONMENTAL DEFINITIONS ORDINANCE #2007-04, 26 (Amended by #2009-03) (Effective Mar. 1, 2009). available at [http://www.co.cass.mn.us/ordinances/200704\\_definitions.pdf](http://www.co.cass.mn.us/ordinances/200704_definitions.pdf).

<sup>18</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1113.2 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>19</sup> *Id.*

centers”.<sup>20</sup> One interesting thing about the UG area is that single family homes do not appear to be permitted.<sup>21</sup> The minimum lot size is the smallest of any of the districts and is intended to promote higher densities and multiple family dwellings throughout those areas.<sup>22</sup> There is also a second, higher density district (RR-1) designed to “enable areas to be developed with higher residential densities”.<sup>23</sup>

With the exception of the UG district, single family traditional houses are the default use allowed by the Ordinance.<sup>24</sup> A single family home additionally may allow for guest quarters by permit.<sup>25</sup> A guest quarter is:

A structure used as a dwelling unit that may have one or more of the following: sleeping spaces, kitchen or bathroom facilities in addition to those provided in the primary dwelling unit on a lot.<sup>26</sup>

One guest quarters may be permitted if a lot meets or exceeds all lot requirements for guest quarters in section 1113. and the requirements of section 1126.5 are met.<sup>27</sup> Basically, guest quarters can be used to house extra guests who don’t fit in the main residence. In some cases may be let to renters and traditionally have been used to house aging parents. It is a sustainability practice for an ordinance to allow guest quarters because it increases density. It may also provide affordable housing. Any residential use other than single family, such as multi-family or manufactured homes, requires a conditional use permit (CUP) which may require different lot

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<sup>20</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 903.2 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>21</sup> *Id.* at 1001.

<sup>22</sup> *Id.* at 1113.2.

<sup>23</sup> *Id.* at 903.3.

<sup>24</sup> *Id.* at 1113.1.

<sup>25</sup> *Id.* at 1126.5.

<sup>26</sup> CASS COUNTY, MINN., ENVIRONMENTAL DEFINITIONS ORDINANCE #2007-04, 15 (Amended by #2009-03) (Effective Mar. 1, 2009). available at [http://www.co.cass.mn.us/ordinances/200704\\_definitions.pdf](http://www.co.cass.mn.us/ordinances/200704_definitions.pdf).

<sup>27</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1113, 1126.5 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

standards than the default.<sup>28</sup>

Additionally, there are two design choices: conventional development or conservation development.<sup>29</sup> Several purposes are given for the development standards that are pertinent:<sup>30</sup>

- To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the needs of the County's residents may be met<sup>31</sup>
- To create neighborhoods with amenities in the form of neighborhood open space, and with a strong neighborhood identity<sup>32</sup>
- To provide for the conservation and maintenance of open land within the County to achieve the above-mentioned goals and for active or passive recreational use by residents<sup>33</sup>
- To provide flexible standards and guides reflecting the varying circumstances and interests of individual landowners, and the unique characteristics of their properties<sup>34</sup>

In Cass County, conventional development means:

A method of subdivision characterized by limited open space and lots that are spread evenly throughout a parcel in a lot and block design. Conventional developments have a one primary residence per lot configuration.<sup>35</sup>

The lot standards discussed above coincide with conventional development. There is still another layer to the onion: a developer can choose to use or in certain cases, may be required to use, conservation design standards for new developments.<sup>36</sup> Conservation development is:

...a method of subdivision characterized by common open space and compact residential structure unit lots that may or may not be clustered. The purpose of a conservation development is to create greater community value through open space amenities for homeowners and protection of natural resources, while

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<sup>28</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 705.2, 705.3, 1001, 1114, 1121 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>29</sup> *Id.* at 1116.7-1116.83.

<sup>30</sup> *Id.* at 1116.1(A)

<sup>31</sup> *Id.* at 1116.1(A)(4).

<sup>32</sup> *Id.* at 1116.1(A)(6).

<sup>33</sup> *Id.* at 1116.1(A)(7).

<sup>34</sup> *Id.* at 1116.1(A)(9).

<sup>35</sup> *Id.* at 1116.8-1116.83. See also. CASS COUNTY, MINN., ENVIRONMENTAL DEFINITIONS ORDINANCE #2007-04, 10 (Amended by #2009-03) (Effective Mar. 1, 2009). available at [http://www.co.cass.mn.us/ordinances/200704\\_definitions.pdf](http://www.co.cass.mn.us/ordinances/200704_definitions.pdf).

<sup>36</sup> For example, new multi-family homes must follow conservation development requirements. CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 903.2-903.3, 1121(A) (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

allowing for the residential densities consistent with prevailing densities.<sup>37</sup>

Using conservation development, a developer can build more than one structure on a single lot or can integrate one or more lots as a single tract.<sup>38</sup> Conservation development standards have additional requirements not present under conventional development standards.<sup>39</sup> These requirements include designating a higher percentage of the project area as open space than may be required under conventional development and leaving natural features of the land as they are in the open spaces.<sup>40</sup> Conservation development limits lot size to 30,000 square feet and limits impervious surface coverage to 25%.<sup>41</sup> Density calculations to determine how many dwelling units per acre are allowed are provided in the ordinance and differentiated based on whether the lot is Shoreland or Non-Shoreland.<sup>42</sup> Section 1116.72 gives the formula for determining the number of units permissible using conservation development and allow more units per acre than under conventional development. The goal of conservation development is to promote higher densities by clustering units in residential areas while conserving some of the natural appearance and features of the land being developed. Conservation development gives a financial incentive to developers by allowing more units. By meeting the open space and other environmentally slanted requirements, the developer can build more homes per acre.<sup>43</sup> An additional area to evaluate is whether the density bonus in a conservation development project provides sufficient incentives to developers to choose this design choice.

As it stands now, Cass County has included some sustainable practices in its land use

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<sup>37</sup> CASS COUNTY, MINN., ENVIRONMENTAL DEFINITIONS ORDINANCE #2007-04, 10 (Amended by #2009-03) (Effective Mar. 1, 2009), available at [http://www.co.cass.mn.us/ordinances/200704\\_definitions.pdf](http://www.co.cass.mn.us/ordinances/200704_definitions.pdf).

<sup>38</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1116.7 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>39</sup> *Id.* at 1116.71(B).

<sup>40</sup> *Id.*

<sup>41</sup> at 1116.71(B)(4-5).

<sup>42</sup> *Id.* at 1116.72.

<sup>43</sup> *Id.*



ordinance pertaining to residential districts. There are two higher density districts, one of which addresses multi-family dwellings in the definition. The downside is that in all but the UG district, anything other than a traditional single family home is considered a conditional use requiring a conditional use permit. However, since much of the land addressed by the Ordinance is rural in nature, there may be less need for multiple family dwellings in the County as opposed to one of the more urban counties. The UG districts are designated in areas where there might be the most need for multiple family homes, therefore this may offset any detriment caused by them being conditional uses in other districts. Also the County may require or let the developer choose to build new developments using either conventional or conservation design standards. This promotes sustainability in the form of more open space in developments and preservation of the natural features of an area as well as the practice of clustering development rather than fully developing an entire parcel. Additionally the ordinance allows for guest quarters associated with single family homes by permit. It would be even better if these units were allowed as-of-right but many cities or counties prohibit them entirely, so it is to the County's favor that it allows such structures.

Cass County's ordinance is currently in the process of being revised.<sup>44</sup> There is a change in zoning densities for guest quarters on non-shoreland or non-riparian lots.<sup>45</sup> The size of the structure used to be limited to 900 square feet on lots greater than 2.5 acres but the change in the ordinance would not restrict size as long as all other requirements are met.<sup>46</sup> This may or may not be a good thing: it would allow larger guest quarters to be built but the lot size would no longer need to be greater than 2.5 acres. This language seems to permit construction of a guest quarter

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<sup>44</sup> CASS COUNTY, MINN., DRAFT REV. LAND USE ORDINANCES #2005-1 (Working Copy #2011-01, Aug. 10, 2011), A copy of this draft ordinance is also available in the Client File at the William Mitchell Rosalie Wahl Legal Practice Center.

<sup>45</sup> *Id.* at 1126.5(B).

<sup>46</sup> *Id.*

disproportionate in size to the main structure. Without a more concrete standard or limitation, the County might also have trouble justifying the denial of a permit to build an oversized guest quarter. The County might want to reconsider this before enacting the revisions and use language that is less ambiguous and gives them a justification for denying a permit to build a guest quarters.

### *Encourage a Higher Intensity of Commercial Land Uses*

Promoting a higher intensity of commercial land uses is a sustainability practice because it encourages commercial development to be grouped in areas that are already or are designated to be highly developed. This is useful in more urban areas as it may promote convenience for the community, reduced dependence on private transportation, and the ability for residents to walk or bike to where they need to go. By grouping commercial properties closely together and highly developing in these areas it may reduce the sprawl of development into more rural areas, allow for preservation of more open space in urban areas, and efficiency in the construction and use of infrastructure such as water, sewer and roads.

Commercial land uses are fairly complex: whether certain commercial uses are allowed depends on what the use is, and in which district it is located. Commercial uses are allowed in the RR-2.5 district; depending upon location and whether or not the area is considered shoreland, it may require a permit or CUP.<sup>47</sup> This is also true of commercial uses located in Water Oriented Commercial (WOC) districts.<sup>48</sup> The purpose of the WOC district is to:

Accommodate commercial uses in the shoreland zone where access to and use of a surface water feature is an integral part of the business. Marinas. Resorts and restaurants with transient docking facilities are examples of such uses.<sup>49</sup>

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<sup>47</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1001 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 903.9

WOC districts are a unique feature of not only this County but also throughout the region due to the many lakes and opportunities for tourism presented by those lakes. This special district was created especially to allow certain commercial uses on lakeshore or riverfronts but regulated in a manner to hopefully prevent any negative impact on those water bodies from the commercial development.<sup>50</sup> There are no set lot standards for this district but it is safe to assume that they would likely have a lower intensity based on being located along shoreland. There are some specific performance standards built into the Ordinance that are specific to water oriented restaurants, marinas and resorts.<sup>51</sup>

Commercial uses in the Commercial 1 (C-1) are allowed by permit or CUP.<sup>52</sup> This district has a purpose to:

Provide adequate areas for general retail, wholesale, office and service activities located as permitted uses in the growth and development areas adjacent to incorporated municipalities. C-1 commercial districts shall be located along federal, state or county highways and shall include all of parcels so designated.<sup>53</sup>

As with the WOC district, the C-1 district does not have any designated lot standards contained in the Ordinance. Requirements will vary based on location and use permitted. The Commercial 2 (C-2) district is similar to the C-1 district with the exception being that the C-2 district is intended to provide space for commercial uses in more rural areas.<sup>54</sup> Commercial uses in the C-2 district are only permitted by CUP.<sup>55</sup> Because the ordinance doesn't specify lot standards beyond the fact that uses in the C-1 and C-2 districts must be located along roads and highways i.e. already partially developed land, it is hard to tell what the intensity of use might be. One could

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<sup>50</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1126.4, 1129 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>51</sup> *Id.* at 1104.7-1104.9.

<sup>52</sup> *Id.* at 1001.

<sup>53</sup> *Id.* at 903.7.

<sup>54</sup> *Id.* at 903.8.

<sup>55</sup> *Id.* at 1001.

assume that they would be higher intensity because of the aforementioned requirement but it is not clear from the language of the ordinance. There are however, a few additional performance standards discussed for several different uses such as convenience stores and kennels.<sup>56</sup>

The only change in the proposed ordinance amendments pertaining to density and intensity requirements is that for the WOC district, commercial uses would only be by CUP.<sup>57</sup> The current Ordinance allows such uses by permit or CUP.<sup>58</sup> There have also been some minor changes related to performance standards for certain uses.<sup>59</sup>

#### *Promote LEED Certification in the Zoning Ordinance*

There are no provisions in either the current or proposed Ordinances that address LEED certification.

#### MIXED USES

##### *Create a Main Street Program or Downtown Zoning District*

One of the purposes of a “Main Street Program” or “Downtown Zoning District” is to provide a mix of residential and commercial uses that would be appropriate in such areas to promote higher density and intensity use of the area in areas that are either urban or incorporated or unincorporated townships. This way services are convenient for residents and they may be able to walk to many of the places they need. This also reduces the sprawl of these more populous areas into the surrounding rural or agricultural areas which is necessary to preserve the character and economic values of such areas. They are also intended to provide somewhat of a

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<sup>56</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1104.1-1104.6 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>57</sup> CASS COUNTY, MINN., DRAFT REV. LAND USE ORDINANCES #2005-1, 1001 (Working Copy #2011-01, Aug. 10, 2011), A copy of this draft ordinance is also available in the Client File at the William Mitchell Rosalie Wahl Legal Practice Center.

<sup>58</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1001 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>59</sup> CASS COUNTY, MINN., DRAFT REV. LAND USE ORDINANCES #2005-1, 1104 (Working Copy #2011-01, Aug. 10, 2011), A copy of this draft ordinance is also available in the Client File at the William Mitchell Rosalie Wahl Legal Practice Center.

heart or center for residents to enjoy and foster a sense of community, and for visitors to enjoy the “small town charm”.

There is nothing in the current or proposed ordinance that specifically references a “Main Street Program” or “Downtown Zoning District”. However, the RR-2.5 and UG districts might partially encompass the purposes of such districts. The RR-2.5 includes commercial uses to provide services to the rural residents.<sup>60</sup> While this may not give a “downtown” feel, it does promote services conveniently located for the residents in the area. The UG district could be closer as it promotes orderly growth and development of an urban density.<sup>61</sup> However despite the picture the name for the district might conjure up in the mind, the UG district does not allow commercial uses or single family homes.<sup>62</sup> It allows for home businesses by CUP and home occupation as of right but this district on its own does not promote truly mixed uses.<sup>63</sup>

#### *Locate Government Facilities Centrally*

The main government service in Cass County is the Cass County Courthouse which houses all of its governmental departments.<sup>64</sup> It is located in Walker, Minnesota, towards the western side of the County and just north of the geographic center.<sup>65</sup> It is difficult to centrally locate government services when you are a large county consisting of a lot of rural area therefore Walker doesn’t seem too far off the mark. However, if it is one day financially possible some, it might be nice for Cass County to provide its residents with a few service centers. These service centers could handle the most common needs of the community so they don’t have to drive as far to get these common services.

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<sup>60</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 903.4 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>61</sup> *Id.* at 903.2.

<sup>62</sup> *Id.* at 1001.

<sup>63</sup> *Id.*

<sup>64</sup> CASS COUNTY WEBSITE, <http://www.co.cass.mn.us/index.html> (last visited Oct. 8, 2011).

<sup>65</sup> *Id.*

### *Promote Mixed Use Development or Central Location of Planned Unit Developments*

See discussion above in the section on Main Street Programs and Downtown zoning districts. Promoting mixed use development or central location of PUDs is an important sustainable practice on many levels. Using these practices increases densities and intensities of development in certain areas while leaving room for open space for the community to enjoy. They allow for some commercial development and community services mixed in with residential developments so many of the stops residents need to make are all in the same area. This may promote walking, biking, short trips on public transportation or efficiency of movement rather than the need to drive long distances. This may also foster a feeling of connectedness throughout the community and provide for social interactions between neighbors.

Some of the zoning districts in the current and proposed Ordinances allow for other uses but residential uses still seem to be fairly separated from commercial or industrial uses. None of the zoning districts really promote true mixed use development envisioned as part of sustainability practices. Additionally, there are no Planned Unit Developments (PUDs) or standards for PUDs included.<sup>66</sup>

### *Create Incentives for Vertical Mixed Use Development in Appropriate Locations*

There are no provisions in either the current or proposed Ordinances that create incentives for vertical mixed use development.

### *Utilize Form Based Zoning in a New or Existing Zoning District*

There are no provisions in either the current or proposed Ordinances that utilize form-based zoning in any zoning districts.

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<sup>66</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf). See also, CASS COUNTY, MINN., DRAFT REV. LAND USE ORDINANCES #2005-1 (Working Copy #2011-01, Aug. 10, 2011), A copy of this draft ordinance is also available in the Client File at the William Mitchell Rosalie Wahl Legal Practice Center.

## CONSERVATION DESIGN

### *Incorporate Protection of Priority Natural Systems/Resources Through the Development Process*

The current Cass County Ordinance provides two types of development standards, conventional development standards and conservation development standards. See pp. 7-8 for definition and brief discussion of both types.

Section 1116.1 states ten purposes to be embodied by the development standards, including to:

- Conserve open land especially that with unique or sensitive natural features
- Reduce of erosion and sedimentation
- Minimize adverse impacts of development on the environment
- Conserve the County's rural character and scenic views<sup>67</sup>

Conservation development was included into the Ordinance specifically to incorporate protection of priority natural systems and resources through the development process.<sup>68</sup> In addition to limiting the lot size to 30,000 square feet and impervious surface coverage to 25%, conservation development standards require the identification and delineation of primary conservation areas.<sup>69</sup> The land to be developed must be outside the primary conservation areas and also if possible outside any secondary conservation areas as well.<sup>70</sup> Also at least 50% of the total project area must be preserved as open space, no more than 25% of which can be wetlands.<sup>71</sup> Any natural features in the open space must be maintained in its natural condition though some management activities may be permissible to improve upon or restore the land.<sup>72</sup>

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<sup>67</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1116.1(A) (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>68</sup> *Id.* at 1116.7.

<sup>69</sup> *Id.* at 1116.71(A)(1).

<sup>70</sup> *Id.* at 1116.71(A)(1)(b).

<sup>71</sup> *Id.* at 1116.71(B)(1).

<sup>72</sup> *Id.* at 1116.71(B)(1)(b).

The residential lots can be clustered together to allow for higher densities.<sup>73</sup> New developments or redevelopments must also meet standards for vegetation management.<sup>74</sup> Section 1123 sets out as a condition to being granted a permit, CUP or variance for a Shoreland lot, that a landowner must mitigate the “impacts of developments, nonconforming structures or uses on lake water quality”.<sup>75</sup> This includes erosion control, stormwater management or other practices approved by the County in addition to a requirement to restore native vegetation buffer area.<sup>76</sup> Section 1128 requires a shoreland alteration permit in order to remove or alter the natural vegetation within a building setback area and sets out standards for different land features.<sup>77</sup>

This is by no means a complete list of requirements. For more information see sections 1116.71, 1116.73, 1123 and 1128 in their entirety.

Even though conservation development is the more sustainable of the two types of development standards, conventional development still has requirements to protect natural systems and resources during the development process. This type of development also requires a shoreland vegetation buffer plan.<sup>78</sup> There is also a requirement that 25% of the total project area must be preserved as open space.<sup>79</sup> The open space can include areas that are unsuitable for development or that have historical significance but no more than 25% of the open space can be wetland.<sup>80</sup> Again, this is by no means an exhaustive list of requirements. For more information see section 1116.8 in its entirety.

The proposed revisions to the Ordinance do not change anything in the section on

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<sup>73</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1116.71(B)(3) (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>74</sup> *Id.* at 1116.71(B)(7), 1123, 1128.

<sup>75</sup> *Id.* at 1123(A).

<sup>76</sup> *Id.* at 1123(A)(2), 1123(B).

<sup>77</sup> *Id.* at 1128(A).

<sup>78</sup> *Id.* at 1116.81(C).

<sup>79</sup> *Id.* at 1116.83(B).

<sup>80</sup> *Id.* at 1116.83(B)(1)(a), 1116.83(B)(1)(c).



development standards.<sup>81</sup> Changes to Section 1123 (shoreline buffers) are being reviewed.<sup>82</sup> Requirements contained in Section 1128 (vegetative alterations) are modified, and the sections for Bluff Zones and Steep Slopes are combined into one.<sup>83</sup>

In the current Cass County Ordinance, conservation may be encompassed into the development process through the zoning districts. The RR-1, RR-5, RR-10, RR-20, AF, and WOC districts all provide conservation elements in one form or another.<sup>84</sup> Additionally there is a specific Resource Protection (RP) district designated. The purpose of the RP district is to:

...accommodate limited rural residential housing, agricultural uses, and forest management activities in a fashion that conserves sensitive land areas in which more intensive development would adversely affect water quality, wetlands, lakes, shoreland, slopes, productive habitat, biological ecosystems, or scenic and natural values in order to minimize their disturbance, to prevent damage from erosion, floods, siltation and water turbidity, to prevent the loss of vegetation, fish, wildlife and natural habitat, to protect the quality of ground and surface waters, and to conserve natural and scenic areas within and adjacent to riparian areas for the community's benefit.<sup>85</sup>

This RP district is a great example of how a county can protect its sensitive natural resources and areas while still accommodating the needs of its residents. The County did not change any of these district designations in the proposed ordinance revisions.<sup>86</sup>

Conservation may also be incorporated into various performance standards or lot requirements that a developer must comply with when developing or redeveloping land in the

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<sup>81</sup> CASS COUNTY, MINN., DRAFT REV. LAND USE ORDINANCES #2005-1, 1116 (Working Copy #2011-01, Aug. 10, 2011), A copy of this draft ordinance is also available in the Client File at the William Mitchell Rosalie Wahl Legal Practice Center.

<sup>82</sup> *Id.* at 1123.

<sup>83</sup> *Id.* at 1128, 1128.1, 1128.4.

<sup>84</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 903.3, 903.5-903.6, 903.9 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>85</sup> *Id.* at 903.10.

<sup>86</sup> CASS COUNTY, MINN., DRAFT REV. LAND USE ORDINANCES #2005-1, 903 (Working Copy #2011-01, Aug. 10, 2011), A copy of this draft ordinance is also available in the Client File at the William Mitchell Rosalie Wahl Legal Practice Center.

County.<sup>87</sup> An example is the impervious surface coverage requirement.<sup>88</sup> Impervious surface may not exceed 25% of the lot area unless exception is made in Section 1113.2.<sup>89</sup> The more impervious surface, such as asphalt or cement, the more likely a property will have run off, drainage or erosion problems. Having large impervious surfaces also reduce the natural character of the area by eliminating of natural vegetation. Limiting the amount of impervious surface is definitely important to the County because one of its major economic incomes is in the form of tourism due to its natural beauty. Therefore it makes sense the County would want to preserve its natural features.

The County made several changes to these performance standards in the proposed ordinance revisions, some of which were minor changes and a few that removed entirely or rewrote several sentences.<sup>90</sup> See Sections 1100-1131 for the other changes as they are too numerous to detail here.

*Adopt Development Standards to Ensure Staged Urban Growth that Protects Natural Systems*

There are no specific provisions in either the current or proposed Ordinances where the County has adopted development standards to specifically ensure “staged urban growth” that protects natural systems – that is, a planned and strategic timeline for development. Conventional and conservation development standards promote conservation but do not specifically address “staged urban growth”.<sup>91</sup> There is also the UG district which “encourages orderly growth of development in an urban density”, however this misses the mark a bit as it does not allow for

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<sup>87</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1100-1131 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>88</sup> *Id.* at 1113.3.

<sup>89</sup> *Id.*

<sup>90</sup> CASS COUNTY, MINN., DRAFT REV. LAND USE ORDINANCES #2005-1, 1100-1131 (Working Copy #2011-01, Aug. 10, 2011), A copy of this draft ordinance is also available in the Client File at the William Mitchell Rosalie Wahl Legal Practice Center.

<sup>91</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1116 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

single family homes or commercial uses, both of which should be included if one is wanting to comprehensively ensure “staged urban growth”.<sup>92</sup> Because this concept also includes infrastructure development (such as water, sewer and roads), it may be addressed in the county’s comprehensive plan.

#### *Incorporate Woodland Best Management Practices into Zoning or Development Review*

Woodland best management practices are best management practices designed to protect woodland areas and water sources near woodland areas where timber is harvested. This is important throughout the County in order to preserve its many woodland areas, lakes and rivers. Woodland best management practices are incorporated into the current Cass County Ordinance and proposed ordinance revisions as performance standards.<sup>93</sup> The sections both require that timber harvesting and reforestation in Shoreland districts be consistent with the best management practices set out by the Minnesota Department of Natural Resources (MN DNR) and the Minnesota Forest Resource Council’s Voluntary Site Level Forest Management Guidelines.<sup>94</sup>

#### *Adopt a Conservation Design Scorecard to Use in Areas with Undeveloped Natural Resources*

There are no provisions in either the current or proposed Ordinances that suggest the County has adopted a conservation design scorecard to use in areas with undeveloped natural resources. Such a scorecard should be adopted as a county policy or incorporated in the comprehensive plan or incorporated into the review process.

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<sup>92</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 903.2, 1001 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>93</sup> *Id.* at 1108. See also. CASS COUNTY, MINN., DRAFT REV. LAND USE ORDINANCES #2005-1, 1108 (Working Copy #2011-01, Aug. 10, 2011), A copy of this draft ordinance is also available in the Client File at the William Mitchell Rosalie Wahl Legal Practice Center.

<sup>94</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1108 (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf). See also. Minnesota Department of Natural Resources, *Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota*, [http://files.dnr.state.mn.us/forestry/urban/bmps\\_intro.pdf](http://files.dnr.state.mn.us/forestry/urban/bmps_intro.pdf) (last visited Oct. 9, 2011), Minnesota Forest Resource Council, *Voluntary Site Level Forest Management Guidelines*, [http://www.frc.state.mn.us/initiatives\\_sitelevel\\_management.html](http://www.frc.state.mn.us/initiatives_sitelevel_management.html) (last visited Oct. 9, 2011).

## *Develop and Fund a Conservation Easement Program in Collaboration with a Land Trust*

The County has set out conservation easements as part of the general development requirements for open space:

A permanent conservation easement to ensure perpetual preservation and maintenance of common open space shall be created in favor of Cass County under Minnesota Statutes, Chapter 84C.<sup>95</sup>

This provision is not as complete as the standard promoted by the GreenStep Cities 28 Best Management Practices. The County does not fund a conservation easement program and will only cover the costs incidental to the transfer of ownership.<sup>96</sup> The County does not specifically create conservation easements in collaboration with a land trust, but it does leave the option open in stating that: “Cass County, at its option, may transfer its interest in the easement to a non-profit conservation organization or other public agency.”<sup>97</sup>

Conservation easements can provide for more open space that will be left in its natural state. In this way, the County is able to provide protection into the future for important natural features or resources. Conservation easements are a more sustainable way to not only provide open space but to also ensure its continued protection into the future. The requirements for conservation easements have remained the same in the proposed ordinance revisions.

## **CROW WING COUNTY**

### HIGHER DENSITY

#### *Limit Barriers and Provide Incentives to Promote Higher Density Housing*

Crow Wing County has a population of 62,500 and 999.09 square miles of land to build

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<sup>95</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1116.6(B) (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf). See also. MINN. STAT. CH. 84C (2010).

<sup>96</sup> CASS COUNTY, MINN., LAND USE ORDINANCE #2005-1, 1116.6(B) (Amended by #2009-07) (Effective Jan. 10, 2010), available at [http://www.co.cass.mn.us/ordinances/200501\\_landuse.pdf](http://www.co.cass.mn.us/ordinances/200501_landuse.pdf).

<sup>97</sup> *Id.*

on.<sup>98</sup> With a little more than double the population of Cass County and about half the amount of land to build on, space is more of an issue in Crow Wing County than it is in Cass County.<sup>99</sup>

Tourism is just as important to the economy in Crow Wing County as in Cass County.

Protecting the natural features and resources of the area is important to preserving tourism. One way to protect the area is to encourage higher density residential developments which use less land mass.

The Crow Wing Ordinance is divided into sections based on land use districts. Almost all of the districts permit residential use in one degree or another.<sup>100</sup> Some of the districts may be familiar because similar terminology is used in the Cass County Ordinance. However Crow Wing County may have different regulations on what uses are or are not allowed in the districts. Additionally, development of single family dwellings and two-family dwellings (duplex residential) require a permit unless otherwise noted, while multi-family dwellings are conditional uses and require a CUP.<sup>101</sup>

Single-family dwellings are allowed in every district except the Airport District (AP).<sup>102</sup> They are a permitted use in these districts with the exception of in the Commercial/Light Industrial (C/LI) and Commercial/Heavy Industrial (C/HI) districts where they are conditional uses requiring a CUP.<sup>103</sup> Two-family residences are permitted in every district except the

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<sup>98</sup> U.S. Census Bureau, U.S. Dep't of Commerce, Census 2010 Redistricting Data (Public Law 94-171) Summary File: Population and Housing Occupancy Status, Minnesota-County, GCT-PL2 (2010). Available at [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\\_10\\_PL\\_GCTPL2.CY07&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_PL_GCTPL2.CY07&prodType=table). See also. U.S. Census Bureau, U.S. Dep't of Commerce, Census 2010 Population, Housing Units, Area and Density-Crow Wing County-Census Tract, Summary File 1, GCT-PH1 (2010). Available at [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\\_10\\_SF1\\_GCTPH1.CY07&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_GCTPH1.CY07&prodType=table).

<sup>99</sup> See p.4 for the population and buildable land area of Cass County.

<sup>100</sup> Crow Wing County, Minn., Land Use Ordinance 10.3 (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> Crow Wing County, Minn., Land Use Ordinance 10.3 (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

Shoreland District (SD), Agricultural/Forestry District (AGF) or Airport District (AP).<sup>104</sup> Multi-family dwellings are permitted as conditional uses requiring a CUP in every district except the Sensitive Shoreland District (SS), Commercial/Light Industrial (C/LI), Commercial/Heavy Industrial (C/HI) and Airport District (AP).<sup>105</sup>

The districts in the Ordinance that encourage higher density residential areas are:

- Urban Growth District (UG)
- Rural Residential District with a minimum lot size of 1 acre (RR-1)

The purpose of the UG district is to “encourage orderly growth of development of an urban density and nature around incorporated municipalities”.<sup>106</sup> Therefore, this area would have the highest residential densities of any in the County. However, the exact density requirements are not set out in the Ordinance because UG districts “can only be designated by agreement between the municipality and the County under the provisions of Minnesota Statutes, Chapter 394.232”.<sup>107</sup> This would definitely be the most appropriate area to have higher density housing because these districts would be designated in more urban areas that would benefit the residents by having higher density residential development.

The RR-1 district is designated in areas that are non-shoreland areas and is intended to enable those areas “to be developed with higher residential densities near but not necessarily adjacent to incorporated municipalities”.<sup>108</sup> The minimum lot area in the RR-1 district is 1 acre with a minimum lot width of 150 feet.<sup>109</sup> These may be intended to be higher density areas but they are definitely fairly large lots compared with what would be likely in the UG district.

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<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> *Id.* at 10.2(C).

<sup>107</sup> *Id.* See also. MINN. STAT. §394.232 (2010).

<sup>108</sup> Crow Wing County, Minn., Land Use Ordinance 10.2(D) (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>109</sup> Crow Wing County, Minn., Land Use Ordinance Table 14.1 (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

However, in a more rural county such as Crow Wing County, these would still be fairly small lot sizes and would likely be used in areas just outside municipalities in the way that a suburban area of a city would be.

Guest cottages are not permitted as of right in the ordinance. Although it is unclear from the Ordinance what the criteria for the permitting is other than for the Shoreland District (SD).<sup>110</sup> To get a permit for a guest cottage in SD, all requirements for setbacks and impervious surface limits must be met in addition to all requirements of Articles 28-41.<sup>111</sup> Additionally, the maximum building size is limited to 700 square feet and the height of the building is limited to 15 feet.<sup>112</sup> However, the SD district is not designated as an area promoting higher densities and although some lot sizes may be under an acre, the majority of the lot size are much larger lot sizes.<sup>113</sup> Larger lot sizes may be more appropriate in these areas due to the nature of where they are located. To have higher densities in such areas would cause crowding and less shoreline for each lot. This would not be optimal due to the sensitive nature of lakes and rivers and the desire for those that live on them to have a more secluded place to enjoy.

There are two types of development standards in the Ordinance: conservation development and conventional development.<sup>114</sup> There are several purposes and policies given for residential development as a whole. They are:

- To allow for greater flexibility and creativity in the design or residential subdivisions<sup>115</sup>
- To facilitate the construction of streets, utilities, and public services in an even more economical and efficient manner<sup>116</sup>
- To promote conservation subdivisions to ensure that citizens in residential developments

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<sup>110</sup> Crow Wing County, Minn., Land Use Ordinance 11.10 (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>111</sup> *Id.* at 11.10(A), 11.10(B), 11.10 (D), 11.10(F).

<sup>112</sup> *Id.* at 11.10(C), 11.10(E).

<sup>113</sup> *Id.* at Table 11.1.

<sup>114</sup> *Id.* at 33.

<sup>115</sup> *Id.* at 33.2(A).

<sup>116</sup> *Id.*

- and the public benefit from conservation on natural features of the land<sup>117</sup>
- To provide a choice of housing types and a variety of recreational opportunities<sup>118</sup>

These purposes and policies are embodied in both the conventional and conservation development standards. Conventional development standards are intended “to provide a one primary residence per lot application of the land use provisions of the Ordinance”.<sup>119</sup> This is typically the way most developments have been structured for the last few decades. These are the lot standards and design procedures seen throughout the ordinance and has been the default for developments in Crow Wing County.<sup>120</sup> For example, the standards discussed on pp. 21-23 would be those considered under conventional development standards.

Conservation development standards have requirements beyond those under conventional development. For the purposes of this Ordinance, conservation development standards are:

Intended to provide a relationship between buildings, and between buildings and sites, that cannot be accomplished by the one building, one lot application of the land use provisions of this Ordinance. In order to encourage well designed building groups, the Conservation Development section provides for the development of more than one structure upon a single lot or tract as well as the integral development of one or more lots as a single tract.<sup>121</sup>

Under conservation development standards there are several requirements that are not present under conventional development standards. These requirements include designating a higher percentage of the project area as open space than may be required under conventional development and leaving natural features of the land as they are in the open spaces.<sup>122</sup> Unlike the Cass County Ordinance, there is no special general limitation on lot size designated or

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<sup>117</sup> Crow Wing County, Minn., Land Use Ordinance 33.2(A) (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>118</sup> *Id.* at 33.1.

<sup>119</sup> *Id.* at 33.12.

<sup>120</sup> *Id.* at 33.12(A).

<sup>121</sup> *Id.* at 33.8.

<sup>122</sup> *Id.* at 33.9(B)(1), 33.9(B)(1)(b).



impervious surface coverage for conservation developments.<sup>123</sup> However, on riparian parcels, the lot area minimum is 3 acres with a minimum lot width of 400 feet.<sup>124</sup> Other lot size limitations are calculated based on certain conditions or characteristics of the property.<sup>125</sup> General impervious surface requirements are designated according to Article 41.2.<sup>126</sup> Conservation development is optional in Crow Wing County whenever there are new developments, redevelopments, or conversions of existing buildings.<sup>127</sup>

Density calculations to determine how many dwelling units per acre are allowed are provided in the Ordinance and again differentiated based on whether the lot is shoreland or non-shoreland.<sup>128</sup> One would expect the density calculations under the conservation development standards to allow more units per acre than under conventional development. However, here the calculation appears to yield the same number of units under both the conventional and conservation development standards. Unless there are other incentives for a developer to choose the conservation development standard, there is no motivation to choose conservation or conventional development standards. This should be studied further. If no incentives exist, the County should consider adopting some.

Overall the Crow Wing Ordinance has some provisions to promote higher density uses in its Land Use Ordinance. There are two higher density districts, both of which allow single-family, two-family or multiple family use. Also the County may allow the developer to choose to build new developments using either conventional or conservation design standards.

Conservation design standards, again, can promote sustainability in the form of more

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<sup>123</sup> Crow Wing County, Minn., Land Use Ordinance 33.9 (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>124</sup> *Id.* at 33.2(C)(2).

<sup>125</sup> *Id.* at 33.10.

<sup>126</sup> *Id.* at 41.2.

<sup>127</sup> *Id.* at 33.2(C)(1).

<sup>128</sup> *Id.* at 33.10.

open space in developments and in preservation of the natural features of an area. It also allows for the clustering of development and preserving open space, rather than fully developing entire parcels. Additionally the ordinance allows for guest cottages in several districts by permit.

*Encourage a Higher Intensity of Commercial Land Uses*

Commercial land uses are fairly complex in the Ordinance and whether certain commercial uses are allowed depends on what the use is, and in which district it is located. There are no districts that entirely prohibit all commercial uses, but may prohibit some types of commercial uses. For example in the Sensitive Shoreland (SS) district, the only commercial use allowed is for a bed and breakfast.<sup>129</sup> In those districts where commercial uses are allowed, the uses are generally considered conditional uses and require a CUP, however in a many districts, certain uses are allowed by general permit.<sup>130</sup> The main commercial districts are:

- Commercial District 1 (C-1)
- Commercial District 2 (C-2)
- Waterfront Commercial (WC)
- Commercial/Light Industrial (C/LI)
- Commercial/Heavy Industrial (C/HI)

The ordinance sets out minimum requirements for lot dimensions and setbacks differentiated by whether the lot is or is not serviced by public sewer and water.<sup>131</sup> The minimum requirements appear to be the same for all five of the commercial districts.<sup>132</sup> The minimum lot size for a commercial lot without public sewer and water is 100,000 square feet while the minimum lot size for a commercial lot serviced by public sewer and water is 20,000 square feet.<sup>133</sup> Larger minimum lot sizes in areas without public sewer and water make sense because

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<sup>129</sup> Crow Wing County, Minn., Land Use Ordinance 10.3 (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>130</sup> *Id.*

<sup>131</sup> *Id.* at Table 16.1.

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

an area is likely to be more rural in nature if not serviced by public water and sewer therefore it can accommodate a lower intensity of use which is reflected in the larger minimum lot size. Conversely in areas serviced by public water and sewer would likely be more urban and nature. Therefore, it would be best to have higher intensity commercial use and this is reflected in a smaller minimum lot size. The minimum setback requirements for commercial uses whether serviced or not by public sewer and water are the same.<sup>134</sup>

The commercial districts that are likely to have the highest intensity use are the C-1, C-2 and C/LI districts. The purpose of the C-1 district is “to provide adequate area for general retail, wholesale, office, and service activities...in areas adjacent to incorporated municipalities”.<sup>135</sup> They are to be conveniently located along federal, state or county highways.<sup>136</sup> The purpose of the C-LI district is “to accommodate light industrial uses that produce few off site impacts such as noise, odor or vibration”.<sup>137</sup> These two districts would likely have the highest intensity of use because they would be located near more developed areas, or along main roads and highways, and would likely be connected to public sewer and water.

The purpose of the C-2 district is “to provide adequate space for general retail and service activities in rural areas”.<sup>138</sup> These commercial districts must be located along federal, state, county or township roads.<sup>139</sup> Because these areas are required to be located along major roads, the use could be fairly intense but because of the more rural nature of the location the intensity would not likely be as high as in the C-1 or C/LI districts. These areas would also not likely be connected to public sewer and water.

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<sup>134</sup> Crow Wing County, Minn., Land Use Ordinance Table 16.1 (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>135</sup> *Id.* at 16.1(A).

<sup>136</sup> *Id.*

<sup>137</sup> *Id.* at 16.1(D).

<sup>138</sup> *Id.* at 16.1(B).

<sup>139</sup> *Id.*

*Promote LEED Certification in the Zoning Ordinance*

There are no provisions in the Ordinance that address LEED certification.

MIXED USES

*Create a Main Street Program or Downtown Zoning District*

There is nothing in the Ordinance that specifically references a “Main Street Program” or “Downtown Zoning District”. Similar to Cass County, Crow Wing County the Ordinance does designate a UG district that might partially encompass the purposes of such districts.<sup>140</sup> Again, the goal is to provide a mix of residential and commercial uses that would be appropriate in such areas to promote higher density and intensity use in more urban-like areas.

The UG district includes a few commercial uses to provide services to residents and visitors including motel/bed and breakfast and retail or commercial business.<sup>141</sup> These types of commercial uses give a “downtown feel” to the district. This might also be true of the C-1 and C/LI districts which are also meant to be more urban in nature. These districts both allow for many commercial uses in addition to the residential uses.<sup>142</sup>

The C-2 district is more rural in nature but allows for all types of residences as well as many commercial uses.<sup>143</sup> While this may not give a “downtown feel”, it would promote services conveniently located for the residents in the area and might become a gathering spot for the community at large.

*Locate Government Facilities Centrally*

The main government services in Crow Wing County are located in Brainerd, MN.<sup>144</sup>

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<sup>140</sup> Crow Wing County, Minn., Land Use Ordinance 10.2(C) (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>141</sup> *Id.* at 10.3.

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> CROW WING COUNTY WEBSITE, <http://www.co.crow-wing.mn.us/> (last visited Oct. 9, 2011).

The majority of the available services are located on Laurel Street in a series of five County buildings.<sup>145</sup> Brainerd is located towards the western side of the County and just south of its geographic center.<sup>146</sup> Brainerd is centrally located for the county's population. However, like in Cass County, if it is one day feasible, it might be nice for Crow Wing County to create a few service centers for the most common services, especially in light of its higher population.

*Promote Mixed Use Development or Central Location of Planned Unit Developments*

See general discussion about mixed uses above on pp. 14 & 28. All of the zoning districts in the Ordinance with the exception of the AD district allow for residential uses.<sup>147</sup> The AD district is the only district that would not be considered as having mixed uses.<sup>148</sup>

None of the districts allowing for residences are exclusively single-family residential and allow for either two-family dwellings or multi-family dwellings by permit or CUP.<sup>149</sup> In seven of the thirteen districts, all three of the residential dwelling types are permitted.<sup>150</sup> Conversely some form of commercial use is allowed in all the districts, mainly by CUP but also by regular permit.<sup>151</sup> This ordinance appears to promote mixed uses which would be in accord with sustainability practices. The system is not perfect especially when you consider the UG district which is supposed to support more urban style densities and growth, yet does not allow for commercial retail.<sup>152</sup> However, the Ordinance is a far better example of mixed uses than the Cass County Ordinance. One downside is that there are no Planned Unit Developments (PUDs) or standards for PUDs included.

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<sup>145</sup> CROW WING COUNTY WEBSITE, <http://www.co.crow-wing.mn.us/> (last visited Oct. 9, 2011).

<sup>146</sup> *Id.*

<sup>147</sup> Crow Wing County, Minn., Land Use Ordinance 10.3 (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

*Create Incentives for Vertical Mixed Use Development in Appropriate Locations*

There are no provisions in the Ordinance that creates incentives for vertical mixed use development.

*Utilize Form Based Zoning in a New or Existing Zoning District*

There are no provisions in the Ordinance that utilizes form-based zoning in any zoning districts.

CONSERVATION DESIGN

*Incorporate Protection of Priority Natural Systems/Resources Through the Development Process*

The Crow Wing County Ordinance provides two types of development standards, conventional development standards and conservation development standards. See the section above on limiting barriers and providing incentives to promote higher density housing for definition and brief discussion of both types.

Section 33.2 states several purposes to be embodied by the development standards some of which have been incorporated from the Comprehensive Plan.<sup>153</sup> Among those purposes are:

- Minimizing the adverse effects of development county-wide on the county's water resources<sup>154</sup>
- Reducing density, impervious surfaces and changes to the vegetation in Shoreland areas<sup>155</sup>
- Promoting conservation subdivisions to ensure community benefit from the conservation of natural features of the land<sup>156</sup>
- Allowing for conservation developments on undeveloped land, redevelopment of previously built on sites, and conversions of existing buildings<sup>157</sup>

Conservation development was included in the Ordinance specifically to incorporate more protection of natural systems, resources and primary conservation areas throughout the

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<sup>153</sup> Crow Wing County, Minn., Land Use Ordinance 33.2 (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>154</sup> *Id.* at 33.1(A).

<sup>155</sup> *Id.* at 33.1(C).

<sup>156</sup> *Id.* at 33.2 (A).

<sup>157</sup> *Id.* at 33.2 (C)(1).

development process.<sup>158</sup> The conservation development standards require the identification and delineation of primary conservation areas and limits development to areas outside the primary conservation areas.<sup>159</sup> If feasible, development must also be outside any secondary conservation areas.<sup>160</sup> At least 50% of the total project area must be preserved as open space.<sup>161</sup> Like Cass County, any natural features in the open space must be maintained in their natural condition though some management activities may be permissible to improve upon or restore the condition of the land.<sup>162</sup> Residential lots may be clustered together to preserve open space. New developments or redevelopments in shoreland areas must meet the standards in Article 27 for vegetation management.<sup>163</sup> Article 27.6 sets out as a condition to being granted a permit, CUP or variance under certain circumstances for a shoreland lot, that a landowner must mitigate the on-site vegetation for the purposes of “protecting water quality and safeguarding sensitive areas”.<sup>164</sup> According to the Ordinance, mitigation “must be proportional to the impact of the proposed project” and “shall be determined by the County according to its Shoreline Rapid Assessment Model”.<sup>165</sup> Article 27.5 requires a shoreland alteration permit for “intensive vegetation clearing” to remove or alter the natural vegetation for the purposes of creating a new shoreline recreation area (beach) in certain shoreland zones.<sup>166</sup>

This is by no means a complete list of requirements. For more information see Articles 27

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<sup>158</sup> Crow Wing County, Minn., Land Use Ordinance 33.9 (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>159</sup> *Id.* at 33.9(A)(1).

<sup>160</sup> *Id.*

<sup>161</sup> *Id.* at 33.9(B)(1).

<sup>162</sup> *Id.* at 33.9(B)(1)(b).

<sup>163</sup> *Id.* at 27, 33.9(B)(6).

<sup>164</sup> *Id.* at 27.6.

<sup>165</sup> *Id.* at 27.6(A), 27.6(B)-(C), 46.2. The Shoreline Rapid Assessment Model (SRAM) is a process and criteria used by Crow Wing County to determine the extent of natural vegetation present on a lot, the degree of natural protection that a shoreline has, and options for landowners to bring their shoreline into compliance in conjunction with permit or variance applications.

<sup>166</sup> *Id.* at 27.5.

and 33.8-11 in their entirety.

The conventional development standards still have requirements to protect natural systems and resources during the development process but they are fewer than in Cass County. This type of development also requires a shoreland vegetation buffer plan.<sup>167</sup> There is a requirement to preserve open space, however the Ordinance does not give a percentage of a project that is required to be open space.<sup>168</sup> Article 33.7(B)(1-5) contains additional requirements and protections that must be included in a conservation easement to preserve and maintain the open space.<sup>169</sup> No impervious surfaces are allowed in the shore impact zone except for stairways, lifts or landings.<sup>170</sup> Lastly, all developments must comply with erosion control, stormwater management and sediment control standards located in Article 41.<sup>171</sup>

Again, this is by no means an exhaustive list of requirements. For more information see Articles 33 and 41 in their entirety.

In the Crow Wing County Ordinance, conservation may be encompassed into the development process through the zoning districts. The Shoreland (SD), Agricultural/Forestry (AGF), RR-5, RR-10, RR-20, and Sensitive Shoreland (SS) districts all provide conservation elements in one form or another.<sup>172</sup> Particularly notable is the SS district which is similar to the Resource Protection (RP) district in Cass County. The purpose of the SS district is to:

...accommodate limited residential uses, agricultural uses, and forest management activities within the shoreland protection zone while conserving sensitive land areas on which more intensive development would adversely affect water quality, wetlands, lakes, shorelines, slopes, wildlife habitat, biological ecosystems, or scenic and natural values. Density is decreased and performance standards

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<sup>167</sup> Crow Wing County, Minn., Land Use Ordinance 33.12(C) (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>168</sup> *Id.* at 33.7(B).

<sup>169</sup> *Id.* at 33.7(B)(1-5).

<sup>170</sup> *Id.* at 33.12(D).

<sup>171</sup> *Id.* at 33.14, 41.

<sup>172</sup> *Id.* at 10.2 (A-B), 10.2(F), 10.2(G).



established in order to minimize disturbance of soils and vegetation in the shoreland district, to prevent damage from erosion, floods, siltation and water turbidity, to prevent the loss of vegetation, fish, wildlife and natural habitat, to protect the quality of ground and surface waters, and to conserve natural and scenic areas in the shoreland protection zone. This district can only be designated in shoreland areas determined to be sensitive by the Crow Wing County Board of Commissioners.<sup>173</sup>

Like the RP district in Crow Wing County, the SS district demonstrates how a county can protect its sensitive natural resources and areas while still accommodating the needs of its residents.

The County has also developed a Flood Plain Overlay (FPO) district it can designate to “promote the health, safety and general welfare”, and to minimize losses in flood hazard areas that are subject to periodic inundation.<sup>174</sup> These FPOs can overlay any other district associated with shoreland and provides additional regulations or limitations on land use and development.<sup>175</sup> These FPOs are very beneficial in not only protecting the residents of the County from building homes in high risk areas but also minimizing or preventing disruptions to commerce or governmental services.<sup>176</sup>

Conservation may also be incorporated into various performance standards or lot requirements that a developer must comply with when developing or redeveloping land in the County.<sup>177</sup> An example is promoting conservation of wetlands in the Ordinance through its Wetland Protection Standards which are in accordance with the Minnesota Wetland Conservation Act.<sup>178</sup>

*Adopt Development Standards to Ensure Staged Urban Growth that Protects Natural Systems*

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<sup>173</sup> Crow Wing County, Minn., Land Use Ordinance 10.2(G) (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>174</sup> *Id.* at 21.2, 21.3.

<sup>175</sup> *Id.* at 21.4(B).

<sup>176</sup> *Id.* at 21.2(A).

<sup>177</sup> Crow Wing County, Minn., Land Use Ordinance (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>178</sup> *Id.* at 39. See also. MINN. STAT. CH. 8420 (2010).

As in Cass County, there are no specific provisions in the Crow Wing County Ordinance where the County has adopted development standards to specifically ensure “staged urban growth” that protects natural systems. There are the conventional and conservation development standards that promote conservation but do not specifically address “staged urban growth”.<sup>179</sup> Crow Wing County also has an UG district which is there to “encourage orderly growth of an urban density and nature around incorporated municipalities.” However this misses the mark a bit as it does not allow for commercial uses such as retail which might benefit the residents of the area.<sup>180</sup> Both residential and retail type commercial should probably be included to ensure comprehensive “staged urban growth.”<sup>181</sup>

#### *Incorporate Woodland Best Management Practices into Zoning or Development Review*

The County has not incorporated a defined set of woodland best management practices into its zoning or development review. It has designated some requirements applicable to a subdivision of land that creates four or more lots adjacent to land used for agricultural or forestry.<sup>182</sup> The County has also designated where timber cutting and clearing is allowed.<sup>183</sup>

#### *Adopt a Conservation Design Scorecard to Use in Areas with Undeveloped Natural Resources*

There are no provisions in either the Ordinance that suggests the County has adopted a conservation design scorecard to use in areas with undeveloped natural resources. Such a scorecard should be adopted as a county policy or incorporated in the comprehensive plan or incorporated into the review process.

#### *Develop and Fund a Conservation Easement Program in Collaboration with a Land Trust*

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<sup>179</sup> Crow Wing County, Minn., Land Use Ordinance 33.8-33.13 (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>180</sup> *Id.* at 10.2(C).

<sup>181</sup> *Id.*

<sup>182</sup> *Id.* at 12.4.

<sup>183</sup> *Id.* at 42.1.

Like Cass County, Crow Wing County has set out conservation easements as part of the general development requirements for open space:

A permanent conservation easement to ensure perpetual preservation and maintenance of common open space shall be created pursuant to Minnesota Statutes, Chapter 84C.<sup>184</sup>

This provision is also not as complete as the standard promoted by the GreenStep Cities 28 Best Management Practices. The County does not mention funding at all.<sup>185</sup> Nor does the County specifically create conservation easements in collaboration with a land trust, or leave the option open as Cass County has.<sup>186</sup> The County also specified several additional protections to be included into the conservation easements:

- Regulate construction impervious surfaces and/or recreation facilities pursuant to the Long-term Management Plan.
- Prohibit beaching of motorized watercraft when used as an unauthorized mooring space.
- Prohibit dumping, storage, or burning of solid or other wastes.
- Allow the use of common open space for subsurface sewage treatment systems if other use of the space is restricted to avoid adverse impacts on the sewage treatment system.
- Restrict in perpetuity the common open space from further subdivision and/or land development.<sup>187</sup>

## **NEXT STEPS**

### *First Step*

Continue the evaluation of the existing ordinances in Region 5 to see what sustainability practices are already being used in the region that could be used by other cities or counties and could inform the criteria to be adopted by Region 5 jurisdictions. (For example, conservation design and mixed use concepts are already in existence in some areas.) This evaluation would include looking at what has worked for Counties/Cities and what hasn't. The evaluation could be

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<sup>184</sup> Crow Wing County, Minn., Land Use Ordinance 33.7(B) (Apr. 22, 2011), available at [http://www.co.crow-wing.mn.us/planning\\_zoning/ordinances/docs/Crow\\_Wing\\_County\\_Ordinance\\_Final\\_Version\\_3\\_22\\_111.pdf](http://www.co.crow-wing.mn.us/planning_zoning/ordinances/docs/Crow_Wing_County_Ordinance_Final_Version_3_22_111.pdf).

<sup>185</sup> *Id.*

<sup>186</sup> *Id.*

<sup>187</sup> *Id.* at 33.7(B).

expanded to look at sustainability practices in other parts of the state or even across the country. Such an evaluation may reveal other ideas that could work for Region 5 or could be adapted to Region 5.

### *Second Step*

Adopt a uniform set of criteria for evaluating sustainability or a set of best management practices for sustainability for Region 5. The GreenStep Cities 28 Best Practices, the evaluation contained in this memo, the Minnesota Sustainable Communities Network<sup>188</sup>, The Alliance for Sustainability<sup>189</sup> and the University of Minnesota's Sustainability and U Website<sup>190</sup> could all be valuable sources to consult in identifying and selecting criteria for Region 5.

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<sup>188</sup> MINNESOTA SUSTAINABLE COMMUNITIES NETWORK WEBSITE, <http://www.nextstep.state.mn.us/> (last visited Oct. 10, 2010).

<sup>189</sup> ALLIANCE FOR SUSTAINABILITY WEBSITE, <http://www.afors.org/> (last visited Oct. 10, 2011).

<sup>190</sup> UNIVERSITY OF MINNESOTA, SUSTAINABILITY AND U WEBSITE, <http://www.uservices.umn.edu/sustainableU/> (last visited Oct. 10, 2011).

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[http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\\_10\\_SF1\\_GCTPH1.CY07&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_GCTPH1.CY07&prodType=table).

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<http://zoningmatters.org/facts/trends> (last visited July 10, 2011).

## **APPENDIX A: Definitions List**

**ACCESSORY DWELLING UNIT (ADU)**-A second dwelling unit (house) built on a lot that already has a main dwelling unit. They are usually smaller than the main dwelling unit and can be constructed in many different ways and may be permitted by right or as a conditional use depending on the jurisdiction in question. In the example ordinances they are noted as **Guest Quarters**.

**BEST MANAGEMENT PRACTICES (BMPs)**-From a land use perspective, BMPs are policies, practices, or procedures designed to mitigate adverse environmental effects resulting from development.

**CONDITIONAL USE PERMIT**- A permit that a property owner may receive if the project meets the conditions specified in the city's ordinance. The zoning code specifies the uses that are permitted if certain conditions are met and the conditions that must be met in order for a permit to be granted. If the proposal meets the stated conditions, the property owner is entitled to the permit. It is a useful tool to help give flexibility to traditional Euclidean zoning and gives the city a certain degree of control over these uses.

**CONSERVATION DESIGN/CONSERVATION DEVELOPMENT**-Site or development design that allows for limited sustainable development but also includes conservation measures geared towards promoting and protecting an area's natural environmental features. Examples of conservation measures are preserving natural areas, allowing for open space, high density concentrations of buildings on a site, and reducing the amount of impervious cover.

- **Conservation Design Scorecard**- A tool to aid a community to balance conservation goals with development objectives and community needs. An example of a scorecard is from the Envision Minnesota website, <http://www.envisionmn.org/conservation-design-scorecard/>.
- **Conservation Easement**-A voluntary agreement usually between a landowner and the local zoning authority that allows the landowner to limit development on their property in exchange for retaining private ownership of the land.
  - **Land Trust**-Agreement where one party agrees to hold ownership of land for the benefit of another party. In the conservation context, it is usually for the benefit of the public good.
- **Sustainable Development**- A pattern of land and resource use that attempts to meet human needs at the same time as protecting the environment and natural resources not only for the present but also for future generations.

**DENSITY**- The number of inhabitants allowed in a dwelling or the number of buildings or housing units allowed per unit of area. (Often per acre of land). Density is generally calculated by dividing the total number of units by the total site area minus right-of way.

- **Higher Densities**-Generally promoted in urban areas. It is thought to be more sustainable to have higher densities because it leaves more room for green space and parks. It also can reduce urban sprawl by grouping buildings closer together especially if the areas are mixed use because it promotes public interaction and less dependence on transportation.
- **Lower densities**-Usually found in transitional and rural areas. Lower densities are generally appropriate in these areas due to the decreased population sizes and need to protect agricultural or natural resource areas.



- **Density/Cluster Zoning**-Limits the number of buildings that can be built on a given parcel of land. May also allow some modification in lot sizes and frontage requirements in return for providing part of the development for green space or parks, or public needs such as schools. Densities are usually higher and cluster groups of buildings around open space rather than in traditional neighborhood blocks.

**Density Bonus**- An incentive that allows a developer to increase the number of inhabitants allowed in a dwelling or the maximum amount of development allowed on a property. In return, the developer must include provisions in their project that helps the community to achieve a public policy goal

**FLOOR AREA RATIO (FAR)**-Ratio of the total floor area of a building in relation to the size of the lot. The maximum FAR is generally calculated by taking the total square footage of a building (including all the levels) by the total square footage of the lot. Other factors may be factored into the calculation such as frontage and setback requirements

**FORM BASED ZONING**- Zoning that places emphasis on regulating the form and scale of buildings and their placement along or within public spaces. It therefore regulates the form land use might take rather than the type of land use. Form based zoning can be included into existing codes or it can stand alone as a new code to replace an old or outdated one. It is also sometimes associated with Smart Growth or Smart Zoning ideas because it promotes mixed uses and reduces dependence of transportation. Regulations and standards are presented in diagrams and words and keyed to a regulatory plan that designates the appropriate form and scale of development rather than only distinguishing land use types.

**FRONTAGE**-The part of a lot abutting a street or highway.

- **Frontage Requirement**-How wide a lot is permitted to be.

**HEIGHT LIMIT**-Zoning requirement defining how tall (vertically) a building is allowed to be.

**INFILL DEVELOPMENT**-Use or re-use of land in already developed areas for further construction. Used in community redevelopment or smart growth plans to utilize vacant properties and revitalize run-down buildings in order to prevent the necessity of developing a previously undeveloped parcel of land.

**INTENSITY**-Measurements of how much a lot or area can be developed. Intensity requirements may be encompassed in zoning requirements such as height limits, frontage requirements, setback requirements, site ratios and floor area ratios.

**LEED NEIGHBORHOOD DEVELOPMENT CERTIFICATION**-LEED stands for Leadership in Energy and Environmental Design and is an internationally recognized green building certification program that was developed by the U.S. Green Building Council. LEED certification for neighborhood development integrates smart growth principles, green building principles, and concepts of new urbanism into a national program for neighborhood design.

**LIVEABLE COMMUNITIES-** Encompasses different community design ideas that allow individuals to become engaged and involved in their communities. This usually involves structural design elements including housing, transportation, and recreation in addition to other social elements including education and cultural diversity all located in central areas that are easy to access and move around in. (May overlap with the concepts of mixed use, new urbanism and smart growth)

**MINIMUM LOT SIZE REQUIREMENTS-**A limit on the smallest size a lot may be. Used in traditional zoning to limit what size of lots are permitted in various zoning districts or communities. Landowners may be permitted to build lots bigger than the minimum lot size requirement as long it complies with other zoning requirements.

**MIXED USE-**The term mixed use when used in a development or zoning context is the practice of allowing more than one type of use in a building, group of buildings or zoning district. This is often a combination of residential, commercial, light industrial, office or institutional uses. This is in contrast to traditional Euclidean zoning which usually keeps uses separate from each other. Mixed uses work most efficiently in urban or downtown areas and they may promote sustainability by providing residents the convenience of having much of what they need within walking or public transportation distance while reducing dependence on individual transportation.

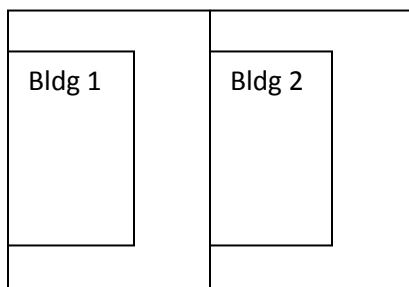
- **Horizontal Mixed Use-**When mixed uses are promoted throughout a group of buildings. For example an apartment building next to a small grocery which is next to a driver’s license center.
- **Vertical Mixed Use-**When mixed uses are promoted throughout a single building. For example on the first floor is a small grocery, on the second floor are office spaces and on the third floor there are apartments.

**NEW URBANISM-** A planning school of thought or movement that promotes the creation and restoration of diverse, compact, mixed-use/livable communities that are assembled in a more integrated fashion into complete communities. This is only a basic definition of new urbanism as there is no set definition describing the movement. (May overlap with the concepts of livable communities, mixed use, and smart growth)

**PLANNED UNIT DEVELOPMENT-** A type of cluster/floating zone that allows for mixed uses and promotes open green space in order to blend together a traditional downtown environment at a suburban scale.

**SETBACK REQUIREMENT-**The minimum amount of space required between the lot line (where the lot ends) and a building line (where the building begins) on a parcel of land.

- **Zero Lot Line Setback-**Where a building on a lot abuts one side lot line and does not abut any building on an adjoining lot. One building is placed directly next to the lot line on one side. Adjoining properties are also placed in such a manner. This creates more space between buildings and prevents buildings from being placed too closely together.



**SITE RATIO**-How much of a lot is covered by a building.

**SMART GROWTH**- Creative development in ways that promotes conservation and reuse of land that is already developed, and protection of natural resources and the environment. Reinvesting in existing infrastructure and reclaiming historic buildings is a major goal as well as designing neighborhoods that have essential stores and services near homes, and promoting recreational transportation as well as public transportation for individuals to move easily within their communities. There is no set definition and ideas of smart growth vary between organizations and jurisdictions. (May overlap with the ideas of livable communities, mixed use, and new urbanism)

**SMART GROWTH PRINCIPLES**- A list of 10 principles of smart growth developed by the Smart Growth Network. <http://www.smartgrowth.org/>.

1. Mix land uses.
2. Take advantage of compact building design.
3. Create a range of housing opportunities and choices.
4. Create walkable neighborhoods.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Preserve open space, farmland, natural beauty, and critical environmental areas.
7. Strengthen and direct development towards existing communities.
8. Provide a variety of transportation choices.
9. Make development decisions predictable, fair, and cost effective.
10. Encourage community and stakeholder collaboration in development decisions.

**URBAN SPRAWL**-Growth and expansion of urban areas into nearby rural and suburban areas. Unchecked or even deliberate growth may create or exacerbate problems such as dependence on transportation, reduction of available space for open areas or parks, and the need for additional infrastructure such as streets, highways and sanitation.

**VARIANCE**- A variance is a discretionary tool a LUG uses to allow a landowner to vary from the strict reading of the code requirements because there is something about the land that makes compliance with the strict reading of the code not feasible.

**WOODLAND BEST MANAGEMENT PRACTICES**-Best management practices designed to protect woodland areas and water sources near woodland areas where timber is harvested.

**ZONING**- Land use planning device used by local units of government (LUG's) to plan the layout and/or design of their jurisdictions, and specify the uses that are permitted in the jurisdiction. Zoning requirements or regulations are usually incorporated into a code or ordinance that is then administered by the LUG.

**ZONING DISTRICT**- A part of a jurisdiction or community designated by a zoning code or ordinance for certain kinds of land uses or other municipal land controls.

## **APPENDIX B: THE GREEN STEP 29 BEST PRACTICES**

### **Buildings and Lighting**

1. **Efficient Existing Public Buildings:** Work with utilities and others to assess and finance energy and sustainability improvements of existing structures.
2. **Efficient Existing Private Buildings:** Work with utilities and others to assess and finance energy and sustainability improvements of existing structures.
3. **New Green Buildings:** Construct new buildings to meet or qualify for a green building standard.
4. **Efficient Building & Street Lighting and Signals:** Improve the efficiency of public and private lighting and signals.
5. **Building Reuse:** Create economic and regulatory incentives for redeveloping and repurposing existing buildings before building new.

### **Land Use**

6. **Comprehensive Plan and Implementation:** Adopt a Comprehensive Plan and tie regulatory ordinances to it.
7. **Higher Density:** Enable and encourage a higher density of housing or commercial land use.
8. **Mixed Uses:** Develop efficient and healthy land patterns.
9. **Efficient Highway-Oriented Development:** Adopt commercial development and design standards for highway road corridors.
10. **Conservation Design:** Adopt development ordinances or processes that protect natural systems.

### **Transportation**

11. **Complete Green Streets:** Create a network of multimodal green streets.
12. **Mobility Options:** Promote active living and alternatives to single-occupancy car travel.
13. **Efficient City Fleets:** Implement a city fleet investment, operations and maintenance plan.
14. **Demand-Side Travel Planning:** Implement Travel Demand Management and Transit-Oriented Design.

### **Environmental Management**

15. **Purchasing:** Adopt environmentally preferable purchasing policies and practices.
16. **Urban Forests:** Increase city tree and plant cover.
17. **Ecologic Stormwater Management:** Minimize the volume of and pollutants in rainwater runoff.

18. **Parks and Trails**: Enhance the city's green infrastructure.
19. **Surface Water Quality**: Improve local water bodies.
20. **Efficient Water and Wastewater Facilities**: Assess and improve drinking water and wastewater facilities.
21. **Septic Systems**: Implement an effective management program for decentralized wastewater treatment systems.
22. **Solid Waste Reduction**: Increase waste reduction, reuse and recycling.
23. **Local Air Quality**: Prevent generation of local air contaminants.

#### **Economic and Community Development**

24. **Benchmarks & Community Engagement**: Adopt outcome measures for GreenStep and other city sustainability efforts, and engage community members in ongoing education, dialogue, and campaigns.
25. **Green Business Development**: Document the use of assistance programs for green business and job development.
26. **Renewable Energy**: Remove barriers to and encourage installation of renewable energy generation capacity.
27. **Local Food**: Strengthen local food and fiber production and access.
28. **Business Synergies**: Network/cluster businesses to achieve better energy, economic and environmental outcomes.

MINNESOTA GREENSTEP CITIES BEST PRACTICES, ACTION OPTIONS AND PROGRAM REQUIREMENTS (1/11/2011)		Completed? In process? Planned? Responsible person / entity?	Required for Category C city	Required for Category B city	Required for Category A city
<b>5 Buildings &amp; Lighting Best Practices</b>			Required: ONE best practice	Required: BP #1 plus ONE other BP	Required: BP #1 plus ONE other BP
1. Public Buildings			Optional BP	Required BP	Required BP
	(1) Enter baseline information into the MinnesotaB3 database and continue entering monthly energy use data from city-owned buildings.		If implementing this BP, complete at least ONE action.	Required action	Required action
	(2) Audit (or when cost-effective, recommission) all city-owned buildings in the bottom third of the B3 energy performance ranking and <u>implement a majority of energy efficiency opportunities</u> that have a payback under 5 years.			Required action	Required action
	(3) Complete energy efficiency improvements in at least one city, school or park district building (in addition to buildings addressed in action 2) via retrofit and retro-/re-commissioning, with financing at attractive interest rates under MN's PBEEP program or related lease-purchase financing, energy performance contracting, or other <u>cost-justified program</u> .				
	(4) Participate in other state or utility programs that provide <u>rebates</u> or <u>co-funding</u> for energy efficiency improvements to public buildings.				If a city chooses to, completing at least ONE additional action <i>allows this best practice to be counted as implementation of two best practices</i> .
	(5) Document that the <u>operation, or construction / remodeling</u> of at least one city-owned building (excluding park buildings) meets or qualifies for a green building standard.				
	(6) Create an <u>internal loan fund</u> for making public building improvements based on an energy or green building standard.				
	(7) Install in at least one public building at least one of the following energy efficiency measures:				
	a. A <u>distributed energy</u> technology: micro-turbine, fuel cell, reciprocating engine.				
	b. A <u>ground-source, closed loop geothermal</u> system where net greenhouse gases are less than those generated by the system being replaced.				
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=1">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=1</a>				
2. Private Buildings			Optional	Optional	Optional
	(1) Create a marketing and <u>outreach program</u> with the local utility and/or the local Community Action Program to promote residential energy use reduction and energy efficiency.				
	(2) Integrate green building information into the <u>building permit process</u> .				
	(3) Develop a (or modify an existing) <u>truth-in-housing inspection program</u> for homes being sold, to include a blower-door test and energy-use rating.				
	(4) Document at least one of the following <u>green building practices</u> partnering with an assistance provider such as a utility, EnergySmart, MNTAP or ReTAP as appropriate:				
	a. Building energy improvements in businesses.				
	b. Use of Energy Star's Portfolio Manger by businesses.				
	c. The construction of and/or operation of at least three buildings that meet or qualify for a green building standard.				
	(5) Take action to <u>conserve drinking water</u> resources through at least one the following:				
	a. Implement a robust watering ordinance.				
	b. Implement a conservation rate structure.				

	c. Adopt, with modifications as necessary, a model landscaping ordinance to allow for low water-use landscaping.		If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least TWO actions.
	d. Create a rebate or feebate program to promote purchases of WaterSense- and Energy Star-rated appliances.				
	(6) Provide a meaningful and significant incentive to private parties (builders, homeowners, businesses, institutions) who renovate to a green building standard:				
	a. Building permit fee discount				
	b. Grant, rebate or tax breaks (e.g., property tax abatement)				
	c. Expedited permit review				
	d. Green building design assistance				
	e. Density bonus				
	(7) Customize a model <u>sustainable building renovation policy</u> and adopt language governing commercial renovation projects that:				
	a. Receive city financial support, and/or				
	b. Require city regulatory approval (conditional use permit, rezoning, PUD status).				
	(8) Arrange for <u>on-bill financing</u> , using either utility or property tax bills, to make home/building sustainability improvements easier and more affordable.				
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=2">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=2</a>				
3. New Green Buildings			Optional	Optional	Optional
	(1) Require by ordinance that all <u>new city-owned buildings</u> and substantial remodels meet or qualify for a green building standard.		If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least action (1) or (2) and ...
	(2) Work with the local school district to ensure that all <u>new schools</u> are built to a green building standard.				
	(3) Customize a model sustainable building policy and adopt language governing <u>new private development projects</u> that:				
	a. Receive city financial support, and/or				
	b. Require city regulatory approval (conditional use permit, rezoning, PUD).				
	(4) Provide a meaningful and significant incentive to private parties (residents, builders, developers) who build to a green building standard:				
	a. Building permit fee discount				
	b. Expedited permit review				
	c. Green building design assistance				
	d. Grant, rebate or tax breaks (e.g., property tax abatement)				
	e. Density bonus				
	(5) Adopt covenant guidelines for <u>common interest communities</u> addressing issues such as stormwater, native vegetation, growing food, clothes lines and renewable energy.				
	(6) Work with local financial institutions to use <u>energy-efficient mortgages</u> for buildings seeking a green building certification.				
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=3">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=3</a>				
4. Outdoor Lighting & Signals			Optional	Optional	Optional
	(1) Require energy efficient, Dark-Sky compliant <u>new or replacement outdoor lighting fixtures</u> on city-owned buildings and facilities.		If implementing this BP, complete at least ONE action.	If implementing this best practice, complete at least TWO actions, including one of actions (5) through (8).	If implementing this best practice, complete at least TWO actions, including one of actions (5) through (8).
	(2) Require all <u>new street lighting and traffic signals</u> to be Dark-Sky compliant, energy efficient lighting technologies.				
	(3) Modify any city <u>franchise or other agreement with a utility</u> to facilitate rapid replacement of inefficient street lighting.				
	(4) <u>Synchronize traffic signals</u> so as minimize car idling at intersections yet maintain safe and publicly acceptable vehicle speeds.				
	(5) Install <u>solar powered lighting</u> in a street, parking lot or park project.				
	(6) Work with a utility program to <u>relamp exterior building lighting</u> for at least 30% of city-owned buildings with energy efficient, Dark-Sky compliant lighting.				

	(7) Replace at least 50% of the city's <u>parking lot lighting</u> with Dark-Sky compliant, energy efficient, automatic dimming lighting technologies.			
	(8) Replace at least one-third of the city's <u>traffic signals</u> with energy efficient LED lighting technologies.			
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=4">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=4</a>			
5. Building Reuse		Optional	Optional	Optional
	(1) Develop and adopt an <u>historic preservation ordinance</u> to encourage adaptive reuse, with attention to energy and resource conservation, indoor air quality and other green building practices.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.
	(2) For cities with traditional downtown areas, implement the <u>Minnesota Main Street</u> model for commercial revitalization with attention to green building practices.			
	(3) Work with a <u>local school</u> to either add on space, or to repurpose space into non-school uses, with attention to green building practices.			
	(4) Create/modify a green <u>residential remodeling</u> assistance/financing program to assist homeowners in adding space to their existing homes while retaining historic architectural elements.			
	(5) Adopt development and design standards that facilitate <u>infill and redevelopment</u> , such as developing strip/large format commercial areas into more livable/walkable neighborhoods and gathering places.			
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=5">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=5</a>			
<b>5 Land Use Best Practices</b>		Required: BP #6	Required: BP #6 plus ONE other BP	Required: BP #6 plus ONE other BP
6. Comp Plan		Required BP	Required BP	Required BP
	(1) Adopt/have an adopted <u>comprehensive plan</u> that is less than ten years old (required for Category A cities) OR, Category B and C cities may simply adopt a <u>land use plan</u> that was adopted by a regional entity or the county less than ten years ago.	Required action	Required action	Required action
	(2) Demonstrate that <u>regulatory ordinances comply</u> with the comprehensive plan including but not limited to having the zoning ordinance explicitly reference the comprehensive plan as the foundational document for decision making.		Required action	Required action
	(3) Include requirements in comprehensive plans for <u>intergovernmental coordination</u> dealing with at least six of the following issues:	A city that chooses to complete action (3) or (4) may <i>claim credit for implementing two best practices.</i>	A city that chooses to complete action (3) or (4) may <i>claim credit for implementing two best practices.</i>	
	a. Transportation			
	b. Watershed impacts			
	c. Land use			
	d. Economic development			
	e. Housing and foreclosures			
	f. Police			
	g. Fire			
	h. Health			
	i. Sewer and water			
	(4) Include <u>ecological/transportation provisions</u> in the comprehensive plan that explicitly aim to achieve all of the following goals:			
	a. Minimize the <u>fragmentation and development</u> of agricultural, forest, wildlife, and high quality open space lands in and around the city.			
	b. For cities adjacent to undeveloped land: establish a <u>growth area with staging criteria</u> that reflects projected population growth and, if applicable, is subject to an orderly annexation agreement and planned extension of municipal services.			
	c. Establish policies with numerical targets to reduce <u>vehicle miles traveled</u> .			
	(5) Adopt <u>climate protection or energy independence goals</u> and objectives in the comprehensive plan or in a separate policy document, and link these goals to direct implementation recommendations.			A city that chooses to complete action (5) may <i>claim credit for implementing two best practices.</i>
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=6">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=6</a>			



7. Higher Density		Optional	Optional	Optional
(1) <u>Limit barriers to higher density housing</u> by including in the city zoning ordinance and zoning map a zoning district that allows:		If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.
a. Neighborhood single-family density at six units per acre or greater.				
b. Multi-family housing at a gross density of at least 15 units per acre adjacent to a commercial zoning district or transit center.				
(2) <u>Encourage higher density housing</u> through at least two of the following strategies:				
a. Incorporate a flexible lot size/frontage requirement for infill development.				
b. Use density and floor area ratio (FAR) bonuses in selected residential zoning districts.				
c. Tie a regulatory standard to comprehensive plan language defining compact city expansion zones that limit low-density development.				
d. Allowing accessory dwelling units by right in selected zoning districts.				
(3) <u>Encourage a higher intensity of commercial</u> land uses through at least one of the following strategies:				
a. Include in the city zoning ordinance and zoning map a commercial district with reduced lot sizes and zero-lot-line setbacks, or a FAR minimum between .75 and 1.				
b. Set targets for the minimum number of employees/acre in different commercial zones.				
(4) Provide one or more of the following <u>incentives</u> for infill projects, or for life-cycle housing near job or retail centers, or for achieving an average net residential density of seven units per acre:				
a. Building permit fee discount.				
b. Expedited permit review.				
c. Grant or tax breaks.				
d. Other incentives.				
(5) Modify the city zoning ordinance and zoning map to allow, without variance or rezoning in at least one district, developments that meet the prerequisites for <u>LEED-Neighborhood Development</u> certification. <a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=7">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=7</a>				
8. Mixed Uses		Optional	Optional	Optional
(1) Create a <u>main street program</u> or organize a Minnesota Design Team planning charrette.		If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least TWO actions.
(2) Locate or lease a <u>government facility</u> that has at least two of these attributes:				
a. Adjacent to an existing employment or residential center.				
b. Designed to facilitate and encourage access by walking and biking.				
c. Accessible by existing regular transit service.				
(3) Modify a planned unit development –PUD - <u>ordinance</u> to emphasize mixed use development or to limit residential PUDs to areas adjacent to commercial development.				
(4) Certify a new development as complying with <u>LEED-ND</u> standards, including the mixed-use credits.				
(5) Create, or modify an existing, <u>downtown zoning district</u> to allow residential and small compatible commercial development, based on the 2009 Minnesota <i>Model Ordinances for Sustainable Development</i> .				
(6) Create, or modify an existing, district to use <u>form-based zoning</u> standards that de-emphasize use-based standards.				
(7) Create incentives for <u>vertical mixed-use</u> development in appropriate locations (downtown, commercial districts near colleges or universities, historic commercial districts). <a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=8">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=8</a>				

9. Highway Development		Optional	Optional	Optional
	(1) Conduct a visual preference survey with community members and establish <u>design goals</u> for highway corridors.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.
	(2) Participate in <u>regional economic development planning</u> with representatives from surrounding townships, cities, the county and business interests to:			
	a. Estimate commercial/industrial needs among all jurisdictions.			
	b. Jointly implement recommendations to stage highway commercial development in order to avoid overbuilding and low-density development.			
	(3) Adopt transportation infrastructure design standards that accomplish at least one of the following:			
	a. Improve the <u>ecologic functions of land</u> adjacent to highway corridors.			
	b. Facilitate <u>clustering of commercial</u> highway development.			
	c. <u>Context-sensitive design</u> .			
	(4) Adopt, with modifications as necessary, at least one of the following model corridor management and design ordinances:			
	a. <u>Model access management overlay</u>			
	b. <u>Highway Commercial District</u>			
	c. <u>Adequate Public Facilities</u> ordinance that stages highway commercial development concurrently with infrastructure expansion.			
	(5) Require decommissioning in development agreements for large format developments should they remain vacant for several years.			
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=9">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=9</a>			
10. Conservation Design		Optional	Optional	Optional
	(1) Conduct a Natural Resource Inventory and Assessment ( <u>NRI and NRA</u> ) and incorporate protection of priority natural systems or resources through the subdivision or development process, as described in Minnesota's <i>2009 Model Ordinances for Sustainable Development</i> .	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.
	(2) For cities outside or on the fringe of metropolitan areas, conduct a <u>cost of public services study</u> for development outside the city grid and adopt development standards or a concurrency ordinance to ensure staged urban growth that protects natural systems.			
	(3) For cities within metropolitan areas, incorporate by policy <u>woodland best management practices</u> into zoning or development review.			
	(4) For cities with undeveloped natural resource areas use, or adopt as policy the use of, a <u>conservation design scorecard</u> as a tool in negotiating development agreements.			
	(5) Develop and fund a <u>conservation easement</u> program, such as a purchase of development rights program, in collaboration with a land trust.			
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=10">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=10</a>			
<b>4 Transportation Best Practices</b>		Required: ONE best practice	Required: ONE best practice	Required: BP #11 and BP #12
11. Complete Green Streets		Optional BP	Optional BP	Required BP
	(1) Adopt a <u>complete streets policy</u> that addresses street trees and stormwater, and modify street standards accordingly.	If implementing this BP, complete at least action (1).	If implementing this BP, complete at least action (1), and ...	Complete action (1), and ...
	(2) Adopt <u>zoning language</u> for a selected area/project that is substantially equivalent to the LEED for Neighborhood Development credits for Walkable Streets or Street Network.			
	(3) Document the installation of trees, and other <u>green stormwater infrastructure</u> , and utility renovations as needed (sewer, water, electric, telecommunications) as part of at least one complete street reconstruction project.		... ONE additional action.	... complete TWO additional

	(4) Identify and <u>remedy non-complete street segments</u> by, for example, adding a bike route/lane or sidewalk.				actions.
	(5) Identify and <u>remedy street-trail gaps</u> (at least one) between city streets and trails/bike trails to better facilitate walking and biking.				
	(6) Implement <u>traffic calming measures</u> in at least one street redevelopment project.				
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=11">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=11</a>				
<b>12. Mobility Options</b>			Optional	Optional	Required
	(1) Promote walking, biking and transit use by one or more of the following means:				
	a. Produce/distribute a <u>map(s)</u> and/or signage and/or a web site that shows (by neighborhood if a larger city) key civic/commercial sites, best bike and pedestrian routes, and transit routes and schedules.				
	b. Increase the number of <u>bike facilities</u> , such as racks, bike stations, showers at city offices.				
	c. Add bus infrastructure, such as signage, benches, shelters and real-time arrival data streaming..				
	d. Increase the number of employers who offer <u>qualified transportation fringe benefits</u> instead of only a tax-free parking fringe benefit.				
	e. Launch an <u>Active Living campaign</u> in concert with your local community health board.				
	(2) Launch a <u>Safe Routes to School</u> program with educational, public health and other partners.		If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.	Complete at least TWO actions.
	(3) Prominently identify on the city's web site <u>mobility options for hire</u> : transit services; paratransit/Dial-A-Ride; cab service(s); rental car agency(s).				
	(4) Promote <u>carpooling or ridesharing</u> among community members, city employees, businesses, high schools and institutions of higher education.				
	(5) Launch an <u>eWorkPlace Minnesota campaign</u> , working with business and transportation management organizations, or help bring telemedicine technology to a local health care provider.				
	(6) Accomplish at least one of the following transit / mobility sharing projects, working with other units of local governments as needed:				
	a. Add/expand <u>transit service</u> .				
	b. Launch a <u>car sharing or bike sharing</u> business.				
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=12">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=12</a>				
<b>13. City Fleets</b>			Optional	Optional	Optional
	(1) <u>Decrease use</u> of city vehicles by means such as trip bundling, video conferencing, carpooling and financial incentives for efficient vehicle use.				
	(2) <u>Right-size the city fleet</u> with the most fuel-efficient vehicles that are of an optimal size/capacity for their intended functions.				
	(3) Document the phase-in of at least three of the following equipment and operational changes in vehicle contracts, for city or local transit fleets, or for school/park board fleets:				
	a. <u>Monthly monitoring and reporting</u> for staff on fuel usage and costs.				
	b. <u>Training</u> for more efficient driving, including anti-idling behavior/rules.				
	c. <u>Maintenance schedules</u> that optimize vehicle life and fuel efficiency.				
	d. <u>Alternative fuel vehicles</u> .				
	e. <u>Charging stations</u> (solar or wind powered) for plug-in hybrid and full electric vehicles.		If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least TWO actions.
	f. <u>Lower-carbon fuels</u> (such as biodiesel above the State-mandated 5%, straight vegetable oil) using a life-cycle calculation.				
	g. <u>More fuel-efficient vehicles</u> .				
	h. <u>Car share vehicles</u> owned by a third party to decrease fleet size.				
	i. <u>Bicycles</u> .				
	(4) Phase in bike, foot or horseback <u>police patrols</u> .				

	(5) Document that the local <u>school bus fleet</u> has optimized routes, start times, boundaries, vehicles, bus fuels, and driver actions to decrease fuel use.			
	(6) Participate in <u>Project GreenFleet</u> to retrofit or replace diesel engines, or to install auxiliary power units that reduce truck and bus idling. <a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=13">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=13</a>			
14. Demand-Side Travel Planning		Optional	Optional	Optional
	(1) In development standards, right-size parking minimum standards and add <u>parking maximums</u> in pedestrian-friendly or transit-served areas.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least TWO actions.	If implementing this BP, complete at least TWO actions.
	(2) For cities with regular transit service, require or provide incentives for the siting of <u>retail services</u> at transit/density nodes.			
	(3) For cities with regular transit service, require or provide incentives for the siting of <u>higher density housing</u> at transit/density nodes.			
	(4) Incorporate demand-side transportation strategies into <u>development regulations</u> adopting, with modifications as necessary, at least one of the following from Minnesota's 2009 <i>Updated Model Ordinances for Sustainable Development</i> : a. Travel Demand Management Performance Standard b. Transit-oriented Development Ordinance			
	(5) Document that a development project certifies under the <u>LEED for Neighborhood Development</u> program and is awarded at least one of the following credits: a. Transportation Demand Management. b. Housing and Jobs Proximity. <a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=14">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=14</a>			
<b>9 Environmental Management Best Practices</b>		Required: ONE best practice	Required: BP #15 and BP #16 and ONE other BP	Required: BP #15, BP #16, BP #17 and ONE other BP
15. Environmental Purchasing		Required BP	Required BP	Required BP
	(1) Adopt a policy or administrative practice directing that the city purchase only: a. <u>EnergyStar</u> certified equipment and appliances and b. <u>Paper</u> containing at least 30% post-consumer recycled content.	Required action	Complete action (1), and ...	Complete action (1), and ...
	(2) Purchase 15% of city energy requirements from <u>renewable energy</u> sources.			
	(3) Establish a <u>local purchasing</u> preference and, working with a local business association, develop a list of locally-produced products and suppliers for common purchases.			
	(4) Require purchase of U.S. EPA <u>Water Sense</u> -certified products for all product categories covered by the Water Sense program.			
	(5) Set minimum standards for the percentage of <u>recycled-content</u> material in at least 5 products typically purchased by the city, such as asphalt and roadbed aggregate.			
	(6) Require <u>printing services</u> to be purchased from companies certified by Minnesota Great Printers or by the Sustainable Green Printing Partnership.			
	(7) Lower the environmental footprint of <u>meetings and events</u> in the city through one or more of the following: a. Adopt a policy for meetings and events hosted by city government. b. Adopt a policy for meetings and events taking place on city property, including parks and libraries. c. Distribute educational materials for use at city-supported events such as National Night Out.		... complete at least ONE additional action.	... complete at least ONE additional action.
	(8) Specify the use of state and national green <u>standards/guidelines</u> for at least 3 of the following categories of purchasing: a. Electronics, including printers, printer supplies - especially remanufactured cartridges - and printer operation. b. Wood products / bio-based products. c. Organic food d. Cleaning products e. Paints, coatings and adhesives			

	f. Carpets				
	g. Furniture				
	h. Paper products				
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=15">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=15</a>				
16. Urban Forests			Optional	Required	Required
	(1) Qualify as a <u>Tree City USA</u> .		If implementing this BP, complete at least ONE action.	Complete at least ONE action.	Complete at least TWO actions.
	(2) Adopt as policy MN Tree Trusts' <u>Best Practices</u> and use the guidelines in at least one development project to achieve an excellent an exemplary rating.				
	(3) <u>Budget tree installation</u> and maintenance to, within 15 years, achieve the following tree canopy shading for streets, sidewalks and parking lots in the following zoning districts:				
	a. At least 25% for industrial and commercial zoning.				
	b. At least 75% for residential zoning.				
	(4) Maximize tree planting along your <u>main downtown street</u> .				
	(5) Adopt at least one of the following ordinances/policies:				
	a. Adopt a policy of <u>no net loss of specified natural landscapes</u>				
	b. Adopt an ordinance/policy relating to protection of trees on parcels affected by city planning/regulatory processes.				
	c. Adopt <u>landscaping/nuisance ordinances</u> that promote, rather than create barriers for, native vegetation.				
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=16">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=16</a>				
17. Stormwater			Optional	Optional	Required
	(1) Complete the <u>Blue Star City</u> stormwater management assessment and achieve a minimum threshold of specific activities detailed in this program.		If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.	Complete at least ONE action.
	(2) Adopt by ordinance one or more of the following:				
	a. A <u>narrower streets</u> provision that permits construction of 24-foot roads for public, residential access and subcollector streets (with fewer than 500 average daily trips).				
	b. A 1.5 inch rainfall <u>on-site rainwater infiltration</u> design requirement for construction sites.				
	c. A stormwater runoff <u>volume limit</u> to pre-development volumes for the 5-year, 24-hour rainfall maximum event.				
	(3) Maintain less than 12% <u>impermeable surfaces</u> in the watershed in which the city lies.				
	(4) Create a <u>stormwater utility</u> that uses variable fees to incentivize enhanced stormwater management and funds community stormwater infrastructure and assistance/education programs.				
	(5) Adopt and implement guidelines for, or adopt required design standards for at least one of the following stormwater infiltration/reuse techniques:				
	a. <u>Rain gardens</u> .				
	b. <u>Green roofs</u> with or without <u>cisterns, or water/greywater reuse</u> systems.				
	c. <u>Green alleys</u> .				
	d. <u>Green parking lots</u> .				
	(6) Adopt an ordinance with erosion and sediment control provisions as well as requirements for permanent stormwater treatment.				
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=17">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=17</a>				
18. Green Infrastructure			Optional	Optional	Optional
	(1) Identify <u>gaps</u> (connectivity breaks) in your city's system of parks, trails and open spaces, and remedy at least one of them.				
	(2) Plan and budget for a network of parks, green spaces, water features and trails in <u>all new development areas</u> .				

	(3) Document at least one of the following performance measures:			
	a. At least <b>20% of total city land</b> area in protected green infrastructure (parks and protected natural resource areas and trails).			
	b. All residents are <b>within ¼ mile</b> of a park or protected green space.			
	(4) Adopt <b>low-impact design standards</b> in parks and trails that infiltrate or retain all 2 inch, 24-hour stormwater events on site.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least TWO actions.	If implementing this BP, complete at least THREE actions.
	(5) Create <b>park management standards</b> that maximize at least one of the following:			
	a. Low maintenance native landscaping.			
	b. Organic or integrated pest management.			
	c. Sources of non-potable water for irrigation.			
	(6) Certify at least one <b>golf course</b> in the Audubon Cooperative Sanctuary Program for Golf Courses.			
	(7) Document that the <b>operation, or construction/remodeling</b> , of at least one park building meets or qualifies for a green building standard, with special attention to highlighting and educating around the green features.			
	(8) Develop a program to <b>involve community members</b> in land restoration and stewardship. <a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=18">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=18</a>			
19. Surface Water		Optional	Optional	Optional
	(1) Assist at least one lake or river association to earn the <b>Star Lake/River designation</b> for their lake/river.	If a city has at least one state-designated public water body within its boundaries and chooses to implement this best practice, complete action (4) and at least ONE additional action. *** If a city has no state-designated public water body and chooses to implement this best practice, complete any ONE or more actions.	If a city has at least one state-designated public water body within its boundaries and chooses to implement this best practice, complete action (4) and at least ONE additional action. *** If a city has no state-designated public water body and chooses to implement this best practice, complete any ONE or more actions.	If a city has at least one state-designated public water body within its boundaries and chooses to implement this best practice, complete action (4) and at least ONE additional action. *** If a city has no state-designated public water body and chooses to implement this best practice, complete any ONE or more actions.
	(2) Assist at least one lake or river association to become <b>Star Lake/River-ready</b> by achieving nearly all of the program requirements.			
	(3) Work with other organizations to support citizen education about and involvement with actions to attain measurable, publicly announced <b>surface water improvement targets</b> for lakes, streams and wetlands, adopted by the city council and reported on each year.			
	(4) Adopt a <b>shoreland ordinance</b> consistent with MN Dept. of Natural Resources rules as modified. <a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=19">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=19</a>			
20. Water and Wastewater Facilities		Optional	Optional	Optional
	(1) Compare the <b>energy use and performance</b> of your facilities with other peer plants using standardized, free tools.	If a city provides drinking water services and chooses to implement this best practice, complete at least actions (1) and (2), or ...	If implementing this best practice, complete actions (1) and (2) and ...	If implementing this best practice, complete actions (1) and (2) and ...
	(2) Plan and budget for <b>motor maintenance and upgrades</b> so as to assure the most energy efficient, durable and appropriate equipment is available when upgrades or break downs occur.			
	(3) Establish an on-going budget and program for decreasing <b>inflow and infiltration</b> into sewer lines, involving at least gutter, foundation drains and sump pump disconnects.			
	(4) Assess energy and chemicals use at drinking water facilities and implement one-third of <b>recommendations with a payback</b> of less than 3 years.	... action (4).		
	(5) Require property owners to have their private sanitary <b>sewer lateral pipe inspected</b> before a property sale or title transfer.		... at least ONE additional action.	... at least ONE additional action.
	(6) Implement at least one of the following efficiency projects/programs:			
	a. Assist local businesses, institutions and/or residents in pre-treating and lowering <b>volumes and toxicity of sewer inflows</b>			
	b. <b>Co-generate electricity and heat</b> from the wastewater treatment plant.			
	c. <b>Reuse water</b> (sell reclaimed water) from a wastewater plant for nonpotable ag-processing, irrigation, cooling or power plant uses.			
	d. A <b>greywater reuse</b> system in at least one public or private building. <a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=20">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=20</a>			

21. Septic Systems			Optional	Optional	Optional
	(1) Report to landowners suspected noncompliant or failing septic systems as part of an educational, informational and financial <u>assistance and outreach program</u> designed to trigger voluntary landowner action to improve septic systems.		If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.
	(2) Create a program that follows the <u>five-step process</u> for addressing failing septic systems developed by the University of Minnesota's Onsite Sewage Treatment Program.				
	(3) Clarify/establish one or more responsible management entities for the proper design, siting, installation, operation, monitoring and maintenance of septic systems.				
	(4) Adopt a Subsurface Sewage Treatment System <u>ordinance</u> based on the Association of Minnesota Counties model ordinance.				
	(5) <u>Create a program to finance septic systems upgrades</u> through, for example, a city revenue bond, repayable through taxpayers' property taxes.				
	(6) Work with homeowners and businesses in environmentally sensitive areas and areas where standard septic systems are not the least-cost option to promote <u>innovative waste water systems</u> .				
	(7) Arrange for <u>assistance to commercial, retail and industrial businesses</u> with water use reduction, pollution prevention and pretreatment prior to discharge to septic.				
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=21">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=21</a>				
22. Solid Waste Reduction			Optional	Optional	Optional
	(1) Adopt percentage reduction goals for waste and toxicity generated from city operations (including schools, libraries, parks, municipal health care facilities). <u>Accomplish reduction goals</u> in at least three of the following areas:		If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE of actions (1) through (3), and ...	If implementing this BP, complete at least action (1) or (2), and ...
	a. Overall waste generation				
	b. Paper use and junk mail				
	c. Pesticide/herbicide use				
	d. Water use/waste water generation				
	(2) Adopt and meet aggressive goals for the overall <u>percentage diversion</u> of currently disposed waste from city operations into recycling and organics collection.				
	(3) Document signing of at least one <u>resource management contract</u> with a waste hauler for one or more of:				
	a. City government operations.				
	b. Schools, libraries, parks, or municipal health care facilities.				
	c. A commercial or industrial business.				
	(4) Publicize, promote and use the varied businesses collecting and marketing <u>used and repaired</u> consumer goods in the city/county.				
	(5) Arrange for a residential or business/institutional <u>organics collection/management</u> program (food-to-people, food-to-animals, composting, anaerobic digestion, and backyard composting).				
	(6) Organize residential <u>solid waste collection</u> by private and/or public operations to accomplish multiple benefits.			... at least ONE of actions (4) through (8).	... at least ONE of actions (4) through (8).
	(7) For cities that provide direct or contract waste collection services, offer <u>volume-based pricing</u> on residential garbage and/or <u>feebates on recycling</u> so that the price differences are large enough to increase recycling/composting but not illegal dumping.				
	(8) Adopt a <u>construction and demolition ordinance</u> for projects over a specified size that mandates levels of recycling and reuse for materials and soil/land-clearing debris and is tied to demolition permits.				
	<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=22">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=22</a>				
23. Local Air Quality			Optional	Optional	Optional
	(1) Conduct an education/financial assistance campaign around one of the following wood burning / auto exhaust issues:				
	a. <u>Indoor and outdoor wood burning behavior</u> , to ensure that wood burning is only done with seasoned wood and in a manner that doesn't negatively impact neighbors.				





<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=23">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=23</a>				
25. Green Business Development		Optional	Required	Required
(1) Identify new and emerging local businesses in the green economy and <u>support these businesses</u> and green jobs through one or more of the following:		If implementing this BP, complete at least ONE action.	Complete at least TWO actions.	Complete at least TWO actions.
a. Coordinated marketing and business assistance.				
b. Incubator space.				
c. Streamlined grants, loans or permitting processes.				
d. Workforce training opportunities with community colleges and job training centers.				
(2) Connect at least 5 businesses with assistance providers, including utilities, who conduct personalized energy, environmental sustainability, and waste <u>audits</u> .				
(3) Distribute <u>green tourism</u> resources to all tourism and hospitality businesses in the city and facilitate follow-up with at least five businesses to assist them in greening their business.				
(4) Support the creation of a value-added <u>business utilizing local waste products</u> , such as wood from felled trees or reusable deconstruction and landscaping materials.				
(5) Document steps taken to lower the environmental footprint of a <u>brownfield remediation/redevelopment</u> project.				
(6) Use a <u>green business certification program</u> to publicly promote that a targeted number or percentage of businesses has improved the environmental performance of their company.				
(7) Conduct or participate in a <u>buy local campaign</u> , working with local organizations and assistance providers.				
(8) Work with the state <u>Small Business Environmental Assistance Program</u> (SBEAP) to help at least 5 businesses to use SBEAP services.				
<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=24">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=24</a>				
26. Renewable Energy		Optional	Optional	Optional
(1) Adopt, with modifications as necessary, at least one of the following from Minnesota's 2009 <u>Model Ordinances for Sustainable Development</u> :		If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least TWO actions.	If implementing this BP, complete at least TWO actions.
a. <u>Solar energy standards</u> .				
b. <u>Model wind energy ordinance</u> .				
(2) Consistently promote at least one of the following means of increasing renewable generation:				
a. A local utility's <u>green power purchasing</u> program for homes and businesses.				
b. Local, state and federal <u>financial incentives</u> for property owners to install renewable energy systems.				
(3) Create a renewable energy <u>financing program</u> for property owners to install generation capacity.				
(4) <u>Promote firms</u> that contract with property owners (in groups or individually) to install/finance <u>renewable installations</u> , some at little or no upfront cost.				
(5) Install a <u>public sector renewable energy technology</u> , such as solar electric (PV), solar hot water or hot air, micro-hydro or wind.				
(6) Work with private/public partners to create renewable energy <u>generation capacity</u> with one or more of the following attributes:				
a. Fueled by flowing water, wind, or biogas.				
b. Fueled in part or whole by woody biomass, optimized for minimal air and other environmental impacts and for energy efficiency and water conservation.				
c. Distributing heating/cooling services in a district energy system.				
d. Producing combined heat and power.				
<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=25">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=25</a>				
27. Local Food		Optional	Optional	Optional

(1) <u>Incorporate working landscapes</u> - agriculture and forestry - into the city by adopting, with modifications as necessary, one or more of the 2009 Minnesota <i>Model Ordinances for Sustainable Development</i> :				
a. Agriculture and Forest Protection District				
b. Local Food Production District				
c. Performance Standards for Minor and Major Agricultural Retail.				
(2) Permit the incorporation of food growing areas/local food access into <u>aresidential development</u> .				
(3) Expand/strengthen or create at least one of the following means of expanding local food access:				
a. A <u>farmer's market</u> .		If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE action.
b. A <u>community-supported agriculture (CSA)</u> - arrangement between farmers and community members/employees.				
c. A <u>community or school garden, orchard or forest</u>				
d. A <u>rural grocery store</u> .				
(4) Conduct at least one of the following <u>campaigns</u> to measurably increase:				
a. Purchase of food with at least one of the following attributes -- local, Minnesota-grown, organic, humanely raised, grown by fairly compensated growers.				
b. Backyard gardening / chickens.				
c. Institutional buying of local foods by schools, hospitals/nursing homes, restaurants and hotels, or grocery stores				
d. Sale of local food in markets and restaurants.				
<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=26">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=26</a>				
<b>28. Business Synergies</b>		<b>Optional</b>	<b>Optional</b>	<b>Optional</b>
(1) Help at least three businesses register as users of the <u>Minnesota Materials Exchange</u> and document their exchanges/sales of byproducts with other local/regional businesses.		If implementing this BP, complete at least ONE action.	If implementing this BP, complete at least ONE of actions (2) - (4).	If implementing this BP, complete at least ONE of actions (2) - (4).
(2) Assist at least one business to use <u>waste heat or water discharge</u> from another business.				
(3) Require, build or facilitate at least four of the following in a <u>business/industrial project</u> :				
a. Shared parking/access.				
b. Shared recreation /childcare facilities.				
c. A green job training program.				
d. Green product development, manufacturing or sales.				
e. Buildings located within walking distance of transit and/or residential zoning.				
f. Renovated buildings.				
g. Buildings designed for reuse.				
h. Green buildings built to exceed the Minnesota energy code.				
i. Combined heat and power (CHP) generation capacity.				
j. Shared geothermal heating/cooling.				
k. Low-impact site development.				
(4) Use <u>eco-industrial park tools</u> to identify industrial facilities that could achieve economic and environmental benefit by co-locating in the city's industrial park or industrial zone.				
<a href="http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=27">http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=27</a>				
<b>From among all the best practices (1 - 28), the "floating BP" requirement:</b>		Any THREE additional best practices	Any TWO additional best practices	Any THREE additional best practices
<b>TOTAL BEST PRACTICES IMPLEMENTED TO BE RECOGNIZED AS A STEP 3 GREENSTEP CITY</b>		<b>8</b>	<b>12</b>	<b>16</b>

## **APPENDIX D: Land-Use Work Group Key Issues with Recommendations**

### **A. Promote land-use plans that are based on a true balance of environmental and economic needs in the long term**

We need to disprove once and for all the paradigm that development and the environment are two opposing worlds. We can do this by creating livable communities for humans that are also livable spaces for other types of life. We should encourage a regional land-use plan that promotes contraction rather than sprawl, and addresses and respects the potential long-term financial burdens placed on local taxpayers (for maintenance and replacement of infrastructure), as well as addresses and respects the potential long-term impacts of a development on the environment. The region needs to define the term, “sustainable land-use” and then adopt a method for measuring if it is attained or not.

#### **Recommendations:**

- 1. Future development in the region should meet rigorous standards for protection of the environment and should provide residents with social, cultural and civic benefits that match up with the desires communities expressed in their comprehensive plans. (LA1)**
- 2. Rather than having cities/counties/townships reacting to a developer’s plan to develop, all jurisdictions should first lay out future road locations that will promote adequate transportation corridors and resource protection, and will be financially affordable to maintain in the long term. (LA2)**
- 3. The region should define “sustainable land use” across jurisdictional boundaries and adopt a scorecard (Green Step Cities, or Smart Growth, or other method) to know whether we have achieved it or not. (LA3)**
- 4. All new development must meet strict, long-term financial criterion (i.e. full-cost accounting) that assures a community that they will not be burdened with rising property taxes to cover infrastructure maintenance and replacement costs, or the costs to fix potential long-term environmental degradation. Infill development, which is relatively cost-effective, should be a priority. (LA4)**

### **B. Create an effective land-use decision process that works better than the current system.**

The current system doesn’t work. We need a process that incentivizes sustainable development and regional collaboration. We need to standardize terms and definitions throughout the region. Communities within the region need to do a better job of educating their planning officials and their citizens on sustainable development and Best Management Practices (BMPs), and promoting alternative, decision-making methods that not only give the developer a profitable development, but also provide tangible public benefits and advanced natural resource protections.

**Recommendations:**

- 1. Our land-use process needs a major overhaul that should include, but not limited to, the following: 1) standardize land-use terms and definitions; 2) create a completely on-line, standardized development application process; 3) All LGUs within the region that have planning and zoning responsibilities should incorporate Design Review Teams 4) Stronger regulations on nighttime illumination 5) A variance process that provides public benefit for all granted variances; and 6) The region should look at alternatives to the standard Euclidian form of zoning. (LB1)**
  - 2. The region should create a regional comprehensive plan to promote a regional vision, regional cooperation and coordination, and regional sustainability. (LB2)**
  - 3. Communities within the region need to do a better job of respecting the vision for the community as determined by local and regional comprehensive plans and facilitating an on-going dialogue with community members about what sustainable development is and how to work together to achieve it. (LB3)**
  - 4. Require and provide quality training for all members of the planning commission and the board of adjustment so they understand their job, their limitations, and obligations of their authority. They should also be regularly trained on innovations in sustainable development and Best Management Practices (BMPs), including how to implement the collaborative process described above in #1. (LB4)**
- C. Promote land-use policies that create affordable, intergenerational, active-living, housing opportunities that are close to goods and services, close to public green space and can take advantage of multiple transportation options.**  
We need more mixed-use development and “life-cycle housing” that is close to natural areas and promotes walk ability, health and wellness – not just for our growing ranks of seniors, but for every generation living and working in the region.

**Recommendations:**

- 1. Provide incentives for transit-oriented development, pedestrian-friendly development, mixed-use development, the inclusion of public green space in all developments, and projects that promote multi-generational and multi-family housing opportunities in all residential zones, especially where we have medical and social services, cultural amenities, retail, and community gathering places. (LC1)**
- 2. Create tax-free (or low tax) housing zones to encourage more housing opportunities (development and redevelopment) back in our urban cores (downtowns) and create an affordable property tax for seniors. (LC2)**

- 3. Make stronger connections between downtown areas and colleges (Staples – Central Lakes College and Brainerd – Central Lakes College) by providing vibrant corridors that include adequate and affordable housing, multiple transportation options, and easily accessible public green space. (LC3)**

**D. Protect our water (surface and subsurface) and provide better public access to public waters**

Clean water defines our region and it is the economic driver (tourism and high lakeshore property values). Healthy lakes equal a healthy economy. Therefore, we need to promote and implement a regional land-use plan that, above all, protects water quality. In this region, there are an insufficient number of public beaches that allow non-lakeshore owners to access public waters, and this is viewed as unfair.

**Recommendations:**

- 1. Require by regulation, or incentivize into the development process the incorporation of Best Management Practices (BMPs) for improved storm water management and wetland protection. (LD1)**
- 2. Highly incentivize conservation design developments instead of traditional lot-block subdivisions – especially in shore lands as this will protect the environment and give more people access to public waters. (LD2)**
- 3. Develop comprehensive watershed management plans; require that county water plans be consistent with watershed plans, and direct funding to only implement county water plans that are consistent with watershed plans. (LD3)**
- 4. Encourage “collective management entities” to provide cost-effective services like septic inspection/maintenance on a regular basis. (LD4)**
- 5. Identify where current beach accesses are in the region and work to provide public beach access where the gaps are in the region, with an emphasis on serving the needs of our more densely populated urban centers. (LD5)**
- 6. We need to adequately fund and coordinate effective water education for the general public along with effective enforcement of laws, rules and regulations. (LD6)**
- 7. Communities within the region should all meet or exceed the DNR’s recommended minimum shore land standards.(LD7)**
- 8. With the proliferation of invasive species in our lakes, the region needs to work closely with the state to more aggressively contain and limit the further spreading of invasive species to un-infested lakes. (LD8)**

- 9. LGUs should set strict zoning requirements to keep potentially harmful development away from a municipality's wellhead protection zone. (LD9)**

**E. Protect our region's agricultural heritage and support smaller-scale efforts like CSAs (Community Supported Agriculture)**

We need a land-use plan that keeps our prime farmlands in production, rather than chopping them up (fragmenting) and turning them into subdivisions. We need to promote local agriculture for affordable local food production. CSAs and local farmer's markets offer solutions to the problem that here in Minnesota; we currently import two-thirds of the food we eat. With fuel costs rising, food costs will rise, too. Those costs will be more manageable if we are able to produce and sell food locally.

**Recommendations:**

- 1. Explore options (regulations and incentives) for adding value to locally grown agriculture and setting new, regional regulatory standards that encourage local food production, processing and distribution, but the standards still meet federal and state regulations that ensure the health, safety and welfare of the purchasing public. (LE1)**
- 2. Pursue tax changes that incentivize innovative small-scale agricultural use on small tracts of land and leaving land in forest production rather than current tax codes that encourage conversion to low-density residential development. (LE2)**
- 3. To protect farmlands, LGUs should determine where growth areas are, where prime farmlands are, and then direct future development to designated growth areas rather than subdividing farms. (LE3)**
- 4. Use the model of Scott County, which created a land trust to provide financial incentives that help family farms remain in production (as well as protect natural areas and open space). (LE4)**
- 5. Emphasize and vigorously promote agricultural education in our high schools along with gardening and canning classes through Community Education. (LE5)**

## **APPENDIX E: Template for Evaluating Ordinances**

### **HIGHER DENSITY**

- Limit barriers and provide incentives to promote higher density housing
- Encourage a higher intensity of commercial land uses
- Promote LEED Certification in the zoning ordinance

### **MIXED USES**

- Create a Main Street Program or Downtown zoning district
- Locate government facilities centrally
- Promote mixed use development or central location of planned unit developments
- Create incentives for vertical mixed use development in appropriate locations
- Utilize form based zoning in a new or existing zoning district

### **CONSERVATION DESIGN**

- Incorporate protection of priority natural systems / resources through the development process
- Adopt development standards to ensure staged urban growth that protects natural systems
- Incorporate Woodland Best Management practices into zoning or development review
- Adopt a conservation design scorecard to use in areas with undeveloped natural resources
- Develop and fund a conservation easement program in collaboration with a land trust