

Implementing a Comprehensive Plan



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IMPLEMENTING A COMPREHENSIVE PLAN

In some ways, developing a plan is the easy part. The real challenge often comes in translating a plan's vision, goals, policies and strategies into the day-to-day operations and actions of government. A plan's alternative fate is to sit on a shelf unused.

Translating key plan elements into thoughtful action is the point of planning. When done well, people marvel at the result and unite behind it. Washington, D.C., is a sterling example. It is a city of extraordinary beauty – a place people like to visit – and it was planned. When planning is done poorly or not at all, people rage at inconveniences they experience and abuses they see, like congestion, noise, polluted environments, ugly landscapes and characterless neighborhoods. They do not visit these places unless they have to.

When a community considers how to implement the wonderful ideas it has built into a comprehensive plan, it should never forget why those ideas are so important. A plan is a community's future. It is the collective will and dreams of its citizens. And a community's duty is to find ways to give it life that keep it true to the vision and maintain its integrity.

A comprehensive plan is comprehensive for a reason – because everything in a living community is interconnected – and it must be implemented in a way that treats its components as part of a whole. It takes great care to make every decision within the context of that basic reality.

With these thoughts in mind, this chapter is meant to help a community adopt, implement and update a comprehensive plan and make it available to the public.

ADOPTING A PLAN

A local government must hold a public hearing on its comprehensive plan before adopting it. If residents are actively involved throughout the planning process, this hearing should go smoothly. After the hearing, the local government formally adopts the plan – by a simple majority vote in counties or a two-thirds vote in cities and townships. The procedures for adopting a plan are described in Minnesota Statutes, sections 394.23, 394.26, 375.51, 462.355 and 473.864.

Even with a well-designed planning process, a community may lack consensus on certain issues or, in the worst case, may not have enough support to adopt a plan. In that case, a local government may want to:

- Set up a committee to work through the remaining issues. The committee should have balanced representation from all sides of the issues in dispute and a definite timeline for reporting back its recommendations.
- Recommend further study of the issues with a clear timeline. Through additional study, participants may discover new information that will help them develop a consensus.
- If the community is extremely divided on an issue, it may be necessary to bring in a professional facilitator or a mediator to help it find a solution. Sometimes a community must make tough choices and move on.

PUBLISHING A PLAN

To be an effective tool, a comprehensive plan should be clearly organized and easy to read so that everyone can understand the vision, goals and policies expressed in it.

A good table of contents, page numbers, tab dividers between chapters and easy-to-read maps, charts and graphs go a long way toward making a plan usable

and understandable. It may even be worthwhile to seek an editor's assistance in refining a plan's organization and language. The best time to do this is before the final draft of the plan is released for public review.

If cost is an important consideration (and it usually is), a community may want to choose a layout and design for the document that is simple and inexpensive to duplicate. While color maps are sometimes more informative, they can be expensive to reproduce, a factor that may limit the number that can be included in the plan. Packaging the plan in a three-ring binder makes it easy to incorporate revisions, amendments and new maps.



Architect Louis Sullivan's 1908 bank provides a historical backdrop for Owatonna's town center.

A plan should, above nearly all else, be accessible to people in the community. New technology, including three-dimensional imaging and publishing on the Internet, can help in presenting and distributing a comprehensive plan. Since not everyone in the community may be comfortable with these formats, a community will likely want to use traditional publishing approaches as well. Summaries of the plan can be distributed to residents as brochures or posters; a poster, for example, can feature a future land use map on one side and the community's vision, goals and summarized strategies on the other. Some communities have raised awareness of their community vision by printing it on a business card with key phone numbers and Web sites.

One of the best ways to communicate a plan to residents is to get the local newspaper to print it, or key elements of it.

In addition, community groups and organizations such as the local Chamber of Commerce, extension office, Farm Bureau, Farmers Union, and soil and water conservation office can help distribute the plan to their membership or clients. While getting the plan as much public exposure as possible is desirable, some communities, for cost reasons, have chosen to make copies available by purchase only. Providing free plan summaries and posting a plan on the Internet may be a solution where cost is a barrier to broad dissemination.

CELEBRATING A PLAN

After a plan is officially approved, it is a great idea to throw a party, a community ice cream social, a citywide block party or barbecue – something to mark the successful end of a community's planning efforts and the beginning of its work toward the future it has chosen. A community celebration not only brings people physically together to launch their newly shared vision, it is also a wonderful way for the local government and planning commission or other planning committee to thank all the people and organizations that helped develop the plan.

A community may even want to consider making the celebration an annual event as a way to update citizens on the progress being made toward implementing its plan. The event could become an annual Futures Fair or Community Design Expo.

IMPLEMENTING A PLAN

Once its plan is approved, a community should begin implementing it. These efforts are most likely to be successful if a community lays out clear implementation steps in the plan and employs a broad range of strategies, tools and techniques. As noted in

the chapter, *Developing Strategies*, a community can choose from a range of implementation strategies to realize a plan's vision, goals and policies.

A community might:

- Revisit economic development policies.
- Implement new building and energy guidelines and design standards.
- Establish or revisit capital improvement programs for staging road, sewer, water or other improvements.
- Engage the school district in considering community issues and opportunities in school expansions or consolidations.
- Implement or revise resource management efforts for solid waste, water management or forest management.
- Start educational and promotional programs.
- Create demonstration projects or voluntary guidelines (i.e., design standards, energy efficiency standards and pollution prevention guidelines).
- Provide incentives for implementing the plan through tax and fee policies.
- Acquire land or resources that are critical to achieving a community's vision and goals.
- Adopt or revise zoning ordinances and subdivision regulations.

Although local government must inevitably take responsibility for implementing much of a comprehensive plan, individuals, groups and organizations also need to contribute. A successful comprehensive plan is implemented through cooperative partnerships among:

- Planning staff and staff in other departments of local government
- The planning commission, local board or planning council
- Economic development, port or housing and redevelopment authorities
- Energy, communications and water utilities
- Other community advisory boards and commissions (i.e., parks and recreation, utilities or recycling commissions)

- Neighboring cities and counties
- Federal, state or regional government agencies
- Property owners, land developers and homeowner associations
- Civic organizations
- Nonprofit organizations and development corporations
- Private foundations
- Faith-based groups
- Conservation organizations
- Bankers and investors
- Media

These parties – most of which were identified as potential “stakeholders” in the chapter *Getting Started* – should use the plan as a guide in designing their activities. While most of these stakeholders should have participated in developing the plan, a community will still need to conduct outreach and education on the plan's goals, policies and strategies. A community might hold seminars to explain its comprehensive plan. The plan should also be posted on a community's Web page, and copies should be made available in local libraries. A community that has a public access cable channel also might periodically run educational programs on the planning process, its outcomes and implementation steps.

Within government, the various agencies and departments should recognize the comprehensive plan as the basic guide for their programs and administrative efforts. To encourage regular use, a community should have a copy of the plan in every meeting room and department. Having key maps and plan summaries displayed in lobbies and other public spaces reinforces the fact that the plan is now *the* guiding document for all government decisions. This means that all advisory groups, such as the planning commission, economic development authority, parks and recreation commission, and school, hospital and utility boards, will also need to become conversant with the plan. Staff reports should frequently reference the plan and expect its use in policy, administrative and financial decisions.

ST. PAUL'S PLAN FOR URBAN VILLAGES

St. Paul's downtown and riverfront plan, *Saint Paul on the Mississippi Development Framework*, calls for a series of interconnected mixed-use urban villages in and around downtown that are connected with a reforested river valley. The plan's guiding principles for city building are:

- ▶ **Evoke a sense of place.** The key is to use the city's unique physical qualities — natural setting, parks and buildings — to strategically enhance them and improve relationships between them.
- ▶ **Restore and establish the unique urban ecology.** An unprecedented opportunity exists to re-establish a balance between urban and natural systems and to create a unique urban ecology in St. Paul, embracing natural features and providing a context for initiatives to restore contaminated lands and waters.
- ▶ **Invest in the public realm.** A successful and vibrant public realm fosters a sense of security and attracts private investment.
- ▶ **Broaden the mix of uses.** A greater mix of uses creates a more vibrant urban core by encouraging people to live, work and walk downtown and by fostering a synergy between activities.
- ▶ **Improve connectivity.** The impact and role of built and natural elements downtown could be greatly enhanced if they were connected to and part of a larger citywide network.
- ▶ **Ensure that buildings support broader city building goals.** The challenge is to rigorously identify and promote elements of building design that contribute to building a vibrant city and streetscape.
- ▶ **Build on existing strengths.** The positive impact of downtown success stories — parks, buildings, streets — can be increased by strategically extending them and replicating their positive attributes.
- ▶ **Preserve and enhance heritage resources.** The challenge is to recognize the diverse range of such resources, to preserve them and, where possible, to creatively adapt them for new uses and expanded significance.
- ▶ **Provide a balanced network for movement.** This means that street rights-of-way are designed to be shared, attractive and safe for all modes of movement.
- ▶ **Foster public safety.** The sense of safety is greatest when there is a vibrant downtown — when streets, parks and public spaces are active for longer hours of the day, when there is a continuous urban fabric and when active uses provide an informal means of surveillance.

Source: *Saint Paul on the Mississippi Development Framework*, St. Paul, 1997; www.ci.stpaul.mn.us/frame/execsumm.html.

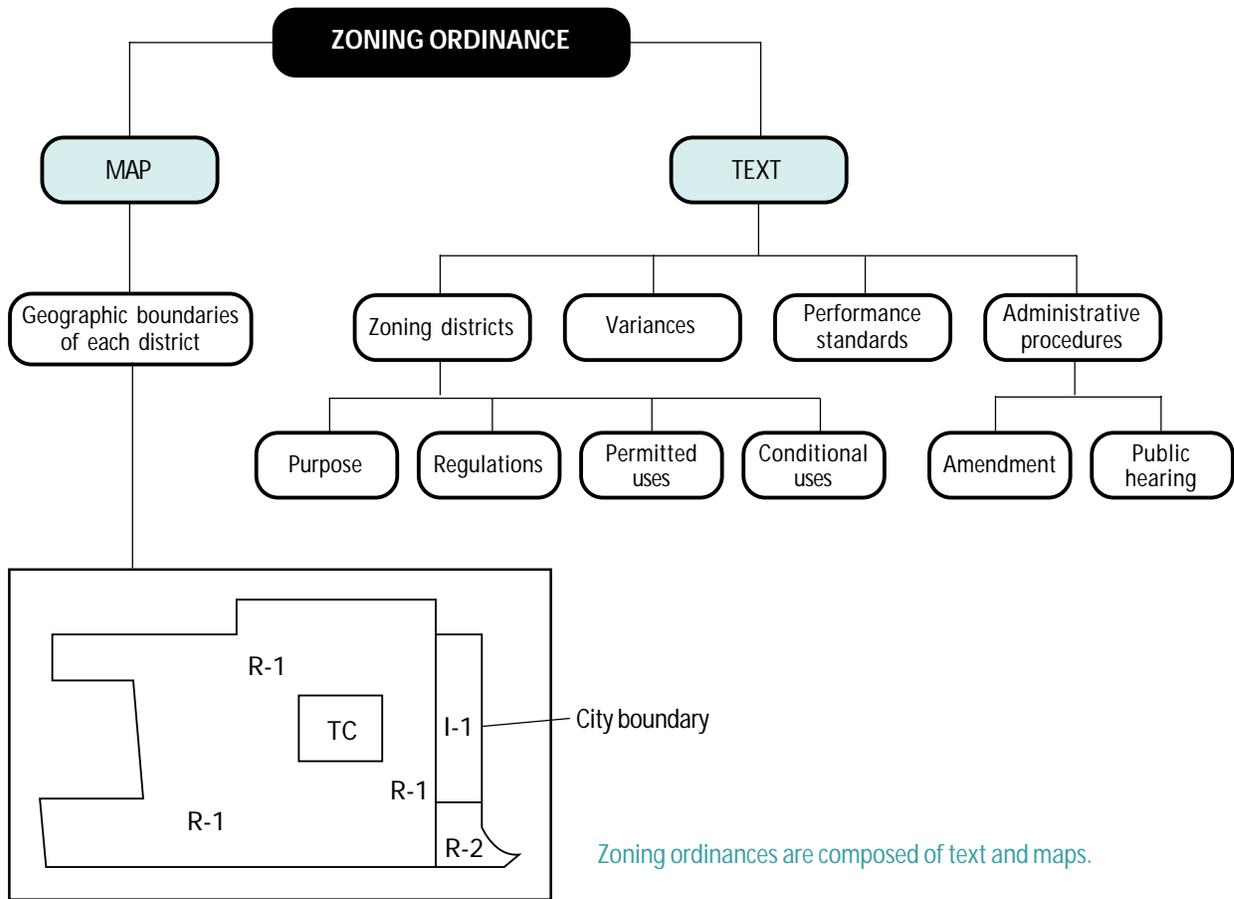
As noted in the chapter, *Developing Strategies*, a community should set implementation priorities to help translate a plan into action. Many communities devote an entire chapter of the plan to implementation or discuss relevant implementation tasks within each chapter. Others develop a short companion document devoted solely to implementation.

However a community chooses to handle this, implementing a plan is a deliberate process that may take years. Action steps need to reflect a community's resource and personnel limitations. Dates need to be

set for reflecting on the plan and evaluating the progress being made. These periodic reviews will ensure that the plan is adjusted and refined as needed and citizens continue to feel their community is on the right track.

Implementation consists of two coordinated elements:

Time frame. A community should determine the timing of key action steps: some things must be done immediately, and others should be done farther down the road. Typically, implementation steps can be divided into:



- Ongoing activities, such as public involvement, that will continue throughout the process of creating, implementing, refining and updating a comprehensive plan
- Immediate activities that begin with adoption of the plan, typically completed or realized within the first year
- Short-term activities that start within three years of the plan's adoption
- Mid-term activities that begin three to 10 years after the plan's adoption
- Long-term activities that extend to the second half of the planning horizon, typically 10 years and beyond

Assignment of responsibilities. Implementation recommendations should indicate the party responsible for executing an activity, whether it is local government staff, the planning commission, a planning task force, the economic development

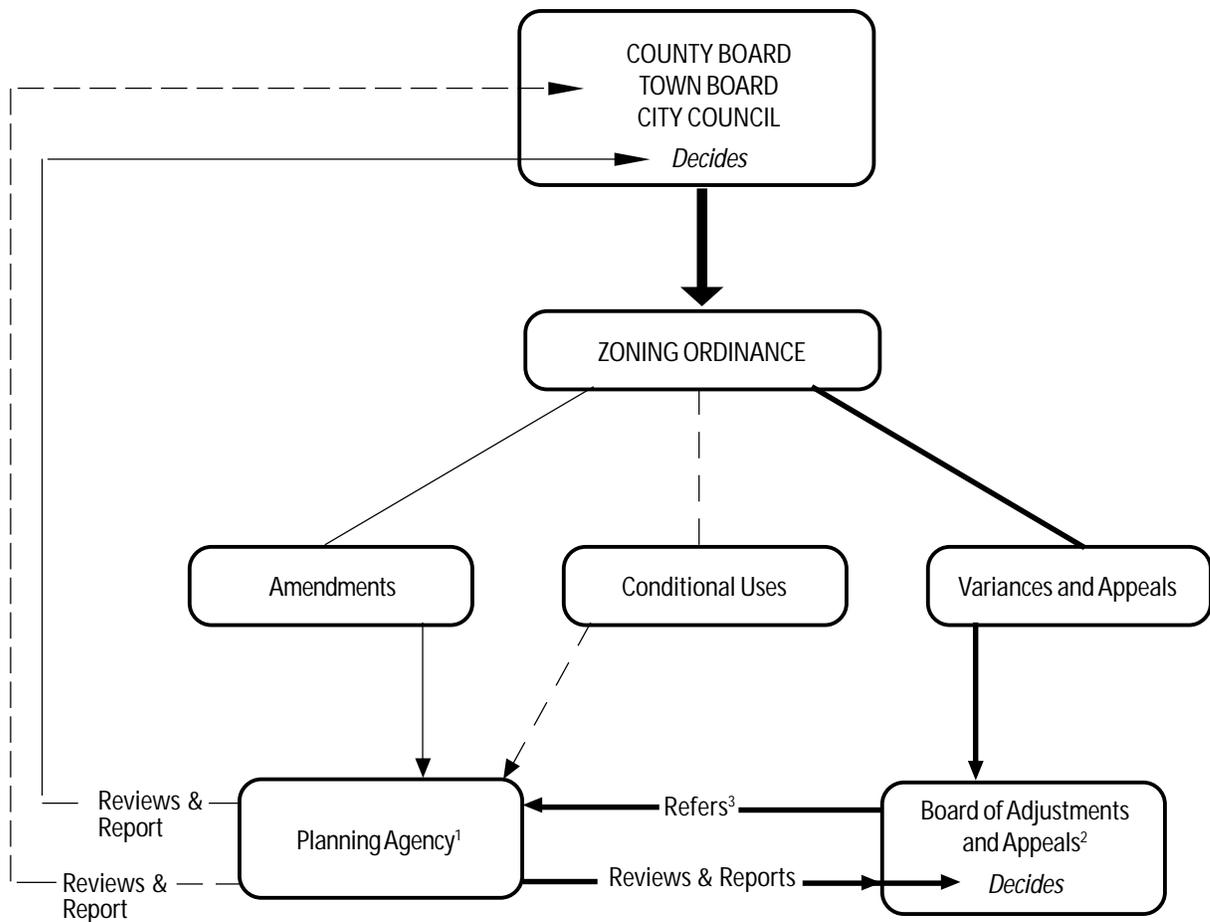
authority, or another organization or governmental unit. A community should also identify key secondary parties to be involved in implementing the plan, such as other governments (federal, state, county, township, city, school board), independent authorities, nonprofit organizations and business associations.

TYPES OF IMPLEMENTATION ACTIVITIES

A community may want to consider a number of implementation strategies and tools, including:

- Land regulation tools
- Fiscal tools
- Public facilities and infrastructure tools
- Housing and economic development tools

ZONING FUNCTION



This typical flow chart for zoning functions may vary depending on the responsibility and authority delegated to the planning agency.

Notes:

¹ Planning agency can be either staff or a planning commission

² A city council or town-board may serve this function

³ Referral steps apply only to municipalities

Sources: Minnesota Planning, Metropolitan Council, Washington County Department of Public Health and Environment.

LAND REGULATION TOOLS

Development controls limit how and where development occurs to protect public interests. Development controls, for example, allow a community to require a developer to build according to zoning ordinances, provide sufficient park space and off-street parking, site buildings to allow access to the main thoroughfare and maintain adequate buffering from adjoining residential properties. Such controls are one of the most common and fundamental ways to implement a comprehensive plan and stem from government's responsibility and authority to protect public health, safety and welfare.

ZONING ORDINANCES

Zoning began as a means of preventing property owners from using their property in ways that harmed the community. Zoning also conserved and protected property values by prohibiting objectionable land uses in certain districts. Modern applications of zoning have broadened to provide orderly community growth, enhance and diversify a community's tax base, maintain or achieve beauty and variety in the physical environment, accommodate complex and unique land uses and, in sum, make a community livable.

Zoning ordinances are the regulatory tool most commonly associated with land use planning. Once a comprehensive plan is adopted, a community should prepare or revise its zoning ordinances to reflect the plan's goals and policies. Effective implementation of a comprehensive plan requires consistency between the plan and the zoning ordinances. If a particular land use is not supported by the comprehensive plan but is permitted by a zoning ordinance, it will be difficult to stop a developer from pursuing it.

Traditionally, zoning ordinances have been applied in a relatively inflexible manner, aimed at separating various land uses. Zoning does not have to be inflexible (and, today, land use separation often is considered a mistake). In fact, legislation that enables planning gives ample latitude for innovation. Planned unit development, mixed-use zoning, bonus or

A COMPREHENSIVE PLAN AND ZONING CODE ARE CLOSELY LINKED

| Plan | Zoning code designations |
|--------------------------|---|
| Mixed use | MX, residential and neighborhood or community commercial |
| Town center | TC, downtown or community commercial and high-density residential |
| Low-density residential | R-1, single family |
| High-density residential | R-2, multiple family |
| Commercial | B-1, office |
| Retail commercial | B-2, retail business |
| Commercial | C-1, neighborhood commercial |
| | C-2, community commercial |
| | C-3, downtown commercial |
| Light industry | I-1, light industrial |
| Public | P, public |
| Park | PK, park |

incentive zoning, transfer of development rights and growth management regulations that specify the timing and sequencing of development and public services all offer flexible opportunities for a community to ensure smarter growth and more people-friendly neighborhoods. Many of these approaches are discussed below.

Although enabling legislation places responsibility for drafting zoning ordinances with the planning commission, as a practical matter staff planners, consultants or lawyers actually prepare the ordinances for the commission. The governing body (i.e., a county or township board, or city council) is responsible for adopting them after reviewing a commission's recommendations. Community participation is essential in developing an ordinance to ensure that it is both flexible and consistent with the comprehensive plan. A community may want to look at the zoning ordinances of other communities, particularly those with similar plans and visions for the future. Organizations such as the League of Minnesota Cities, the Association of Minnesota



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Stores, coffee shops and other neighborhood services coexist with housing in this mixed use development.

CHANGING HOUSING NEEDS AND ZONING

Local zoning ordinances regulate such things as allowable building types, densities and building setbacks on a site. While written with good intentions, sometimes zoning ordinances have the effect of isolating good community neighbors, such as separating schools from residential areas. Ordinances sometimes even separate different compatible types of housing, such as single-family and elderly housing, offering retired residents little choice but to move out of their neighborhood when their housing needs change. Selectively changing restrictive zoning ordinances to allow mixed-use neighborhoods and a range of housing types can allow the community more flexibility in selecting and developing sites.

Source: *Building Better Neighborhoods: Creating Affordable Homes and Livable Communities*, Greater Minnesota Housing Fund, 2001.

Counties, the Minnesota Association of Townships, Minnesota Planning and the American Planning Association (through its Planning Advisory Service) often can provide model ordinances and specific examples that are “legally bulletproof.”

If a community already has zoning codes in place, updating them to reflect a new comprehensive plan may require anything from minor adjustments and map amendments to a major overhaul. While community staff and legal counsel can handle minor adjustments, expert assistance from a planning consultant or land use lawyer may be necessary when adding creative zoning tools or making code and map changes that result in some properties becoming nonconforming uses.

A zoning ordinance should make it easy for a developer to do what a community wants. For example, if a plan encourages higher density development in a particular area, the zoning ordinance should be structured in a way that allows the target density to be achieved. If instead, the ordinance limits multifamily dwellings, a developer may not know how to proceed in the face of the conflicting goals and regulations. Although a community may sometimes try to maintain flexibility by bending the rules on a case-by-case basis, this is a

dangerous approach. The courts will determine whether a local government decision has treated all property owners equally and consistently.

Zoning should reflect the land uses desired by a community and identified in its comprehensive plan. A comprehensive plan is a policy document and thus does not designate parcel-by-parcel land use priorities, as is necessary in a zoning ordinance. The detail of comprehensive plan designations, furthermore, is frequently insufficient to clearly designate conditional uses, appropriate mixes of land uses and prohibited land uses. This level of refinement is generally best left to a zoning ordinance. The box on the previous page shows how a comprehensive plan and a zoning code are interrelated.

Once a community has determined its zoning ordinances' general land use categories, it must develop criteria for each category. These might include:

- A description of the land use category's general characteristics and purpose (whether the land is mainly for agriculture, heavy industry and so forth)

MODEL ORDINANCES OFFER CONDITIONAL USE EXAMPLE

The conditions for single-family dwelling units in an agricultural and forest protection district might be described as follows:

At a minimum, the following standards shall be applied when reviewing applications for conditional use permits within the Agriculture and Forest Protection District:

- ▶ The proposed use shall be sited upon lands which are less suitable for commercial agriculture and forestry than other agricultural or forestry lands within the district.
- ▶ The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural and forest land which is converted to the proposed use.
- ▶ The proposed use shall be located in close proximity to existing buildings whenever possible and appropriate.

Source: *From Policy to Reality: Model Ordinances for Sustainable Development*, Minnesota Planning, September 2000.

- Types of acceptable development – permitted uses and conditional uses (including standards for determining appropriate conditional uses)
- Desired minimum and maximum densities or intensities of development
- Minimum or maximum lot size
- Parking requirements
- Performance standards for lighting, signage, open space, drainage, wetland protection, sanitation and so forth.

Variations. A variance is approval to deviate from an official control when the strict application of such a control would result in undue hardship or particular difficulties for the property owner. Variances are issued by the zoning administrator following approval by the board of adjustment. “Use variances” that would permit a use prohibited by ordinance are illegal in Minnesota.

Conditional uses. A zoning ordinance usually specifies the kinds of land uses allowed and prohibited in a particular zoning district. The conditional use falls somewhere between the routinely allowed and prohibited uses. A conditional use permit is usually required for a project that may have adverse off-site impacts, may create a nuisance situation within an allowed land use or may require



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Thriving town centers are a goal of many community ordinances, whether revitalizing a traditional downtown or establishing a new one. LEFT: Maple Grove, Minnesota RIGHT: Hastings, Minnesota

ORDINANCES FOCUS ON “TRADITIONAL NEIGHBORHOOD DESIGN”

Older communities typically reflected particular design standards that are now called “traditional neighborhood design.” Such design included orienting household gathering spaces (porches, entryways) toward the front of the home, streets and sidewalks that accommodated pedestrians first and automobiles second, neighborhood-oriented commercial development, and other design that emphasized a unique sense of place. Neighborhood design includes a mix of land uses, both apartment and second-story residential in traditional downtown areas of small cities, and neighborhood gathering places such as small diners, stores, and coffee shops. Emphasizing neighborhood design practices in subdivision and zoning ordinances enhances sustainability and preserves existing neighborhoods with elements of traditional neighborhood design.

Model ordinances for the following districts are presented, covering most of the urban, urban fringe and rural areas of a Minnesota community:

► **Town Center District:** Applies to the central business district, or traditional downtown, and provides for a mix of uses similar to or intensifying the existing pedestrian-oriented pattern.

► **Neighborhood Residential District:** Intended to encourage compatible infill development in residential neighborhoods around the town center. Neighborhoods with local or regional historic significance may also fit the profile of this district.

► **Town Extension or Urban Expansion District:** Applies to the potential expansion area around the city or village, which may be part of another jurisdiction but where utility extensions (public water and sewer systems) are planned. The ordinance provides for an efficient urban pattern that is strongly connected to the existing town or village, and shares certain design elements with it. The [Town Extension] can be used as an alternative to the typical planned unit development that many zoning ordinances contain.

► **Traditional Neighborhood Development District:** Intended to allow for development of large tracts of land in a manner consistent with traditional town and village character. Unlike the Town Extension, it is intended to apply to free-standing rural areas that may have been identified as suitable for development. The [Traditional Neighborhood Development] can also be used as an alternative to the PUD.

Source: *From Policy to Reality: Model Ordinances for Sustainable Development*, Minnesota Planning, September 2000.

selective application of design or performance standards. A zoning ordinance must clearly define general requirements for all conditional uses and, so far as practicable, standards and criteria specific to each designated conditional use. Courts have consistently overturned local government decisions based on rationale and standards not stipulated in an ordinance or plan. If a developer can meet the conditions and standards specified in an ordinance, then the local government should approve the conditional use permit. Common applications of conditional uses are multifamily housing, auto-related uses, outdoor storage, gravel mining and large-scale animal agriculture.

Performance zoning. Performance zoning regulates the effect or impact of proposed development rather than separating the uses into various zoning districts. The standards often relate to the site’s development capability and limitations. Communities using this tool should be sure that they will be able to measure the development’s impact cost effectively. Local governments need to tie performance zoning closely to their comprehensive plan because the plan must identify specific goals and related performance outcomes that developers must meet. Performance standards can cover things the community cares about, such as noise, odors, smoke, wildlife habitat, water and air quality, or other side

OVERLAY SEEKS TO PROTECT SENSITIVE NATURAL RESOURCES

Sustainable land use planning recognizes the value of natural, historic and economic assets in a community. Traditional downtown buildings help create a sense of place in the community's center. Natural resources, such as rivers, bluffs, and park land in and around the community, add substantial value to particular land uses such as housing or entertainment commercial uses. Natural resource-based industries need protection of resource base to ensure economic sustainability. Sustainability demands that natural, historic, and economic assets be conserved and protected for use by both current and future generation of residents and businesses. Land use planning must recognize community assets and the land uses that enhance, protect, or gain value from the resource.

A Sensitive Natural Environmental Areas overlay district for protecting and conserving significant natural resources in a community defines sustainable uses of a community's natural resources as depending on several factors:

- ▶ The sensitivity of the natural resource to various uses and to different kinds of development
- ▶ The uniqueness of the resource in the community and in the region
- ▶ The quality of the resource
- ▶ The economic value of the resource
- ▶ The natural resource priorities adopted by a community in its comprehensive plan

The overlay district provides a dual framework for protecting or conserving important community resources. It protects rare resources and areas highly sensitive to development. It also offers conservation methods for natural resource areas with habitat value that are important to community character and quality of life, for resource extraction using sustainable management practices, for recreation and tourism, and for development using conservation development standards.

Source: *From Policy to Reality: Model Ordinances for Sustainable Development*, Minnesota Planning, September 2000.

effects of a particular land use. They are a formal way for a community to say, "We do not want more traffic congestion than we have today" or "We do not want our schools to be any more crowded."

Industrial performance standards. Industrial performance standards are maximum or minimum thresholds for specific nuisances associated with industry, such as noise, vibration, air pollution and releases of toxic substances. Performance standards generally allow industry to choose the most economic and most appropriate method of compliance.

Technology standards. Technology standards, in contrast with performance standards, mandate that particular compliance methods be used. Counties, for instance, often use technology standards in regulating septic systems.

SPECIAL AREA DESIGNATIONS FOR MIXED USE

Special area designations are another way to accommodate a combination of land uses that do not fit just one land use category or cannot be mapped in advance of development. Traditional neighborhood designs (see box) are an example of such a designation. A community interested in encouraging a mix of uses may want to establish special area designations to do so. Including such designations allows a community to identify the intensity and blend of uses it prefers.

OVERLAY ZONES

Overlay zones allow special regulations within all or part of one or several zoning districts. They typically include an extra level of restrictions, although some allow exceptions to base zoning regulations. They should be used judiciously because they increase the code's complexity. While a single overlay can be manageable, multiple overlays can set the stage for regulatory conflicts and administrative problems. Typical overlay applications in Minnesota include historic preservation, special sign districts, shore land regulations, architectural design review for downtowns or highway corridors, airport hazard zones, special plan areas or critical natural areas.

VOLUNTARY ENERGY EFFICIENCY PERFORMANCE STANDARDS

One model calls for all construction of new buildings in a community to be encouraged, but not required, to follow specified Energy Efficiency Performance Standards. Their effectiveness depends upon consumers placing a high value on certified buildings.

- ▶ No penalty or violation shall be assessed for failing to comply with the Standards, nor shall any official deny a permit or petition on the basis of compliance with the Standards.
- ▶ Any building constructed to meet the Energy Efficiency Performance Standards shall be certified by the Community Zoning Office as a Resource Efficient Building. Certification will be documented by filing documentation with the Zoning Office identifying the components of the Performance Standards that are met in the new building.

Source: From Policy to Reality: Model Ordinances for Sustainable Development, Minnesota Planning, September 2000.

DESIGN GUIDELINES

Design guidelines help a community achieve more consistent development by conveying preferences to developers for parking, building siting, urban design and architectural style. More discretionary than regulatory, design guidelines have historically been unpublished (perhaps not the best approach) or have been published separately from the zoning code. Recent planning practice, however, has moved toward publishing guidelines within the comprehensive plan. A comprehensive plan can be an important place to publish guidelines.

Although guidelines and regulations are typically used together, guidelines should be clearly identified. Common guideline applications include signage, parking lot design, building siting, street treatments, architectural design and building materials, and

buffering between uses. A community also could use such guidelines for energy and water efficiency, storm water management, pollution prevention, and solid and hazardous waste management.

PLANNED UNIT DEVELOPMENTS

Planned unit developments are an alternate form of regulation for large-parcel developments. PUDs allow creative development that would not be allowed on smaller parcels or under a community's regular zoning. A local government negotiates the details of each development with the developer to ensure that the development promotes a specific goal or goals of a comprehensive plan. Approval should be explicitly linked to comprehensive plan goals. PUDs are a useful tool to allow creative site design or an unusual mix of land uses (such as industrial and residential), to increase development density consistent with the comprehensive plan or to use exceptional design standards (such as narrow neighborhood streets or traditional neighborhood building design standards).

INTERIM USES

Interim uses allow cities and towns to grant a zoning permit allowing a temporary use on a property. An interim use is one that lasts for a specified period of time and requires very little investment in site improvements or buildings. Interim uses can be approved under the conditional use process, where time is the condition that must be met for the use to be approved.

TRANSFER OF DEVELOPMENT RIGHTS

Transfer of development rights programs allow development rights to be transferred from areas targeted for protection or low-intensity development to ones designated for development. The community adopts an ordinance defining a sending area where development is discouraged and a receiving area where it is encouraged. The selling landowner places a conservation easement on the property to be left undeveloped, and the purchasing developer is allowed to develop more intensively within the receiving area than is permitted in the community's base zoning.

PURCHASE OF DEVELOPMENT RIGHTS

Similar to a transfer of development rights program, a purchase of development rights program is one in which a government or nonprofit organization acquires and holds in the public interest the development right. The purchaser places a conservation easement on the parcels where the development rights have been acquired.

INCENTIVE ZONING

Incentive zoning requires developers to provide additional amenities in exchange for higher densities, additional floor area or other property enhancements. Local governments often use incentive zoning to encourage development that exceeds minimum standards for performance, density or land use intensity. For example, a multifamily housing developer may receive a density bonus in exchange for providing underground parking, extra open space or an energy- and resource-efficient, low-waste development or for locating the development along specified transit routes or stops.

MORATORIUMS

Elected officials are sometimes reluctant to employ a moratorium on a given land use because people often view such an action as inherently antidevelopment. However, halting development until a local government can make critical changes to an ordinance or gain needed information about the impacts of a particular land use is an effective way to ensure that a local government can plan appropriately. Several local governments, for example, placed moratoriums on large animal feedlots in the 1990s to better understand their impacts before allowing significant growth in their numbers. State law allows local governments to adopt moratorium ordinances for up to one year; cities and towns may extend them for up to 18 months. Local governments may impose moratoriums on certain kinds of development or on whole geographic areas, but in all cases, they must have legitimate planning justification to do so.

SUBDIVISION REGULATIONS

Subdivision ordinances regulate how and under what conditions a parcel can be divided into smaller parcels. The regulations also should require consistency with the comprehensive plan and its implementation tools, such as the capital improvements program, and environmental, natural resource, design and community character goals. A community can address such issues as minimum and maximum lot sizes (although these are more appropriately dealt with in the zoning ordinance), street placement, street widths, utilities, parks, relationship to surrounding commercial areas and related development characteristics to encourage, for instance, traditional neighborhood design. A local government may deny approval of a proposed subdivision if it fails to meet code standards and requirements or is inconsistent with the comprehensive plan.

Subdivision regulations also let a local government require minimum or maximum thresholds for public improvements in a subdivision, such as roads, sidewalks, bike paths, storm water systems, sewers and open space. Subdivision regulations can require

MEETING HOUSING NEEDS WITH PLANNED UNIT DEVELOPMENTS

Planned unit developments allow the mixed development of uses previously separated into exclusive districts, provided that they are properly designed. A PUD permit will allow for smaller lots and narrower streets than traditional zoning. The result is often increased livability and efficiency. For housing developments, a PUD allows for a variety of housing types, such as rental townhomes, apartment buildings and single-family homes, as well as for retail and other services on the same site. Local governments increasingly are willing to view development proposals in terms of integrating rather than separating different uses.

Source: *Building Better Neighborhoods: Creating Affordable Homes and Livable Communities*, Greater Minnesota Housing Fund, 2001.

ENVIRONMENTAL REVIEW AND DEVELOPMENT

Under the state environmental review rules, a community may need to prepare an Environmental Assessment Worksheet or Environmental Impact Statement if a proposed project meets or exceeds a mandatory threshold. Responsibility for making case-by-case decisions on the need for these and for determining if an EIS or an EAW is mandatory lies with local governments and state agencies. For almost any project, the rules identify the governmental unit that has this responsibility. This unit is termed the Responsible Governmental Unit, or RGU. The RGU must prepare the EAW before final decisions are made (such as on permits, conditional uses, plats or planned unit developments). Some typical projects that may require environmental review, depending on their size, are:

- ▶ Nonmetallic mineral mining (gravel mines)
- ▶ Land use conversions, including golf courses
- ▶ Roads, parking facilities
- ▶ Recreational developments, such as RV parks and campgrounds
- ▶ Residential developments
- ▶ Commercial, industrial, and institutional facilities (office buildings, stores, schools, community centers)
- ▶ Sewage systems, including sewer extensions (contact the MPCA about this)
- ▶ Solid waste facilities
- ▶ Sports/entertainment facilities (such as stadiums, amphitheaters)
- ▶ Stream diversions
- ▶ Projects that affect wetlands or Protected Waters

Environmental review should be initiated as early as possible. If a project fits into a mandatory review category, the Responsible Governmental Unit should be advised as soon as the proposer can thoroughly describe the project's location and basic features. For other projects, the sooner the public and governmental units with authority over the project are advised, the sooner the need for environmental review can be determined.

ALTERNATIVE URBAN AREAWIDE REVIEW

A community with a qualified comprehensive plan can also use an optional form of environmental review called Alternative Urban Areawide Review, or AUAR. While this type of review is never mandatory, it may be substituted for an EAW or EIS. The review's key feature is that its subject is a development scenario or several scenarios for an entire geographical area rather than a specific project. Development scenarios are established by the local unit based upon the comprehensive plan, zoning ordinances, developers' plans and other relevant information. More than one scenario can be reviewed, providing at least one is consistent with the adopted comprehensive plan. A maximum development, "worst case" scenario is usually included. Development scenarios chosen by the local unit serve as the project description for the environmental impacts analysis. Specific projects ready for review within the area can be included, however, the review can also be done before any specific projects are proposed.

More information is available at the Environmental Quality Board Web site at www.mnplan.state.mn.us/eqb or by calling 651.296.8253.

compensation to the local government for public facilities that it must install as a result of a development. Local governments often enter into development contracts or agreements that outline which party will pay for which improvements. A local government may require that a reasonable portion of a proposed subdivision be dedicated to the public or preserved for public use as streets, roads, sidewalks, sewers, electric, gas and water facilities, storm water drainage and holding areas, parks, playgrounds, bike paths, trails, wetlands or open space.

While a community can require that developers dedicate land to the public or pay fees in place of dedicating land for parks and open space, there are limits on its ability to exact fees or place other conditions on the right to develop property.

Once a local government approves a subdivision, it may not impose any additional requirements on that property based on changes to a comprehensive plan or, for example, a code amendment for one year after its preliminary approval of the subdivision or two years after final approval. The only exception to this law (Minnesota Statutes, Section 462.358) is if the subdivider and local government mutually agree to a change.

BOUNDARY CHANGES

A comprehensive plan and the urban growth boundaries designated through it provide the vital data, maps and information needed to make decisions regarding proposed boundary changes, including incorporations, annexations and consolidations. Urban growth boundaries also provide the framework for a city, township and county to jointly develop future land use plans, establish a timing and sequencing schedule for public services and prepare orderly annexation plans. State statutes regulating community boundary changes (*Minnesota Statutes*, Section 414.1) require applicants to provide much of the information contained in a comprehensive plan as part of the decision-making process.

MODEL ORDINANCE ELEMENTS FOR PURCHASE OF DEVELOPMENT RIGHTS

XX.1 Statutory Authorization, Purpose and Geographic Application

- A. **Statutory Authorization.** Pursuant to Minnesota Statutes, sections 394.25 (for counties) or 462.357 (for townships and municipalities), Model Community establishes a purchase of development rights program for the purpose of preserving open space, including natural and scenic areas, and productive agricultural and forest land, while the fee title to these areas remains in private ownership. The program's policies, rules and official controls are adopted in this ordinance, hereafter known as the Model Community Purchase of Development Rights Ordinance.
- B. **Purpose.** This Ordinance is adopted for the following purposes:
1. To protect and preserve the rural landscape and high-quality natural areas that make Model Community a special place to live.
 2. To implement the goals of the Model Community Comprehensive Plan regarding managing growth and protecting rural areas. This PDR program addresses the following specific goals as stated in the Comprehensive Plan.
 - a. Direct development away from rural areas and areas without existing or planned infrastructure.
 - b. Maintain a distinction between urban and rural areas.
 - c. Preserve the rural character and landscapes of Model Community.
 - d. Preserve agriculture and forestry as permanent land uses and viable economic activities in the community.
 - e. Create an integrated system of open space, parkland and trails throughout the community.
 3. To serve additional public purposes through open space protection, including storm water management, habitat protection, trail corridor extension, and linking of public parks and other amenities.

Source: *From Policy to Reality: Model Ordinances for Sustainable Development*, Minnesota Planning, September 2000.



Official maps designate and protect sites for future roads, rights-of-way and other public facilities.

OFFICIAL MAPPING

Official maps are an important, though less commonly used, tool for implementing a comprehensive plan. An official map designates and signals to developers and citizens where the municipality expects roads and other public facilities to go in the future. This avoids the expense and controversy of the government having to acquire and remove buildings later if they fall in the designated areas.

A formally adopted official map allows the community to withhold building permits. It also authorizes the community to acquire structures placed in these designated areas without compensating property owners if the structures were built without a permit. Adoption of an official map does not create public ownership of the land. The government must compensate the property owner for the land at the time it is acquired for a public facility.

Minnesota counties, cities and townships may use official mapping for roads, rights-of-way and other public facilities such as parks, schools and libraries. In the Twin Cities metropolitan area, official mapping also may be used for soil conservation, water supply conservation and flood control.

REVIEWING PROPOSED DEVELOPMENTS AND USING THE ZONING CODE

A comprehensive plan is the foundation for local government decisions involving discretionary zoning actions and permits, including rezoning, conditional use permits, variances, site plan or subdivision review, PUD approval or issuance of building permits. Staff should refer to the plan in reports and other correspondence regarding zoning applications, and policy-makers should be familiar enough with the plan to identify supporting documentation when making decisions. If local officials make a decision that appears contrary to comprehensive plan policies, they should document why they are doing so and how the decision actually furthers plan goals. This not only will help identify what amendments to a plan may be needed but also will demonstrate to citizens and others that the plan does, in fact, guide the community.

HOUSING, BUILDING AND FIRE CODES

Local governments may adopt housing, building and fire ordinances to guide the physical development and maintenance of property. Depending on the goals and strategies identified in the plan, it may be appropriate to use some or all of these codes to assist with implementation efforts:

HOUSING CODES

Housing codes provide minimum standards for the safety, health and welfare of housing occupants. Housing codes are optional and are most often found in mid-sized or larger communities and communities that have older housing stock and a large supply of rental housing.

HOUSING MAINTENANCE CODES

Housing maintenance codes focus on the upkeep of property exteriors and are often used to prevent the decline of neighborhoods.

SUBDIVISION AND SUSTAINABLE DEVELOPMENT

A community's subdivision ordinance includes a number of provisions outlining when and how the subdividing of lots is allowed. A subdivision ordinance identifies the threshold size where the subdivision regulations are applicable, the information required to be compiled by the applicant for review by the local government, site plan review procedures and other requirements. The "From Policy to Reality" model addresses several aspects of sustainable development that can be added to standard subdivision language, including:

- ▶ Setting of performance standards for converting agricultural land to housing
- ▶ Requiring a determination of the subdivision's fiscal impact on the community
- ▶ Requiring explicit compliance with floodplain, shoreland and environmental area ordinances

Source: From *Policy to Reality: Model Ordinances for Sustainable Development*, Minnesota Planning, September 2000.



Carole Zellie

Homes are clustered together at Jackson Meadows, preserving the development's open space for the entire community to enjoy. Washington County, Minnesota

STATE BUILDING CODE

A building code includes standards and specifications regarding building construction and remodeling. Generally, a building code works in concert with other codes, such as those for energy, plumbing, electric, heating and mechanical systems, to protect occupants and ensure minimum construction standards. Minnesota has a uniform State Building Code that encompasses these elements. Some counties and cities do not enforce the State Building Code, however. A county outside the metropolitan area may opt out of code enforcement by a vote of a majority of its citizens who live outside cities that enforce the code. Cities of fewer than 2,500 people in a county that has dropped code enforcement may also opt out by majority vote of their governing board. (See Minnesota Statutes, sections 16B.72 and 16B.73.)

FIRE CODES

Fire codes address fire safety and prevention inside. They go beyond building codes by addressing storage of dangerous materials, exits and sprinkling requirements.

HEALTH AND SANITATION CODES

These encompass a number of health-related activities, including private wastewater treatment facilities, garbage and recycling, landfills and well monitoring.

PROCEDURAL CHART FOR SUBDIVISION APPROVAL

| | Pre-application meeting | *Preliminary plat | *Final plat |
|--|---|--|---|
| DEVELOPER | <ol style="list-style-type: none"> 1. Prepare and submit sketch plan to community staff. 2. Meet with staff to discuss sketch plan and development standards. | <ol style="list-style-type: none"> 1. Prepare preliminary plat based on sketch plan and recommendations of staff. 2. Submit preliminary plat to community staff for review. | <ol style="list-style-type: none"> 1. Prepare and submit sketch plan to community staff. 2. Meet with staff to discuss sketch plan and development standards. |
| ZONING ADMINISTRATOR AND STAFF (Engineer, Surveyor, Attorney) | <ol style="list-style-type: none"> 1. Review sketch plan in relation to existing zoning and various development standards in subdivision regulations. 2. Suggest changes, if necessary, to proposed sketch plans based upon standards in subdivision regulations. | <ol style="list-style-type: none"> 1. Review preliminary plat in relation to standards in subdivision regulations. 2. Submit copies of plat to other departments (engineer, surveyor). 3. If plat abuts state highway, submit to Department of Transportation for review. If plat abuts a county highway, submit to county highway engineer for review. 4. Prepare report for Planning Commission. | <ol style="list-style-type: none"> 1. Review final plat for conformance with preliminary plat. 2. Submit to governing body. |
| PLANNING COMMISSION | | <ol style="list-style-type: none"> 1. Review plat and staff report. 2. Hold public hearing after notice in newspaper. 3. Make recommendation to governing body. | |
| GOVERNING BODY | | <ol style="list-style-type: none"> 1. Review recommendation of Planning Commission. 2. Make decision. | <ol style="list-style-type: none"> 1. Review recommendation of Planning Commission. 2. Make decision. If approved, plat must be filed with Register of Deeds. |

**These procedures may be consolidated.*

As with all laws, a significant difference exists between passing regulations and effectively enforcing them. Rather than developing a systematic program of enforcement, most communities rely on complaint-driven enforcement. Enforcement programs are often difficult to implement because inadequate staffing restricts monitoring of violations, especially in smaller communities. Also, local government officials sometimes apply varying standards on when to prosecute individuals for violating the law. When people are cited or prosecuted, convictions are often difficult to achieve because a legal proceeding occurs in the criminal court system where judges sometimes view land use violations as trivial compared to more traditional

criminal cases. In addition, a poorly constructed ordinance can sometimes result in the courts dismissing a land use case.

Unfortunately, weak or inconsistent enforcement of codes and ordinances can jeopardize comprehensive plan goals. While both a variance and conditional use permit allow discretion and flexibility by waiving rules that are occasionally inappropriate, a community must exercise great care in granting an exception to its policies. To give real meaning to a comprehensive plan, a community must uphold the integrity of the ordinances that support it. In turn, to give its ordinances legitimacy, a community must support their connection to the comprehensive plan.

FISCAL TOOLS

Local governments are authorized to use a variety of fiscal tools to finance community infrastructure or make major capital expenditures. These tools include capital improvement programs, assessment practices, development and user fees and tax increment financing. Occasionally, a community uses its general funds for development-related improvements, and it may choose to subsidize the installation of utilities to promote development that furthers its goals. For example, a community may promote affordable senior housing by paying for the infrastructure it requires using general funding sources or by pledging future tax increment revenues.

CAPITAL IMPROVEMENT PROGRAM

Aside from a comprehensive plan, the single most important tool for shaping a community's future may be its capital improvements program. This program

INDUSTRIAL PERFORMANCE STANDARDS

In Minnesota, many kinds of industrial performance standards are set by the state, usually under Pollution Control Agency rule. Some PCA standards are minimums that local governments can choose to exceed. Other standards include both minimums and maximums, and a community cannot set standards that are either more or less stringent than these.

Model language for a number of industrial performance standards, including a standard for pollution prevention practices, is available in *From Policy to Reality: Model Ordinances for Sustainable Development*. For any standard, however, a community must identify the specific options available to local governments to regulate the activity or exceed state-mandated thresholds. The intent of model language is to provide reasonable regulatory language and a logical structure for performance standards.

Source: *From Policy to Reality: Model Ordinances for Sustainable Development*, Minnesota Planning, September 2000.

MODEL GROWTH MANAGEMENT AND ORDERLY ANNEXATION AGREEMENT

AGREEMENT BETWEEN THE CITY OF _____
AND THE TOWNSHIP OF _____ FOR GROWTH
MANAGEMENT, ORDERLY ANNEXATION AND THE EXERCISE OF JOINT POWERS
FOR PLANNING AND LAND USE CONTROL

THIS AGREEMENT is made this day of 200____, ("Effective Date") between the city of _____ ("City") and the Township _____ ("Township") and is an agreement relating to growth management and constitutes a "Joint Resolution" between the City and Township authorized by Minnesota Statutes, Section 414.325 providing for a procedure and a framework for orderly annexation of a part of the Township to the City. This Agreement also provides for the joint exercise by the City and Township of their respective planning and land use control authority pursuant to Minnesota Statutes, sections 471.59 and 414.325 (Subd. 5).

Source: *From Policy to Reality: Model Ordinances for Sustainable Development*, Minnesota Planning, September 2000.

outlines the timing and nature of a community's major investments in schools (through a school district), transportation, water, police and fire protection, solid waste management, libraries, park and recreation facilities and other public amenities. All of these investments have ongoing operation and maintenance costs, in addition to initial capital costs. The criteria that a local government uses in making these investments may significantly affect the total lifetime costs they impose.

A capital improvement program:

- Allows residents and businesses to anticipate and plan for future tax and levy needs
- Helps residents and local officials set priorities and stage major capital improvements
- Enables a community's fiscal agents to provide accurate advice on planning for future needs, particularly for large infrastructure investments
- Helps businesses plan for major investments, such as roads, that could affect their operations

CORE INFRASTRUCTURE KEY TO DEVELOPMENT

Core utilities provide capacity for land development and include wastewater treatment plants, water treatment plants, water storage facilities, trunk sewer and water lines, storm water management systems and arterial roads. Projected growth for a community may fit within the capacity of the existing infrastructure or may require expansion of existing systems or construction of new ones. State law provides communities with a variety of tools for borrowing the money to finance core utilities. The essential financial issues will be the sources of revenue to pay for those improvements, such as connection charges, utility user fees, special assessments, property taxes and bonding.

- Provides local officials with a solid legal foundation, when consistent with the comprehensive plan, for approving or disapproving individual development proposals, based on whether or not they are compatible with an adopted plan

When evaluating the criteria for capital improvements, a community should determine if the investments will meet local economic and social needs; what net effect the investments will have on the environment, economy and community; and if the investments will be sustainable over time.

Capital improvement plans are generally designed for a five-to-10-year period and often include short-, mid- and long-term projects. A community should prioritize investments based on need and an identified funding source. The plans also should include objectives and policies to guide investment decisions.

Preparation of the plan is generally the joint responsibility of the local government's chief administrator, department heads, governing body, planning commission and citizen committees. The administrative organization used to prepare a capital

improvement plan may vary depending on local preferences, the form of government and available personnel. Minnesota law requires that the planning agencies in cities that have comprehensive plans review the capital improvement plan.

ASSESSMENT POLICIES AND PRACTICES

Infrastructure may also be financed through special assessments, which pass on the costs of improvements to the benefited property owners. Assessments, however, may not be fully chargeable to the benefiting property. Minnesota law limits assessments to no more than the increase in market value of the property as a result of the service or improvement. In such cases, costs not recovered through special assessment would be borne by the entire community.

While this approach gives the community control over design and construction of the improvement, the community must be prepared to take legal action and spend time and money to recover unpaid assessments.

DEVELOPMENT AND USER FEES

Minnesota law allows a community to make developers responsible for the cost of infrastructure needed to connect a new development to core utilities, including sanitary sewers, drinking water, storm sewers, streets, curbs and gutters, sidewalks, bike paths and parks. A developer, in turn, passes these costs on to the ultimate buyer in the sale price of a property.

Development-related costs that can be passed on to developers include development review and site construction inspection fees (including staff costs and overhead), building permit fees, wetland mitigation and park dedication fees.

Minnesota does not have enabling legislation that permits impact fees. Therefore, communities must use development and user fees cautiously and must relate the fees directly to costs associated with the development. A community should use great caution and work with an expert financial consultant and

legal counsel when contemplating using fees related to indirect off-site impacts.

TAX INCREMENT FINANCING

Tax increment financing allows a community to use the net increase in tax base of a particular development to finance the infrastructure or public investment that enables the development to occur. In a TIF district, the taxed value of property is frozen for general revenue purposes for the district's city, county, school district or other local entity assessing against the property. The tax revenue from the subsequent increase in property values is dedicated to paying off the public debt for infrastructure and other public investment in the TIF district. Once paid off, the full tax revenue stream is again available to the local taxing entities.

Using TIF for economic development offers potential benefits. Tax increment financing can be a powerful tool to facilitate development in areas or on parcels that would not otherwise attract private development capital, such as a brownfield site. The new development it generates can provide employment and tax base enhancement and may help spur general public improvement projects. Finally, tax increment financing offers a community an incentive-based approach to encourage private developers to meet a community's comprehensive plan goals and policies. A community can require that to receive the TIF designation, the development must employ local residents, provide living wage jobs or meet pollution prevention standards.

Tax increment financing also has potential downsides. One principal risk is that if the anticipated valuation increases do not occur, the community will have to pay off the incurred debt from general revenues. New tax revenues are withheld from various local governments, such as school districts, until debt for improvements is paid. These may end up costing Minnesotans more than they gain across the board. When school funding is compromised, for example, at the same time that housing development is encouraged, greater budget shortfalls may occur.

Also, the 2001 Legislature reduced property taxes for commercial and industrial properties and shifted more of the burden for funding schools from the property tax to the state. These changes significantly reduce the amount of money available for the tax increment subsidy or extend the time needed to pay off the debt.

MODEL ORDINANCE FOR ADEQUATE PUBLIC FACILITIES

XX.1. Purpose and Intent

- A. To ensure that public facilities needed to support new development meet or exceed the adopted level of service standards established by the Model Community Comprehensive Plan and this ordinance.
- B. To ensure that no rezonings are approved that would cause a reduction in the levels of service for any public facilities below the adopted level of service established in the Model Community Comprehensive Plan;
- C. To ensure that adequate public facilities needed to support new development are available concurrent with the impacts of such development;
- D. To establish uniform procedures for the review of rezoning applications subject to the concurrency management standards and requirements;
- E. To facilitate implementation of goals and policies set forth in the Model Community Comprehensive Plan relating to adequacy of public facilities, level of service standards and concurrency; and;
- F. To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

Source: *From Policy to Reality: Model Ordinances for Sustainable Development*, Minnesota Planning, September 2000.

PUBLIC FACILITIES AND INFRASTRUCTURE TOOLS

Public acquisition of land for parks, natural areas, resource protection and other public facilities has long been one of the most successful tools for implementing a community plan. In addition to purchasing land on the open market, accepting donations of land or requiring land dedication as a part of approving a subdivision, a community has three other options for meeting public facilities needs: easements, eminent domain and condemnation, and shared facilities.

ROCHESTER AREA INITIATIVE LOOKS TO INCREASE HOUSING

The Greater Minnesota Housing Fund, with funding from the Mayo Clinic, Rochester and the Rochester Area Foundation, developed the First Homes starter home initiative. This initiative will finance and build at least 875 “starter homes” in 15 cities in the Rochester area over a five-year period. Among other things, the First Homes initiative encourages efficient use of land and infrastructure to promote sustainable land use. The initiative also takes into account that the benefits of homeownership are also realized by local taxing entities such as schools, counties, municipalities, and local development authorities.

The First Homes initiative seeks to help communities establish standards and programs that support well planned neighborhood subdivision development, conservation of land and infrastructure, and cost reduction of single-family homes. The initiative also works to encourage development of efficiently planned residential areas that create healthy and cohesive neighborhoods that connect to other neighborhoods, services and public amenities.



Carole Zelle

Transportation facilities should be designed to meet the needs of bikers, inline skaters and pedestrians, as well as cars.

EASEMENTS

Purchasing an easement is an inexpensive way to protect land for public needs. The property owner retains ownership and use of the property, but the government gains the right to use it and to maintain facilities on it. If an easement is purchased for a storm water pond, however, and the owner wants to put a bike path around the pond, the parties would have to negotiate those additional rights.

EMINENT DOMAIN AND CONDEMNATION

Eminent domain gives communities the authority to condemn private property for public use as long as the landowner is reasonably compensated and a public purpose exists. To acquire property by eminent domain, communities must follow the requirements in Minnesota Statutes, Chapter 117. To begin the process, a local government must pass a resolution of intent. It must then file a petition with the district court stating the proposed public purpose. At this point, it is useful to have a comprehensive plan that makes it clear to the court what public purpose the condemnation will serve. If the court determines that the purpose is authorized, it appoints commissioners to determine the necessary compensation.

BUILDING PUBLIC FACILITIES AND OTHER INFRASTRUCTURE

A comprehensive plan should stipulate that adequate public facilities be in place before development takes place. Communities can therefore link their land use goals with their capital improvement programs so that public facilities known to induce growth are available in those areas where the community chooses to channel growth. For example, communities will want to evaluate the capacity of local schools when reviewing developments that will increase the population of school-age children. Sewers, water systems, roads, sidewalks, bike paths, parks and even the carrying capacity of green infrastructure can be addressed through a concurrency or adequate public facilities ordinance.

SHARED FACILITIES

Most communities have limited resources. This reality provides an extra incentive for a community to explore the option of sharing facilities with another community. Public facilities that might lend themselves to sharing arrangements include joint city and school district athletic facilities, multicity water treatment and storage facilities, wastewater treatment facilities and shared personnel in high-technology areas, such as engineering and computers.

HOUSING AND ECONOMIC DEVELOPMENT PROGRAMS

A community may establish several different types of organizations to promote economic development and housing. The type of organization depends on the activities targeted. In some communities, for example, business development and job creation are primary goals, while in others housing development is a priority. The kinds of development organizations include:

COMMERCIAL CLUBS

Commercial clubs are usually incorporated, tax-exempt organizations formed to promote community and retail events. Membership is usually composed of volunteers from retail businesses in the central or downtown business districts.

MODEL ORDINANCE DEFINES POWERS OF ECONOMIC DEVELOPMENT AUTHORITY

The following limits shall apply to the Economic Development Authority of *Model Community* and its operation:

- A. The sale of all bonds or other obligations issued by the EDA shall be first approved by the Council.
- B. The EDA shall follow the budget process for Model Community departments in accordance with city policies, ordinances and resolutions.
- C. Development and redevelopment plans of the EDA must conform to Model Community Comprehensive Plan, official controls implementing the comprehensive plan, and other growth management policies set by the Council.
- D. Development and redevelopment plans of the EDA must conform to any applicable performance standard in the Model Community Code, including those standards triggered by financial participation by Model Community in the development.
- E. The Council shall, from time to time, set general priorities for development and redevelopment activities of the EDA. The priorities must be consistent with the comprehensive plan and other growth management policies of Model Community. The current priorities of the EDA shall be as follows:
 - ▶ Stabilize the existing job and tax base by promoting existing business and business centers in the community.
 - ▶ Redevelop underutilized or vacant parcels in areas identified in the Comprehensive Plan as commercial districts or industrial parks, including recruitment of new businesses appropriate for a given area, redirecting proposed greenfield development to appropriate existing commercial or industrial areas, assembly of parcels to facilitate redevelopment, and assembly of financing.
 - ▶ Create tax base and jobs through technical and financial assistance programs for entrepreneurs.
 - ▶ Assist local businesses to comply with state and federal air and water emission requirements, and hazardous and solid waste management and reduction efforts.
 - ▶ Assist local businesses in improving resource productivity through greater energy efficiency and reduction of wastes.
 - ▶ Provide financial assistance to companies locating or expanding in Model Community. Conditions of any financial assistance provided by the EDA to companies locating or expanding in Model Community.

Source: *From Policy to Reality: Model Ordinances for Sustainable Development*, Minnesota Planning, September 2000.

CHAMBERS OF COMMERCE

Chambers are incorporated, nonprofit and tax-exempt organizations usually affiliated with state and national chambers of commerce. Their primary purpose is to promote local businesses and the community. Some chambers are also politically active and engage in such activities as lobbying. Chambers often sponsor education and training seminars for business managers and employees, and membership typically includes retailers, businesses, and city and county governments. Most chambers have limited staff, while some are larger and can become involved in tourism and business development.

FOR-PROFIT DEVELOPMENT CORPORATIONS

These corporations can be formed to develop and sell industrial land or provide financing for business development within the community. Shares are sold to local investors who are paid dividends for profits made on projects. Also, money invested can be repaid to stockholders. These corporations are subject to federal and state income tax.

NONPROFIT DEVELOPMENT CORPORATIONS

These are like for-profit corporations in that shares are sold, but no dividends are paid on shares. The nonprofit corporation must obtain either 501 (c) (3) or 501 (c) (4) status from the Internal Revenue Service. Donations made to a 501 (c) (3) are tax deductible, but obtaining 501 (c) (3) status can be difficult, expensive and time-consuming. Although 501 (c) (4) status is less difficult to obtain than the 501 (c) (3), only businesses may make contributions that are tax deductible; individual contributions are not tax deductible. Organizations with 501 (c) (3) status are usually not politically active due to regulations that limit expenditures on political activities.

DEVELOPMENT COMMISSIONS

A development commission is an advisory board appointed by the mayor and approved by the city council; it serves as a sounding board and first point of contact for development projects. Such commissions have limited or no decision-making authority but are often responsible for drafting strategies and policies for ratification and implementation by the governing body.

HOUSING REDEVELOPMENT AUTHORITIES

Housing redevelopment authorities are legal entities created by city councils or counties to provide sufficient supplies of adequate housing for low- to moderate-income residents. They also are charged with clearing and redeveloping blighted areas.

PORT AUTHORITIES

These are legal entities authorized by the Legislature to promote the general welfare of city port districts, increase the volume of commerce in the ports and provide facilities for handling, storing and shipping freight. A port authority has broader powers than a housing redevelopment authority or economic development association because it can issue general obligation bonds to finance a development without an election.

RURAL DEVELOPMENT FINANCE AUTHORITIES

These nonprofit corporations are established by counties or groups of counties through special legislation. They work to facilitate the production and processing of agricultural products and promote jobs in agriculture and natural resource industries.

JOINT POWERS BOARDS

These boards are created by two or more cities, townships or counties for a specific purpose, such as economic development or watershed protection. The agreement between the governments specifies the board's activities and powers.

ECONOMIC DEVELOPMENT AUTHORITIES

These have some of the powers of port authorities and all of those of housing redevelopment authorities. By law, economic development authorities are allowed to buy and sell property, make loans and grants to businesses, provide guarantees or other credit enhancements and sell bonds. Although these were originally designed to meet the needs of cities, legislation now allows counties to establish economic development authorities. Economic development authorities also can exercise the powers of cities (such as condemnation, or eminent domain) in connection with city development districts and the

powers of municipalities or development agencies in connection with municipal industrial development. By consolidating the powers of economic and housing development into one body, city officials are able to focus development on blighted areas while also creating programs that will prevent blight from occurring elsewhere. Economic development authorities can also be a vehicle for meeting the community's goals for resource conservation, job quality, pollution prevention, and growth management.

REVIEWING AND UPDATING A PLAN

A community should regularly review its comprehensive plan to evaluate the success of its implementation efforts and ensure the plan remains up to date as the community evolves. The community progress and plan monitoring indicators discussed in the chapter, *Setting a Community's Course*, should help a community do this.

Minnesota Statutes, Section 473.864 requires local governments in the Twin Cities metropolitan area to review and update their local comprehensive plans, official controls and fiscal devices at least once every 10 years.

To ensure the ongoing review of a plan, a planning commission should incorporate annual reports of the plan into its order of business, tying the review to the government's annual budget cycle. For example, a planning commission could present an end-of-the-year report to the governing body during the first quarter of the new year that would identify activities to be undertaken in the next 12 months and items to be considered in the next budget cycle.

SAMPLE MUNICIPAL COMPREHENSIVE PLAN ADOPTION AND AMENDMENT PROCESS

Proposing. Plan/amendments may be proposed or developed by governing body or planning agency.

Considering. A plan/amendment proposed by a local governing body must be considered by the planning agency. It has 60 days to deliberate and get input from neighboring jurisdictions and general public and report back to the governing body on any plan amendment.

Notifying affected properties. Owners of property proposed for redesignation should be notified and given ample opportunity to be heard.

Required public hearing. Planning agency holds a public hearing on the final plan/amendments, makes any necessary additional changes and submits its recommendation to the governing body.

Optional public hearing. Governing body may elect to hold a second public hearing.

Adopting as recommended. Governing body considers recommendations of planning agency and public hearing comments, and adopts plan.

Adopting with modifications. If the governing body modifies planning agency recommendations, the plan should be returned to the agency for reconsideration before final adoption.

