

Conservation Subdivision

Introduction

Conservation Subdivision is a method of development characterized by clustering homes adjacent to permanently preserved, common open space. Conservation subdivisions are quite similar to home-site developments adjoining a golf course. First, critical natural areas and community recreational areas are identified and protected. Then, buildable areas are identified and a majority of the lots and homes are clustered around these protected areas. Conservation subdivisions create a greater sense of community and allow more interaction with the outdoor environment. These benefits make conservation subdivision more attractive and economical than conventional lot-block subdivision.

Open spaces provide walking and biking trails, play areas, and community gathering places. Protected natural areas mean lower development costs, preservation of critical habitat, and less pollution runoff into adjoining lakes, streams and wetlands. Developers can still build at full residential densities, and often sell lots at a premium because people prefer living next to permanently preserved open space. Development costs can also be 12 to 20 percent lower for conservation subdivisions. This is because conservation subdivision requires much less landscape alteration and shorter, narrower street pavements than conventional subdivisions. Consequently, long-term maintenance costs are significantly less, since infrastructure is reduced. More compact layouts also result in shorter sewer and water connections and arterial roads. Public service costs of such developments are 4 to 8 percent lower than the cost for large lot-block developments. Depending on how open space is incorporated into the site design and how stormwater is managed, construction and infrastructure cost savings are between 11 and 66 percent. All this leads to both higher property values and greater protection of natural resources, which strengthens local economies. Finally, these developments do not require local units of government to establish and maintain open space areas for our communities.

The primary reason for utilizing conservation subdivision is to protect natural resources and other sensitive areas. Conservation subdivisions are a valuable tool for protecting water quality and natural habitat because they require less impervious surface coverage than conventional lot-block subdivisions of the same size. Also, vulnerable natural features can be incorporated within the open space, instead of being a part of someone's private lot. Large conservation subdivisions have the potential to protect significant natural habitat and preserve the hydrologic balance in shoreland areas.

In order to promote the use of conservation subdivisions over conventional lot-block subdivisions, the local unit of government should establish disincentives for conventional subdivisions. One effective disincentive is to require that conventional subdivision lot sizes be at least two (2) times the lot size used to determine densities for a conservation subdivision. In addition, lot widths for all riparian lots in conventional subdivisions should be set at least one and one-half (1½) times the width used for conservation subdivisions. These measures are vital to establish an incentive to use conservation subdivision over conventional subdivision.

Conservation Subdivision Provisions for Local Land Use Regulations

NOTE: The following “model” language is intended to allow the Local Unit of Government to directly incorporate CONSERVATION SUBDIVISION standards into their existing land use regulations. It is assumed that the Local Unit of Government already has “approved” Shoreland Management regulations in effect and that this model language will be appropriately adjusted to conform to the administration and organization of existing regulations.

Δ.0 Definitions.

(the following definitions should be included in the appropriate section of the Local Government’s land use regulations. Where a particular definition already exists within the Local Government’s land use regulations, the new definition should be substituted.)

Alternative Shoreland Management Standards.

“Alternative Shoreland Management Standards” means an optional set of Shoreland Management Standards developed pursuant to the Governor’s 2003 Clean Water Initiative and offered for use by local units of government to compliment and enhance their existing shoreland management regulations. These Alternative Shoreland Management Standards are referenced herein as *part ALT6120 et. seq.*, dated December 12, 2005.

Bluff.

"Bluff" means a topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- part or all of the feature is located in a shoreland area;
- the slope rises at least 25 feet above the ordinary high water level of the waterbody;
- the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and the slope must drain toward the waterbody.

An area with an average slope of less than 18 percent over a distance for 50 feet or more within the bluff may be exempted from the bluff standards.

Bluff impact zone.

"Bluff impact zone" means a bluff and land located within thirty (30) feet from the top of a bluff.

Buildable area.

“Buildable area” is the minimum contiguous area remaining on a lot or parcel of land after all setback requirements, bluffs, areas with slopes greater than twenty-five (25) percent, all easements and rights-of-way, historic sites, wetlands, and land below the ordinary high water level of public waters are subtracted for the purpose of placement of structures.

Clustering or clustered.

“Clustering” or “clustered” means a development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

Common open space.

“Common open space” means a portion of a development site that is permanently set aside for public or private use, is held in common ownership by all individual owners within a development, and will not

be developed. Common open space shall include wetlands, upland recreational areas, wildlife areas, historic sites, and areas unsuitable for development in their natural state. Common open space is not the space between buildings of a cluster in a conservation subdivision and planned unit development, and it does not include an area of twenty-five (25) feet around each structure or any impervious surface.

Conservation subdivision.

“Conservation subdivision” is a method of subdivision characterized by common open space and clustered compact lots, with the purpose of creating greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities. Site designs incorporate standards of low impact development, such as the use of some single-load roadways and narrower rights-of-way, looped roadways versus cul-de-sacs, maximum road setbacks for structures, and preservation of trees, shoreline, unique resources, and scenic vistas, and these developments use stormwater designs that emphasize on-site retention and infiltration through the preservation of native vegetation within the shore impact zone, use of pervious surfaces, rain gardens, and swales.

Conventional subdivision.

“Conventional subdivision” means a pattern of subdivision development that permits the division of land in the standard form where lots are spread evenly throughout a parcel with little regard for natural features or common open space as compared to a conservation subdivision where lots are clustered and common opens space is provided.

Dwelling site.

"Dwelling site" means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling unit.

"Dwelling unit" means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Height of building.

"Height of building" means the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or mean height between the eaves and the ridge for gable, hip, mansard, gambrel, or other pitched or hipped roofs.

Impervious surface.

“Impervious surface” means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, storage areas, and concrete, asphalt or gravel driveways.

Lot.

"Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Lot width.

"Lot width" means the shortest distance between lot lines measured at the midpoint of the building line for riparian lots. For nonriparian lots, the lot width is the shortest distance between side lot lines as measured at the midpoint of the longest axis of the lot.

Ordinary high water level (OHW).

"Ordinary high water level" means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Plat.

"Plat" means a map or drawing, conforming to Minnesota Statutes, chapter 505, which graphically delineates the boundaries and dimensions of land parcels for the purpose of identification and record or title.

Public waters.

"Public waters" means any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a. However, no lake, pond, or flowage of less than ten (10) acres in size in municipalities and twenty-five (25) acres in size in unincorporated areas need be regulated for the purposes of Minnesota Rules, parts 6120.2500 to 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from Minnesota Rules parts 6120.2500 to 6120.3900.

The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner of Natural Resources.

Recreation use area.

"Recreation use area" is the area allowed within the shore impact zone for residential lots, conservation subdivisions, planned unit developments, and new resorts.

Residential lot suitable area.

"Residential lot suitable area" is the minimum area on a residential lot or parcel of land that is the sum of the buildable area and the sewage treatment system suitable area for unsewered areas or the buildable area in sewerred areas.

Secondary shoreline buffer zone.

"Secondary shoreline buffer zone" means the land located between the shore impact zone and the structure setback.

Setback.

"Setback" means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, natural resource feature (e.g., wetlands or heritage elements), road, highway, property line, or other facility.

Sewage treatment system.

"Sewage treatment system" means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Minnesota Rules, chapter 7080.

Sewage treatment system suitable area.

"Sewage treatment system suitable area" is the area meeting or exceeding the site requirements of Minnesota Pollution Control Agency individual sewage treatment system rules, Minnesota Rules, chapter 7080, for the purpose of soil treatment or drainfield areas and future additional sites.

Sewer system.

"Sewer system" means pipelines or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore impact zone.

"Shore impact zone" means land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback, but not less than fifty (50) feet. This area serves as the primary shoreline buffer.

Shoreland.

"Shoreland" means land located within the following distances from public water: one thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and three hundred (300) feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Significant historic site.

"Significant historic site" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Steep slope.

"Steep slope" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes

over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Structure.

"Structure" means any building or appurtenance, including decks, platforms, carports, and roof overhangs, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subdivision.

"Subdivision" means land that is divided for the purpose of sale, rent, or lease, including planned unit development.

Suitable Area.

"Suitable Area" is the area remaining on a lot or parcel of land after bluffs, areas with slopes greater than twenty-five (25) percent, all easements and rights-of-way, historic sites, wetlands, land below the ordinary high water level of public waters, and all setback requirements, except the ordinary high water level structure setback, are subtracted.

Toe of the bluff.

"Toe of the bluff" means the lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

Top of the bluff.

"Top of the bluff" means the higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

Water-oriented accessory structure or facility.

"Water-oriented accessory structure or facility" means a small, building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks and platforms.

Wetland.

"Wetland" means any lands as defined in Minnesota Statutes, section 103G.005, subd. 19. These lands are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have the following three attributes: (1) have a predominance of hydric soils; (2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (3) under normal circumstances support a prevalence of such vegetation.

Δ.0 Conservation Subdivision.

(the following provisions should be included in the appropriate section of the Local Government's land use regulations. Generally, this would be within the Subdivision Ordinance or the Subdivision provisions of a free-standing Shoreland Management Ordinance.)

Δ.1 Scope.

[insert name of Local Unit of Government] encourages the use of conservation subdivision for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Each lot or dwelling site created as part of a conservation subdivision shall be suitable in its natural state for the proposed use with minimal alteration. The land use districts in which a conservation subdivision is an allowable use are identified in the land use district description in *[insert reference to the appropriate Section of the Local Government's existing Zoning Regulations or free-standing Shoreland Management Ordinance]* and the official zoning map.

Δ.2 Adoption of Alternative Shoreland Management Standards by reference.

Those parts of Minnesota's Alternative Shoreland Management Standards cited within this Section as *part ALT6120 et. seq.* are hereby adopted by reference and shall have the same force and effect as if fully set forth herein.

Δ.3 Application for a Conservation Subdivision.

All applications for creating a conservation subdivision shall require a conditional use permit, pursuant to *[insert reference to the appropriate Sections of the Local Government's existing Zoning and Subdivision Regulations or free-standing Shoreland Management Ordinance]*. Developers considering the use of conservation subdivision are encouraged to meet with the Zoning Administrator and/or Planning Commission prior to the submission of an application for a permit, so that potential developers have an opportunity to understand the design features, information requirements and review process required. The sketch map should identify the primary and secondary conservation areas and the proposed development areas. In addition, no approval shall be granted until any required environmental review process (EAW/EIS) is completed.

Δ.4 Information requirements.

An applicant for a conservation subdivision shall submit the following documents and information prior to final action being taken on the application request:

Δ.41 Site Map and Plan.

A site map or plan shall be prepared showing all of the following features:

- A. Topographic contours at ten-foot intervals or less, obtained from United States Geological Survey maps or more accurate sources, showing limiting site characteristics such as bluffs and slopes greater than twenty-five (25) percent;
- B. Surface water features as required in Minnesota Statutes, section 505.02, subdivision 1, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
- C. Adequate soils information to determine suitability for the construction and placement of two (2) standard on-site sewage treatment system capabilities for every lot, from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods; and
- D. All existing and proposed property boundaries and easements, existing and proposed roadways, structures, sewage treatment systems, trees, unusual geological features, vernal pools, wetlands, water-oriented facilities, including docks, continuous watercraft mooring sites, swimming beaches, rafts, buoys and markers delineating swimming and bathing areas, and other natural features on both the proposed development site and on adjacent properties.

Δ.42 Additional information.

Additional documentation shall be prepared which provides all of the following information:

- A. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths out to fifteen (15) feet, type of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
- B. Documents that explain how the project is designed and will function. These shall include all covenants, operating rules and procedures of any property owners association, all easements associated with the development, a concept statement describing the project, all structures, and various other drawings or plans; and
- C. For all conservation easements, a statement of preliminary acceptance from a qualified holder as defined in Minnesota Statutes, section 84C.01-02.

Δ.5 Site evaluation.

Proposed new developments or expansions to existing developments shall be evaluated using the following procedures and standards.

Δ.51 The project parcel shall be divided into riparian and nonriparian zones by locating a line approximately parallel to a line that identifies the ordinary high water level:

Shoreland Classification or Land Use District	Shoreland Riparian Zone (feet from Ordinary High Water Level)
General development lakes	200
Recreational development lakes	267
Natural environment lakes	400
Sensitive Area Districts (lake)	400
Special protection lakes	400
All river classes	300

Δ.52 The suitable area within each zone shall then be determined.

- A. The suitable area shall be the area remaining on a lot or parcel of land after bluffs, areas with slopes greater than twenty-five (25) percent, all easements and rights-of-way, historic sites, wetlands, land below the ordinary high water level of public waters, and all setback requirements, except the ordinary high water level structure setback, are subtracted;
- B. This area shall be subjected to the development density calculation set forth in Section Δ.54 in order to arrive at an allowable number of dwelling units/sites;
- C. In areas with overlapping districts due to close proximity of public waters to each other, topographic divides shall be used to determine which shoreland standard would apply, and in those areas where the topographic divide can not be determined, the more restrictive rules for the area shall be used.

Δ.53 Minimum structure setbacks for all conservation subdivisions shall be as follows:

Shoreland Classification or Land Use District	Structure setback from ordinary high water level (feet)
Special Protection	200
Natural Environment	200
Recreational Development	150
General Development	120
Agricultural, Urban & Tributary river	100
Forested and transition river	150
Remote river	200
Sensitive Area District	200

Δ.54 Development density calculation

The development density calculation and lot dimensions for conservation subdivisions shall be as follows:

- A. The suitable area determined from Section Δ.52 within each zone shall be divided by the *single residential lot size* standard for the applicable shoreland class and/or land use district as shown in the following table:

Shoreland Class or Land Use District	Riparian Lot Residential Lot Size (square feet)	Nonriparian Lot Residential Lot Size (square feet)
Special Protection	217,800	217,800
Natural Environment, Sensitive Area District, Remote River, Forested River, & Transitional River	80,000	80,000
Recreational Development & Agricultural River	40,000	40,000
General Development, Urban River, & Tributary River	30,000	40,000

TABLE FOR CITIES ONLY:

Shoreland Class or Land Use District	Riparian Lot Residential Lot Size (square feet)	Nonriparian Lot Residential Lot Size (square feet)
Special Protection	217,800	80,000
Natural Environment, Sensitive Area District, Remote River, Forested River, & Transitional River	80,000	40,000
Recreational Development & Agricultural River	40,000	20,000
General Development, Urban River, & Tributary River	30,000	20,000

Δ.55 Lot dimension Standards in Shoreland Areas without Publicly Owned Sewer Systems or a Large Subsurface Sewage Treatment System (LSTS) Permit

Where a publicly owned sewer system is not available or where the development has not received a Minnesota Pollution Control Agency LSTS permit, the lot dimensions for all lots created within a conservation development shall be as follows:

- A. The lots in the riparian zone shall follow the lot dimension standards in ALT6120.3300, Subp. 2a and 2b [or insert a reference to the existing lot dimension standards of the local unit of government, whichever is the most restrictive.]. No lot shall extend into the shore impact zone.
- B. The median nonriparian zone lot size for the conservation development shall be less than 10,000 square feet, and all lots must meet the structure setbacks in ALT6120.3800, Subp. 3, Item C [or insert a reference to the existing setback standards of the local unit of government, whichever is the most restrictive.].
- C. For each single family nonriparian residential lot, the buildable area shall be a minimum of 6,000 square feet.
- D. The calculation from Section Δ.54, Subpart A. shall be used to determine the maximum number of dwelling units or sites authorized for each zone;
- E. Allowable densities may be transferred from the riparian zone to the nonriparian zone. Structures that straddle zones shall be rated as part of the riparian zone.

Δ.56 Lot dimension Standards in Shoreland Areas with Publicly Owned Sewer Systems or a Large Subsurface Sewage Treatment System (LSTS) Permit

Where a publicly owned sewer system is available or where the development has received a Minnesota Pollution Control Agency LSTS permit, the lot dimensions for all lots created within a conservation development shall be as follows:

- A. For each single family residential lot, the buildable area shall be a minimum of 6,000 square feet. No lot shall extend into the shore impact zone.
- B. The median nonriparian zone lot size for the conservation development shall be less than 10,000 square feet, and all lots must meet the structure setbacks in ALT6120.3800, Subp. 3, Item C [or insert a reference to the existing setback standards of the local unit of government, whichever is the most restrictive.].
- C. The calculation from Section Δ.54, Subpart A. shall be used to determine the maximum number of dwelling units or sites authorized for each zone;
- D. Allowable densities may be transferred from the riparian zone to the nonriparian zone. Structures that straddle zones shall be rated as part of the riparian zone.

Δ.6 Design and Maintenance criteria.

Conservation subdivisions shall conform to all of the following design and maintenance criteria.

Δ.61 The design of all developments shall incorporate all of the following requirements:

- A. All developments shall contain at least three (3) contiguous acres of buildable area with a lot width of four hundred (400) feet;
- B. Developments shall establish common open space meeting all of the following criteria:

1. at least fifty (50) percent of the total project area shall be permanently preserved as common open space.
 2. Common open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
 3. at least seventy-five (75) percent of the common open space shall be upland area;
 4. at least thirty-three (33) percent of the common open space shall be retained in a contiguous area;
 5. the land area of all dwelling units/sites and accessory structures, the space between buildings in a cluster, an area of twenty-five (25) feet around each structure, all road rights-of-way, and all land covered by impervious surfaces, road surfaces, parking areas, or structures, shall not be included in the computation of common open space;
 6. open space may include outdoor recreational facilities for use by owners of the dwelling units/sites, or the public;
 7. the shore and bluff impact zones, based on structure setbacks in Section A.53, shall be included as common open space;
 8. the appearance of common open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of permanent easements, public dedication and acceptance, or other equally effective and permanent means. For permanent easements, a willing party for receiving easements must be declared, otherwise a party may be assigned pursuant to Minnesota Statutes 375.18, Subp. 12;
 9. common open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
 10. common open space shall not include commercial facilities.
- C. Developments shall provide for the management of vegetation within all common open space as follows:
1. a shoreland vegetation buffer plan designed and implemented meeting the standards in part ALT6120.3300, Subp. 4; [or insert a reference to the existing vegetation buffer regulations of the local unit of government, whichever is the most restrictive.]
 2. new conservation subdivisions, and redevelopments of existing developments shall meet vegetation standards in part ALT6120.3300, Subp. 4; [or insert a reference to the existing vegetation buffer regulations of the local unit of government, whichever is the most restrictive.]
 3. permanent markers, such as concrete posts, shall be placed at the corners of the riparian lots to mark the beginning of the shore impact zone.
- D. No impervious surfaces shall be allowed within the shore impact zone, except for boat launches, stairways, lifts or landings;
- E. There shall be at least one access corridor to the shore impact zone common open space for use by all members of the owners association. The minimum width of access corridors shall be fifty (50) feet, and access corridors shall be located in upland areas;
- F. Centralization and design of facilities and structures shall be done according to the following standards:
1. conservation subdivisions shall utilize publicly owned water supply and sewer systems, if available;
 2. where publicly owned water supply and sewer systems are not available, conservation subdivisions shall either establish dedicated areas for individual sewage treatment

- systems or establish centralized water supply and sewage treatment systems to serve the entire development;
3. on-site sewage treatment systems shall be located on the most suitable areas of the development, and sufficient area free of limiting factors must be provided for a replacement standard soil treatment system for each sewage system;
 4. dwelling units/sites shall be clustered into one or more groups and located on suitable areas of the development.
 - (a) they shall be designed and located to meet or exceed the dimensional standards for the relevant shoreland classification, including elevation above surface water features, and maximum height;
 - (b) the site design shall incorporate the use narrower rights-of-way than conventional subdivisions, some single-loading streets, looped road-ways versus cul-de-sacs, use of pervious surfaces, maximum road setbacks for house-fronts, and preservation of trees, unique resources, and scenic vistas.
 5. lot standards shall meet the dimensional requirements in Section A.54, Subpart A.
 6. no lot shall extend into the shore impact zone;
 7. shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps shall be clustered or grouped in suitable areas.
 - (a) evaluation of suitability shall include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock, or other relevant factors;
 - (b) boating facilities shall be located adjacent to the deepest water available;
 - (c) the number of spaces provided for continuous mooring, or docking of watercraft shall not exceed one (1) for each authorized dwelling unit or site in the riparian zone;
 - (d) individual docks shall not be allowed;
 - (e) if the waterbody does not have a public access boat launching facility, launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units/ sites located in the nonriparian zone, and their watercraft shall be stored outside the shore impact zone such that they are not visible from the public water.
 8. structures, parking areas, and other facilities shall meet or exceed established structure setbacks, and must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions;
 9. water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in part ALT6120.3300, Subp. 3, item H, and are centralized;
 10. accessory structures and facilities may be allowed if they meet or exceed standards in part ALT6120.3300, Subp. 3, item H, and are centralized.
- G. Erosion control and stormwater management shall meet the standards in part ALT6120.3300, Subp. 11. [or insert a reference to the existing rainwater management regulations of the local unit of government, whichever is the most restrictive.]
1. the impervious surface coverage for lots within a conservation subdivision shall meet the standards in part ALT6120.3300, Subp. 11;
 2. erosion control and stormwater management shall be designed by certified personnel in erosion and sediment control using the best management practices found in the latest

Pollution Control Agency's stormwater best management practices manual, approved by the Planning Commission, and effectively implemented.

Δ.62 Administration and maintenance requirements.

Before final approval of a conservation subdivision, adequate provisions shall be developed for preservation and maintenance in perpetuity of common open spaces and for the continued existence and functioning of the development as a community. A one-time fee may be levied for purposes of monitoring and enforcing terms and conditions of any common open space governing instruments.

A. Common open space preservation.

Deed restrictions, permanent conservation easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure perpetual preservation and maintenance of common open space. For areas greater or equal to ten (10) acres, easements shall be held by a qualified unit of government, conservation organization, land trust or similar organization authorized to hold interest in real property pursuant to Minnesota Statutes, section 84C.01-05, as approved by the local government. Local units of government may also hold or co-hold an easement. The instruments of the easement shall include all of the following protections:

1. commercial uses shall be prohibited;
2. vegetation and topographic alterations other than to prevent personal injury or property damage and for restoration efforts based on an approved shoreland vegetation buffer plan shall be prohibited;
3. construction of additional buildings, impervious surfaces, or storage of vehicles and other materials shall be prohibited;
4. beaching of motorized watercraft shall be prohibited; and
5. dumping, storage, processing, burning, burying or landfill of solid or other wastes shall be prohibited.

B. Shoreland vegetation shall be preserved, restored and maintained according to the approved shoreland vegetation buffer plan. The loss of vegetation shall be replaced in kind;

C. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all conservation subdivisions shall use an owners association with the following features:

1. membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers;
2. each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
3. assessments must be adjustable to accommodate changing conditions;
4. the association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities, and it must enforce covenants, deed restrictions, and easements;
5. the association must have a land stewardship plan for common open space areas greater or equal to ten (10) acres specifically focusing on the long-term management of these open space lands.

D. Amendments or revisions to covenants or deed restrictions. Before establishing or recording any common interest community, the developer shall submit documents, including all covenants, conditions, restrictions, easements, and operating rules and procedures associated with the development, for review and approval by the Planning Commission pursuant to Minnesota

Statutes, section 515B.1-106. Under no circumstances shall covenants or deed restrictions be modified without a determination that the proposed changes fully comply with the requirements of part ALT6120.3800.