

SECTION 6.0 OPEN SPACE CONSERVATION SUBDIVISIONS

6.1 Purpose and Goals

The purpose of Open Space Conservation Subdivisions (OSCS) is to maintain the rural character of the City of Scandia and provide public benefits by preserving woodlands and other habitats, natural resource corridors, agricultural land, open space and significant natural features identified in the Comprehensive Plan; to utilize less land for development; and to allow an alternative to standard single-family residential development in the appropriate zoning districts. The goals for OSCS include the following:

- (1) Preserve large blocks of land for agricultural use and open space.
- (2) Preserve natural resources as identified in the Comprehensive Plan.
- (3) Preserve permanent natural habitat and vegetated corridors for the long term health of plant and animal communities.
- (4) Preserve viewsheds for scenic enjoyment and rural identity.
- (5) Allow innovation and greater flexibility in the design of residential developments.
- (6) Provide for site development that maintains a low visual impact, particularly along arterial roadways and abutting properties.
- (7) Create cohesive neighborhoods to establish local identity and encourage community interaction.
- (8) Reduce the costs of constructing and maintaining public facilities, infrastructure and services.

6.2 Applicability. The OSCS standards are an alternative set of standards for residential development within the Agriculture Core (AG C) and General Rural (GR) districts. OSCS shall be permitted with a conditional use permit within these districts. The provisions for lot sizes and density bonuses contained in this section are not applicable in the St. Croix River District and Shoreland Overlay District

6.3 Application Procedure

- (1) Pre-Application Sketch Review
 - (A) A pre-application sketch plan review, in accordance with Chapter 1, Section 11.3 of this Development Code, is mandatory for all OSCS developments. The sketch plan shall be submitted to the Planning Commission and City Council for review and comment. Any opinions or comments provided on the sketch shall be considered advisory only and shall not constitute a binding decision.
 - (B) In addition to the submission requirements for sketch plan review, the applicant shall submit one or more proposed OSCS plats including the following information drawn at a scale of 1 inch=100 feet:

1. Open space areas indicating which areas are to be protected, including a description of the rationale behind the proposed layout and open space.
 2. Number and type of housing units proposed, the number and size of lots, and a calculation of the proposed OSCS density.
 3. Areas proposed for stormwater management and on- or off-site sewage treatment.
- (C) The applicant shall also meet with potential conservation easement holders in order to be made fully aware of any procedures, policies, requirements and costs regarding easement dedication for the proposed plat. The applicant shall report the results of this meeting to the city as part of the application for sketch plan review.
- (2) Conditional Use Permit and Preliminary Plat Application.
- (A) A conditional use permit application shall be filed, in writing, with the Zoning Administrator, in accordance with Chapter 1, Section 8 of this Development Code. The conditional use permit application shall be submitted concurrently with an application for preliminary plat, in accordance with Chapter 3 of this Development Code.
- (B) The evaluation of the proposed conditional use permit shall be subject to the general criteria stated in Chapter One, Section 8.4, and the determination that the OSCS meets the goals as stated in Section 6.1, above.
- (C) In addition to those submittal requirements stated elsewhere in this Development Code, the following items shall be required as part of the conditional use and preliminary plat applications for an OSCS:
1. Resource Inventory, including mapped data and text as needed, on aerial photograph(s) at a scale of no less than 1 inch equals 200 feet:
 2. Soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock, and suitability for wastewater disposal systems.
 3. Existing vegetation of the site using the Minnesota Land Cover Classification System (MLCCS) Level 5 data or higher, or a similar land cover system acceptable to the City.
 4. Location of significant natural communities and natural resource corridors, based on the City's Comprehensive Plan, Minnesota DNR Natural Heritage Program Maps, and similar existing mapped data.
 5. Visual resources, showing views onto the tract from surrounding roads and public areas, as well as views within the tract.
 6. Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features.

7. Context: general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.
8. Yield Plan: The applicant shall submit a "yield plan," showing the maximum number of dwelling units that would be permitted given the minimum lot size and lot widths for conventional subdivisions and other requirements of the development code and subdivision regulations, as described in Chapter 2, Section 5.1.

(3) Final Plat and Phasing Plan.

(A) Open Space Conservation Subdivisions may be phased in accordance with a unified development plan for the entire tract. A phasing plan shall be submitted with the application for final plat approval, in accordance with the requirements of Chapter 3 of this Development Code.

(B) The phasing plan shall meet the following requirements:

1. A phasing plan identifying the sequence of development showing approximate areas, serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each development phase.
2. The phasing plan shall be made a part of the development agreement and is effective for 5 years from the date of preliminary plat approval. If final plat approval is not received within 5 years, the permit shall become null and void.
3. Any common facilities, including golf courses, shall be constructed prior to the sale of any lots and shall be clearly marked on a site map which shall be an attachment to all sales agreements for individual lots.
4. As part of the development agreement, a financial guarantee to ensure completion of common facilities, trails and landscaping shall be provided.

6.4 Minimum Development Size. To be eligible for Open Space Conservation Subdivision, the development shall contain a minimum of 40 acres of land.

6.5 Land Uses. The uses allowed in an OSCS shall conform to the Comprehensive Plan and to the uses allowed in the zoning district where the OSCS is proposed, as identified in Section 2.0 of this development code.

6.6 Minimum Open Space Requirements

- (1) Open space shall be designated as part of the development. The minimum required open space shall be 55% of the gross acreage of the development. Of this required open space, a minimum of 25% shall be in common ownership, accessible to and used for the benefit of owners of lots within the development, unless the required open space will remain in agricultural use.

- (2) The required open space shall be undivided and restricted from further development.
- (3) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
 - (A) Parking areas for access to and use of the open space.
 - (B) Buildings or structures if they are accessory to the use of the open space.

6.7 Density Standards

- (1) Base Density. The number of density units for the parcel shall be determined in accordance with Chapter 2, Section 5.2.
- (2) Bonus Density.

An open space conservation subdivision that provides the minimum open space shall receive a 25% density bonus. The number of additional bonus lots allowed is directly tied to the quantity and quality of preservation and protection afforded natural landscapes, agricultural land, open space, and cultural features. The maximum bonus permitted is 75%.

The number of density units may be increased by the percentage indicated below if the development complies with one or a combination of the criteria listed. Determination of actual bonus densities shall be based upon findings of the Planning Commission and decision of the City Council.

- (A) Preservation of or establishment of woodlands and forests as identified by the Minnesota Land Cover Classification System, and/or protection of ecologically sensitive features, native plants and animals and their habitat as identified by the Minnesota County Biological Survey and the City's Comprehensive Plan —up to 25%
- (B) Preservation of agricultural lands (areas currently used for agriculture) —up to 25%
- (C) Creating open space accessible to the public and providing facilities such as trails or lakeshore access, meeting a public purpose identified by the City—up to 25%
- (D) Restoring native habitat or implementing open space stewardship practices as recommended by the City's ecologist based on the ecologist's field analysis—up to 15%
- (E) Preservation of historic sites, buildings and structures or cultural resources—up to 15%
- (F) Preservation of priority scenic views as identified by the City, especially as viewed from public roads and property—up to 25%
- (G) Creating open space that is contiguous to existing designated open space or part of potential open space defined as areas sharing a boundary with parks, public lands, planned parks and trails, and areas under conservation easement—up to 10%

6.8 Residential Lot Requirements: Notwithstanding more restrictive requirements of the zoning district in which the OSCS is located, the following standards shall apply:

Minimum Lot Size	1.5 Acres
Buildable Area	1.0 Acre
Principle Setbacks	
• Front lot line	30 feet
• Side lot line	15 feet
• Rear lot line	30 feet
Accessory Building Setbacks	
• Side lot line	15 feet
• Rear lot line	10 feet
Maximum Lot Coverage	35%
Maximum Building Height	35 feet

6.9 Ownership and Management of Open Space

- (1) The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received.
- (2) The minimum open space required per this section shall be subject to a permanent conservation easement and used for the purposes defined by this Development Code.
- (3) Conservation easements for common open space areas shall be held by the Minnesota Land Trust, or another non-profit organization acceptable to the City. The applicant shall be required to compensate the organization holding the conservation easement for services the organization provides to monitor and manage the easement.
- (4) The designated open space and common facilities may be owned and managed by one or a combination of the following:
 - (A) Homeowners' Association
 - (B) Non-profit Organization
 - (C) The City, County or another governmental body empowered to hold interest in real property (in accordance with Minnesota Statutes Section 84C.01-.05)
 - (D) An individual who will use the land for open space purposes as provided by the permanent conservation restrictions.

6.10 Homeowners' Associations

- (1) A Homeowners' Association shall be established if open space or any common facilities are owned by a homeowner's association. Membership in the Association is mandatory for all purchasers of homes in the development and their successors.
- (2) A Homeowners' Association Agreement, guaranteeing continuing maintenance, shall be submitted to the City as part of the items submitted for the preliminary plat. The

Homeowners' Association documents or the declaration of covenants, conditions and restrictions shall contain the following information:

- (A) The legal description of the common lands or facilities;
- (B) The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions;
- (C) A mechanism for resolving disputes among the owners or association members;
- (D) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
- (E) The conditions and timing of the transfer of ownership and control of land or facilities to the Association or to common ownership;
- (F) The management of collector sewage treatment systems; and
- (G) Any other matter the developer deems appropriate.