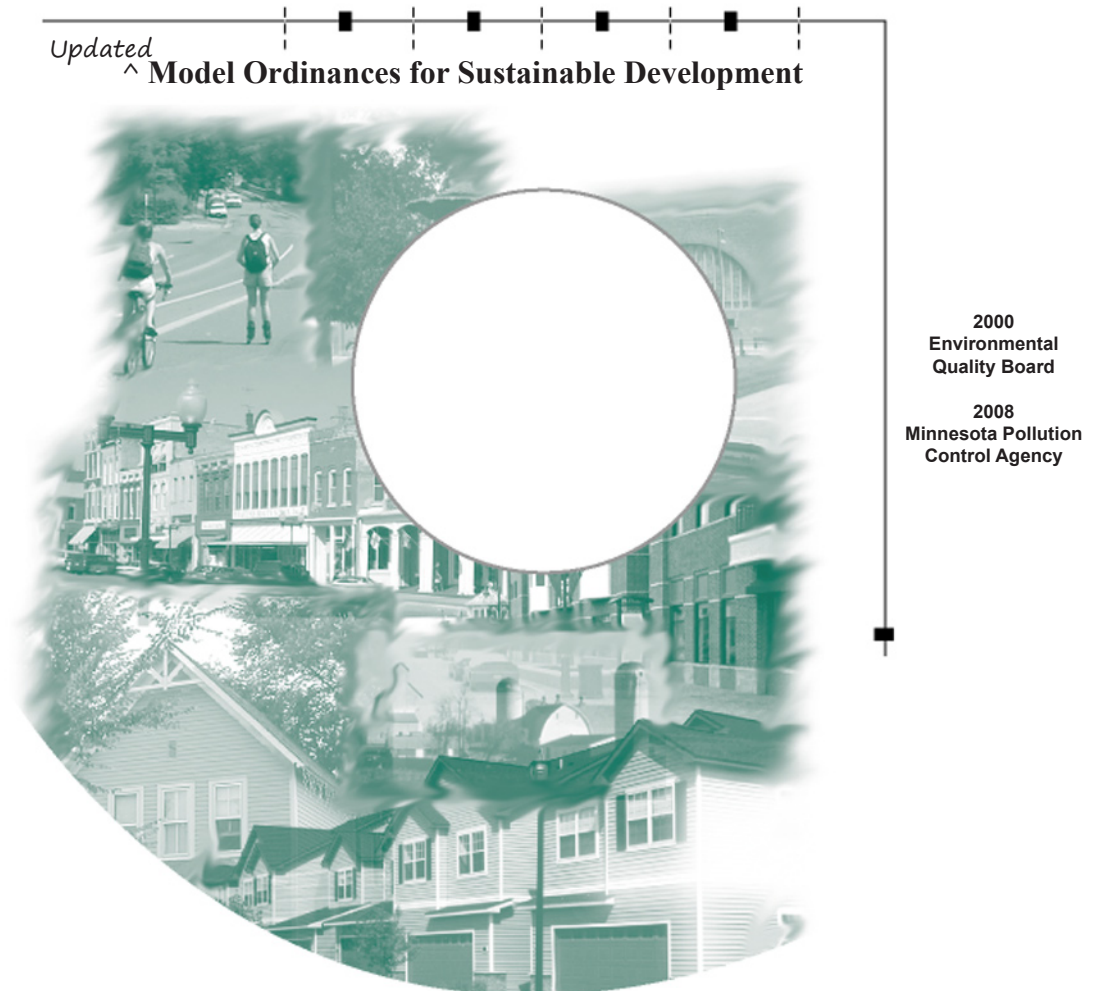


From Policy to Reality



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INTRODUCTION

An effective growth management plan clearly establishes residential growth areas within and adjacent to existing urban areas. This can be accomplished several ways, including by defining an urban growth boundary and residential Districts within the boundary. This Chapter addresses the issue of preventing inefficient development outside the urban growth area while protecting natural resources and basic economic activities. These goals can be accomplished by establishing an Agriculture and Forest Protection District.

Agricultural soils and forested lands for timber production are natural resources necessary for the economic activities of farming and timber harvesting. A diverse economy is essential to sustaining a community through downturns in any single industry. Agriculture and timber harvesting are also natural resource based activities that can be conducted in a sustainable manner using renewable resources. Farms can also provide locally-grown food to the community. Many of Minnesota's counties and townships rely heavily on agriculture and forestry for economic activity. This Chapter applies to communities with rural agricultural and forested areas.

In addition to preventing the development of forested land, Model Community may wish to go further and protect some special and unique forested areas by limiting certain activities in these areas. This issue is addressed through the use of natural resource performance standards or conservation development as discussed in other sections.

Prior to adopting an ordinance, Model Community should establish goals and policies supporting the protection of agricultural and forested land in their comprehensive plan. These goals and policies should state the sustainability and natural resource based reasons for protecting and maintaining agricultural and forested areas within the community.

There are several effective methods of protecting agricultural and forest lands through ordinances. Underlying each of these ordinance types is the community's decision to direct non-farm and non-forest land uses away from farming and forested areas. This Chapter provides language for more than one alternative.

Agriculture and forestry are combined in this model ordinances because of their similar characteristics: need for large contiguous parcels of land for economic use; conflicts with residential uses arising from the industrial aspects of agriculture (e.g., noise, dust, chemical application) and forestry (e.g., use of large machines, trucking, changing the visual aspect of the forest by cutting).

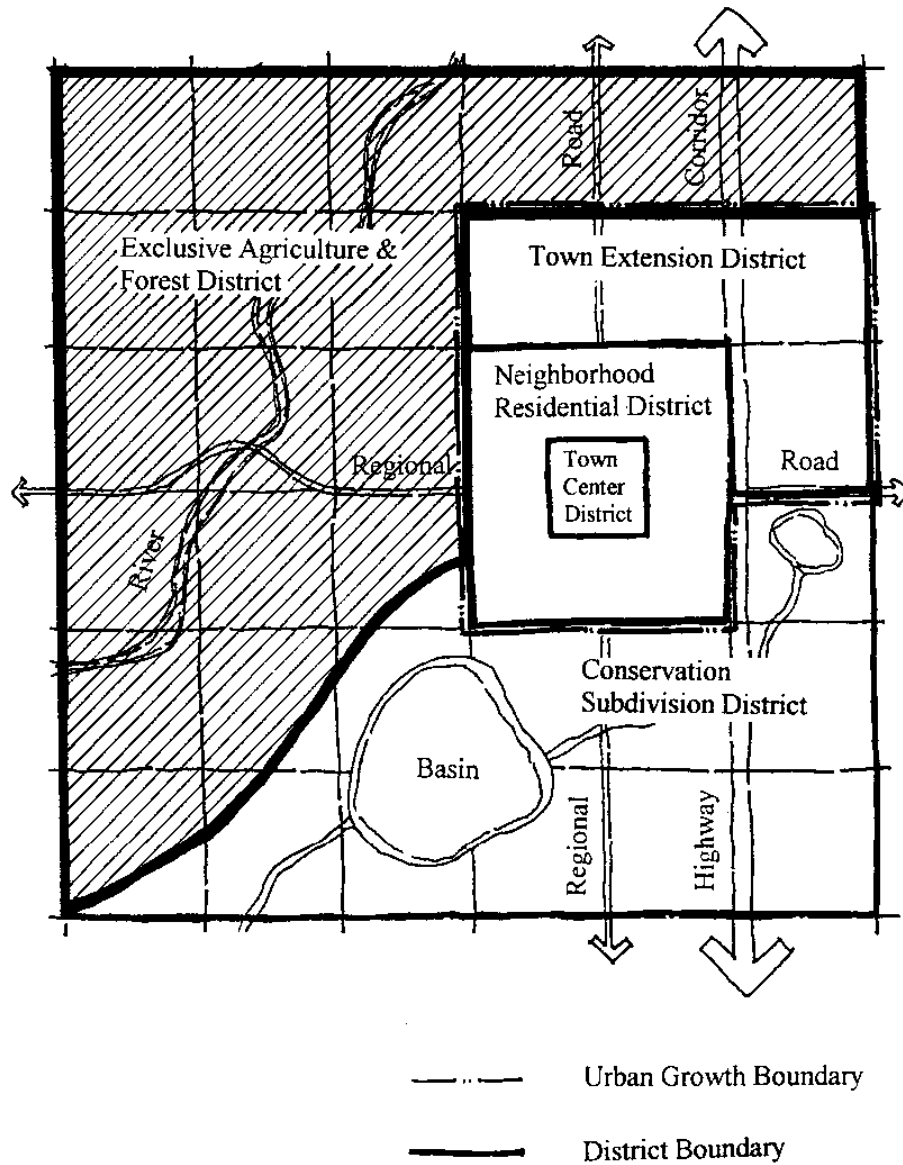
Agriculture and Forest Protection District

The agriculture and forest protection model ordinance is derived from the following sources:

- *Model agricultural district in Planning and Zoning for Farmland Protection: A Community Based Approach, 1987, by the American Farmland Trust.*
- *Model Agricultural Zoning Ordinance in Holding Our Ground: Protecting America's Farms and Farmlands, 1997, by Tom Daniels and Deborah Bowers.*

Also, agriculture is frequently tied to the presence of soil types suited to agricultural production. Good soils can not be moved and nonfarm development on these soils diminishes the quantity available for agriculture. Agriculture that is economically dependent on good soils must be on sites with good soils - land uses that do not need good soils can be located elsewhere.

Farming, however, does not occur exclusively on good agricultural soils, but farms may include land with good soils, poorer soils and forest land. Therefore, the ordinances do not limit agricultural protection Districts to lands with good agricultural soils. Animal agriculture, in particular, can be practiced on lands with marginal soils, and animal agriculture can have a higher level of conflict with non-agricultural development than crops. Similarly, working forest land is not dependent on soils types and probably more dependent on the historic land use patterns. The Agriculture/Forest Protection District boundaries are more often are tied to areas that have historically been farming or forestry areas.



I. Intent and Purpose

Intent and Purpose

Communities may wish to protect just one of the resources (soils, historic agriculture, working forests). If the community wishes to focus on just one resource, the ordinances can be modified to specify just agricultural lands, forest lands, or some other resource-specific definition.

- A. **Intent** - The Agriculture and Forest Protection District as Model Community is intended to protect areas of the community which are well suited for production of food, fiber, and wood fiber. It is also the intention of this ordinance to minimize conflicts between incompatible uses by directing non-farm/forestry residential uses to other Districts within the community.
- B. **Purpose** - The purposes of the Agriculture and Forest Protection District are:
1. To protect and promote the continuation of farming in areas with the most suitable soils.
 2. To protect and promote the continuation of forestry as a long-term industry in areas suitable to forestry.
 3. To protect and promote the continuation of farming and forestry in areas of Model Community that have historically contained these uses and therefore have developed compatible residential patterns and transportation infrastructure.
 4. To permit primarily agriculture and forestry land uses and activities. To separate agricultural and forestry land uses and activities from incompatible residential, commercial, and industrial development, and public facilities.
 6. To achieve the goals of growth management, natural resource protection, and economic diversity as stated in the Model Community Comprehensive Plan.
 7. To prevent the conversion of agricultural and forest land to scattered non-farm/forest development which when unregulated, unnecessarily increases the cost of public services to all citizens and often results in the premature disinvestment in agriculture or forestry.
 8. To preserve wetlands and natural areas associated with farms and forest land which because of their natural physical features, are useful, as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the community.

II. Definitions - For the purpose of this Ordinance, certain words and phrases are defined as follows:

Agricultural Land - Land whose use is devoted to the production of livestock, dairy animals, dairy products, poultry, poultry products, nursery plants; Christmas trees; forages and sod crops; grains and feed crops; and other similar uses and activities, including equestrian activities.

Farm or Forest Parcel - A tract or parcel of land containing at least 25 acres, devoted primarily to agricultural or forestry uses, may contain a dwelling or other accessory uses.

Non-farm/forest Lot - A lot or parcel containing less than 25 acres and containing one or more dwelling units; or a lot within an agriculture or forest zoning district devoted to uses other than agriculture, forestry, or residential uses.

Parent Tract - Each tract of land located within the Agriculture and Forest Protection District on the effective date of this ordinance, and held in single and separate ownership.

III. Permitted Uses

A. The following uses of land are permitted in this district :

1. All forms of agriculture, horticulture, and animal husbandry, including necessary farm structures;
2. All forms of forestry uses, including processing, and necessary structures;
3. Single-family dwelling units directly associated with farm and forest uses;
4. Production nurseries and production greenhouses;
5. Wildlife refuges and fish hatcheries;
6. Conservation areas; and
7. Transmission and distribution lines, and pipelines of public utility companies within existing public rights of way.

B. The following uses accessory to the principal agriculture or forestry uses:

1. Roadside stands, not more than 300 square feet in size, for the sale of agricultural products, at least half of which are grown on the premises;
2. Garages;
3. Manure storage facility; and
4. Noncommercial recreation, which may include hunting by persons other than the landowner for which a nominal fee is paid to the landowner.

IV. Conditional Uses

- A. The following are conditional uses in the Agriculture and Forest Protection District that require a conditional use permit based upon procedures, factors and conditions set forth in other regulations of Model Community:
 - 1. Single-family dwelling units on non-farm/forest lots, provided that:
 - a. The permit application for construction includes a scaled drawing indicating the location of the proposed dwelling relative to the surrounding parcels;
 - b. The dwelling is sited on that portion of the lot which separates it as much as possible from adjacent farming and forestry, including minimizing the length of property lines shared by the residential lot and the adjoining farms and forest used for production;
 - c. The dwelling and its lot are located on the least productive agriculture and forest land wherever practical; and
 - d. The dwelling is sited on the smallest practical areas to satisfy the requirements of this ordinance and on-site sewage disposal requirements.
 - 2. Temporary farm housing, provided that this use:
 - a. Takes place on a farm of at least twenty-five acres;
 - b. Utilizes mobile homes or manufactured housing;
 - c. Is used only to house farm laborers; and
 - d. Is removed when farm laborers no longer occupy the housing;
 - 3. Home occupations as defined by Model Community in other ordinances
 - 4. The conversion of a single-family dwelling to a two-or three family dwelling
 - 5. Bed and breakfast inns
 - 6. Family care for fewer than six (6) children or adults
- B. At a minimum, the following standards shall be applied when reviewing applications for conditional use permits within the Agriculture and Forest Protection District:
 - 1. 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.
 - 2. 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.
 - 3. The proposed use shall be located in close proximity to existing buildings whenever possible and appropriate.

- V. Incompatible Uses** - Uses not specifically permitted by subsection XX.03 above are not permitted in the Agriculture and Forest Protection District. In general, uses and activities that are not directly related to agriculture or forestry, including, but not limited to the following, are incompatible with this District, alter the essential character of the District, and are not permitted:
- A. Uses and activities that induce non-farm/forest development
 - B. Uses and activities that generate large amounts of traffic
 - C. Uses and activities that require substantial parking
 - D. Landfills
 - E. Golf courses
 - F. Airports
 - G. Country clubs

VI. Minimum Area Requirements and Limitations on Subdivision of Parent Tracts

- A. In order to protect agricultural and forest uses within this District, it is the intent of this provision that the creation of non-farm/forest lots and the subdivision of parcels from parent tracts shall be limited, in order to provide for the retention of tracts of sufficient size to be used reasonably for agricultural and forestry purposes.
- B. Each parent tract of forty (40) or more acres shall be permitted limited rights of subdivision. Each parent tract of forty (40) or more acres shall be permitted to subdivide a combination of one or more farm/forest parcels and/or non-farm/forest lots up to, but not in excess of, a total of one such non-farm/forest lot or one such farm/forest parcel for each forty (40) acres of area within the parent tract. For example, a parent tract having one hundred twenty (120) acres is permitted three subdivisions into a total of three lots or parcels. The subdivisions may produce one of the following combinations:
 - 1. The remainder of the parent tract, and two farm/forest parcels; or
 - 2. The remainder of the parent tract, and one farm/forest parcel, and one non-farm/forest lot; or
 - 3. The remainder of the parent tract, and two non-farm/forest parcels.

- C. The minimum areas required for parcels and lots are:
 - 1. A non-farm/forest lot subdivided from a parent tract shall have a minimum of one (1) acre and a maximum of two (2) acres.
 - 2. A farm/forest parcel subdivided from a parent tract shall have a minimum of twenty-five (25) acres.
 - 3. All other permitted uses and uses allowed by conditional use permit shall have a minimum lot area of one (1) acre.
- D. One single-family dwelling unit may be erected on any single undeveloped parent tract (lot of record) as of the effective date of this ordinance, notwithstanding the requirements of section XX.06.B above. Such lot must be a parent tract in single ownership and not contiguous with other tracts in the same ownership. The parent tract must meet applicable design standards as stated in section XX.07 of this ordinance.
- E. The provisions of this section shall apply to all parent tracts as of the effective date of this ordinance. Regardless of size, no parcel or lot subsequently divided from its parent tract shall qualify for additional single-family dwellings or lots pursuant to this section. All subsequent owners of parcels of land subdivided from a parent tract shall be bound by the actions of the previous owners of the parent tract. Any subdivision or land development application hereafter filed for a parent tract shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of dwellings as determined and limited by the provisions of this section.

VII. Design Standards - In general, the use of land and structures within the Agriculture and Forest Protection District shall seek to maximize agriculture and forest productivity. The use of land and structures must also conform to the following design standards that create a minimum level of consistency in lot and parcel configuration:

- A. All lots or parcels shall have a minimum width of one hundred (100) feet at the building setback line and sixty (60) feet at the street right-of-way line.
- B. All structures located on non-farm/forest lots shall have a minimum front and rear yard of twenty-five (25) feet, and a minimum side yard of ten (10) feet on each side.
- C. All structures located on farm or forest parcels shall have a front setback of at least fifty (50) feet from the street right-of-way line.

- D. The maximum height of a residential building is thirty-five (35) feet. The maximum height of all other permitted and accessory buildings is seventy-five (75) feet, excluding silos and windmills, which shall, however, be set back a distance at least equal to their height from all property lines.
- E. The total impervious coverage, including structures and other impervious surfaces, of a non-farm/forest parcel shall not be more than ten percent (10%).
- F. On-site septic systems shall comply with the Model Community septic ordinance and County Health Department requirements.
- G. A driveway shall be separated from adjacent driveways on the same side of the road by the following minimum distances:
 - 1. Local secondary road: 100 feet
 - 2. County primary/state highway: 125 feet
 - 3. Minimum distance from an intersection: 80 feet

VIII. Agriculture and Forest Management Standards

- A. All farms shall develop and keep current soil conservation and nutrient management plans in compliance with Natural Resource Conservation Service standards.
- B. All forest parcels shall be managed to sustain the forest resource in accordance with the following standards:
 - 1. Privately held land
 - 2. Land owned by Model Community
 - 3. Land publicly owned by an entity other than Model Community, but managed by Model Community.

Agriculture and Forest Management Standards

The community can choose to adopt a variety of soil management standards, that range from the soil and nutrient management noted in Chapter XX.08, Section A, to certifying as “organic” farms that choose to capture added value in retail markets. Such certification can be encouraged in ordinance and implemented through programs or incentives.

Section B discusses forest management standards. A number of sustainable forest management standards can be used by the community to meet sustainable forestry goals. Lands owned by or managed by the community should use a rigorous and complete set of standards, such as the Minnesota Forest Resource Council’s Voluntary Forest Management Guidelines, or certification under the Forest Stewardship Council (FSC) or the Sustainable Forestry Initiative (administered by the American Forest & Paper Association). The Voluntary Guidelines do not require third party certification, but do set a verifiable sustainable management standard. Alternatively, the community can adopt standards that not only sustain the resource, but add value to the timber product through third party certification. The American Forest & Paper Association management standards allow self-auditing or third party certification to ensure sustainable harvest and management of forest lands. Aitken County, Minnesota enrolled county-managed forest lands under the “Smartwood” certification. Smartwood is one of the official certification entities for the FSC’s sustainable forest products program. FSC’s mission is to enhance the retail value of forest products that come from sustainably-managed forest lands. FSC certified forests must meet strict standards that protect forest eco-systems, water quality, and wildlife habitats, and strengthen local economies.

The community can set management standards for privately owned land as well, or it can develop educational or incentive programs to supplement the zoning protection described above. Land owned by forest products companies frequently must meet specific forest management guidelines set by the corporate parent. These guidelines may be sufficient to ensure sustainable management of these forest parcels.