

# **A Model Forest Resources Element for Local Plans**

## **2010**



## **What is the Minnesota Forest Resources Council?**

The Minnesota Forest Resources Council is a state council established by the Sustainable Forest Resources Act (SFRA) of 1995 to promote long-term sustainable management of Minnesota's forests. Together, we:

1. Pursue the sustainable management, use, and protection of the state's forest resources to achieve the state's economic, environmental, and social goals.
2. Encourage cooperation and collaboration between public and private sectors in the management of the state's resources.
3. Recognize and consider forest resource issues, concerns and impacts at the site and landscape levels.
4. Recognize the broad array of perspectives regarding the management, use, and protection of the state's forest resources, and establish processes and mechanisms that seek these perspectives and incorporate them into planning and management.

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## **Acknowledgements**

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## **The Minnesota Forest Resource Council's Vision**

*Minnesota forests are managed with primary consideration given to long-term ecosystem integrity and sustaining healthy economies and human communities. Forest resource policy and management decisions are based on credible science, community values, and broad-based citizen involvement. The public understands and appreciates Minnesota's forest resources and is involved in and supports decisions regarding their use, management and protection.*

The MFRC uses this vision as a framework for its undertakings and for evaluating progress towards achieving sustainable management of the state's forest resources.

### **Accomplishing the Vision**

The MFRC has identified the following eleven major goals it believes will allow its vision for the state's forest resources to be realized over time.

1. Minnesota's forest land base is enlarged and protected. No net loss of forest land occurs and some previously forested areas are returned to forest cover. The forest land base is protected from decreases and fragmentation caused by land-use changes.
2. Forest ecosystems are healthy, resilient and functioning. Forests are composed of appropriate mixes of cover types and age classes required to maintain wildlife and biological diversity.
3. Forests are sustainably managed. Forests are managed to ensure economic, social and ecological sustainability. Forest management activities enhance the diversity of the state's forests and support the long-term sustainability and growth of the many sectors that depend on them.
4. Forest-based economic and recreational opportunities are numerous. The role and contribution of forests to the state's economic and social well being is acknowledged. Economic opportunities for Minnesota's forest-based industries, including tourism and wood-based industries, are numerous, sustainable and diverse.
5. Forest practices are implemented in effective and efficient manners. Forest practices are implemented in ways that maximize their effectiveness while minimizing the costs of their administration. Guidelines suggesting appropriate practices are scientifically-based, practical and easy to understand; their rationale is clearly stated and their application consistent where possible and appropriate.
6. Forest landscape-level planning is coordinated and involves collaboration. Landscape level planning is based on ecological landscapes and involves collaboration between landowners, users, stakeholders and the public.
7. Public and private rights and responsibilities are recognized. Forest practices that achieve certain public benefits recognize and respect the inherent rights, responsibilities, interests and financial limitations of public and private forest landowners.
8. Forest research programs are effective and adaptive. Information is provided by effective and coordinated, basic and applied research programs. Forest practices and landscape planning/coordination activities are based on the best available information and technology, and can be readily adapted to new information or changing resource conditions.
9. Multi-resource information systems are compatible and comprehensive. Landowners, managers and stakeholders have access to information systems that are capable of providing comprehensive information about forest resources.
10. Forest policy development is effective and supportable. Policies and programs focused on forest resources are developed and supported by processes that collaboratively move forward to resolve issues and accommodate a wide range of constituencies.
11. Program funding is committed and sustained. Sustainable, adequate and long-term funding is available to accomplish the vision and the goals for the state's forests.

## **Protecting Minnesota's Forest Land Base**

When the Minnesota Forest Resource Council sat down to write a Vision statement, it made its first goal to maintain and even enlarge the state's forest land base. That was a decade ago, and the MFRC has been working toward its goal by supporting the acquisition of conservation easements on large tracts of forested lands, encouraging family forest owners to plan for the long-term stewardship of their property, and conducting research on the extent of forest land parcelization.

The MFRC goal of no net loss of forest lands cannot be achieved without the help of Minnesota's forested counties, townships, and private forest landowners. Local governments are authorized (and may be required, as explained below) by law to prepare plans for the future development of their jurisdictions and to adopt land use regulations implementing those plans. Many counties also manage large tracts of forest lands. The best way to ensure that Minnesotans continue to enjoy the economic, environmental, and recreational benefits of healthy forests is for local officials to protect local forest resources.

The *Model Forest Resources Plan Element* (the model) provides a template for the first step a county or township should take: the adoption of a forest resources element into its local comprehensive plan. The model shows local planners, planning commissions, elected officials, and interested citizens how to:

- describe forest resources;
- document the values forest lands offer, including their contributions to both the local economy and the community's appeal to residents and visitors;
- identify and document the issues, including land parcelization, that affect forest resources in their jurisdiction; and
- craft policies that will serve as a defensible basis for actions that protect forest resources for the use and enjoyment of present and future generations.

Before further explaining how communities can use the model, however, it will be helpful to say a few words about why they should use it.

## **Consequences of Forest Land Parcelization**

Pick up those real estate flyers that sit on racks in restaurants as you drive around rural Minnesota. You'll find plenty of forest land for sale in small parcels, but what you'll see in the ads is just the proverbial "tip of the iceberg." Some large forest land owners are systematically divesting holdings that include hundreds of thousands of acres.

Changes in ownership inevitably lead to changes in land use and management. A landscape in which timber harvest was unremarkable and the public could travel freely through both public and private lands can be transformed into one where logging operations result in angry calls to county commissioners and "NO TRESPASSING" signs pop up. It is well-documented that exurban land development, especially a growing network of roads, has adverse impacts on water quality and wildlife, as well as exposing more people and property to wildfire. Development scattered through the woods may also result in excessive costs of providing public services like fire protection, road maintenance and school transportation. These problems can be avoided or, at least, mitigated by sound local planning. Unfortunately, MFRC's research shows that rural Minnesota counties do not currently have effective programs to regulate forest land parcelization in place.

County probably do not see forest land parcelization as a major issue because, to date, the lure of the water has concentrated development along Minnesota's lakeshores, leaving large expanses of private forest land relatively intact. In the absence of a program like the state's mandatory shoreland zoning, however, private forest lands are vulnerable both to the gradual erosion of forest resources by incremental land division and the more dramatic impacts of large developments. Local adoption of policies like those in the model plan element would eliminate this vulnerability, protect forest resources, and guide future development to the best locations.

## Forest Planning Requirements

Some counties have another reason to adopt a forest resources element into their comprehensive plans. They are required to address "... the fragmentation and development of agricultural, forest, wildlife, and open space land ..." by a new state law. The Minnesota Legislature passed the *President Theodore Roosevelt Memorial Bill to Preserve Agricultural, Forest, Wildlife, and Open space Land* (2008 Minn. Laws, ch 297, art 1, §§ 56 – 61) in 2008. It requires that certain counties consider "... adopting goals and objectives for the preservation of agricultural, *forest*, wildlife, and open space land, and minimizing development in sensitive shoreland areas ..." when adopting or updating a comprehensive plan (Minn Stat. § 394.231, emphasis added). The new law also requires that the county board consider natural heritage data resulting from a county biological survey, if there is one, when updating the comprehensive plan (Minn. Stat. § 394.23) and outlines the following goals and objectives that an affected county, city, or township must consider in its planning process:

- (1) *minimizing the fragmentation and development of agricultural, forest, wildlife, and open space lands*, including consideration of appropriate minimum lot sizes;
- (2) minimizing further development in sensitive shoreland areas;
- (3) minimizing development near wildlife management areas, scientific and natural areas, and nature centers;
- (4) identification of areas of preference for higher density, including consideration of existing and necessary water and wastewater services, infrastructure, other services, and to the extent feasible, encouraging full development of areas previously zoned for nonagricultural uses;
- (5) encouraging development close to places of employment, shopping centers, schools, mass transit, and other public and private service centers;
- (6) identification of areas where other developments are appropriate; and
- (7) other goals and objectives a county may identify (Minn. Stat. § 394.231, emphasis added).

Finally, this new law requires that affected counties, townships, or cities consider adopting ordinances that encourage the implementation of these goals and objectives within three years after updating their comprehensive plans.

Who must comply? This new law applies to counties that are outside the seven-county Twin Cities metropolitan area, where less than 80% of the pre-settlement wetland acreage remains intact, and where less than 10% of the total land area is wetland or less than 50% of the total land area is public land. It also applies to cities and townships located in those counties. This model plan element can help the affected jurisdictions comply with this new mandate, but most of Minnesota's forested counties are not covered: 80 percent or more of their pre-settlement wetlands remain intact and 10 percent or more of their current land area is wetland or 50 percent or more owned by the state or federal governments. Forested counties have the most to lose from forest land fragmentation, however, and should still consider the guidance offered by this model element when they adopt or amend their comprehensive plans.

## A Model Process Makes a Model Plan

A plan is just printed pages - words and maps – that will likely sit on a shelf if it does not embody the community’s understanding of the issues it faces and propose actions the community can support. Given some tailoring to local needs, adoption of the policies suggested in the model would help protect forest resources in rural Minnesota from undue fragmentation. Those policies must be adopted to be effective, however, and that is the challenge.

So, please listen to this before you start passing out copies of the model and say, “Let’s just adopt this.” It doesn’t matter when or where, but this story is true. One of the authors watched it happen.

*A rural county spent three years developing and adopting a new plan and regulations. There were dozens of public meetings, carefully structured to produce results and attended by hundreds of people. The process answered everyone’s questions and the final formal hearings required by law were attended by few who didn’t have to be there. The new plan and regulations were adopted unanimously.*

*The elected officials in an adjoining county heard about this. Being eager to save the taxpayers’ money and reluctant to undertake years of public meetings, they decided to simply adopt the neighboring jurisdiction’s wonderful new plan with some typographical adjustments (changing the county name). The public discussion of this proposal was a very unhappy, if not disastrous, affair and the damage done to the county’s credibility lingered for years.*

The difference in this tale of two counties was not demographic, economic, or political. The counties are quite similar. The difference was in the process of community learning and conversation. So, remember: **The model points to where a community might end up. It does not get you there.** Even the mildest of plans and regulations will be controversial if people perceive them as top down impositions from the state, urbane professionals, or a “radical” minority of their own community. Adoption of a plan that looks something like the model must follow a patient process of well-designed opportunities for public learning, informed conversation, and hands-on policy development.

## Using the Model Forest Resources Plan Element

To say it another way, the model is not something a county or township just adopts. It is a resource to use in your local planning process. It is full of annotations explaining how your community can create a vision of its forests’ future, obtain and analyze data about forest resources, develop policies protecting those resources, and implement those policies through land use regulations and other means.

Is this model realistic? Yes.

- All of the policies and plan implementation strategies suggested in the model are currently authorized by Minnesota law.
- The economic, land use, and other data presented in the model are typical of an economically healthy nonmetropolitan Minnesota county with a population of approaching 35,000 and a substantial number of second homes.
- Sylvan County’s landscape is a representative microcosm of rural Minnesota, featuring some farms, extensive forests and wetlands, lakeshore development, and a county seat.

The model forest resources plan element is numbered as Chapter IV to remind everyone that it is part of a comprehensive that addresses many other issues. The model both supports and relies on other chapters. To show you how, we imagined a county comprehensive plan organized like this:

- I. Introducing Sylvan County's Plan - Authority and Purpose
- II. The Public Process & Our Vision for Sylvan County's Future
- III. Farmlands
- IV. Forest Lands
- V. Water Resources (the county water plan)
- VI. Rural Conservation Areas
- VII. Compact Growth Areas
- VIII. Transportation
- IX. Community Facilities
- X. Climate Change and Energy Resources
- XI. Implementation

There are other ways to organize plans, of course, although we suggest that a geographic approach promotes public participation and understanding. However you organize it, good planning for your local forest lands will make a definite contribution to good planning for other resources. It will also contribute to better land-use patterns where development is permitted.

## Chapter Four - Forest Lands

*Nearly two-thirds of Sylvan County is forested and the health of our community will, to a large extent, be a reflection of the health of our forests. Our vision for the future features forests that are managed for sustainable yields of timber, wildlife, clean water, and recreational opportunities.*

Those words about forest resources appear in the “Vision for Sylvan County’s Future” that is adopted in Chapter II of this plan. This chapter expands on the community’s vision for its forested lands. It begins by providing some basic data about the county’s forest resources and the issues that affect the future of those resources. That information provides a factual foundation for the policies that are adopted in the second part of the chapter.

**Building a Vision for Your Community.** Visioning is a systematic process of community learning and dialog that leads to a compelling description of the community’s desirable future. It is successful only when the broadest possible spectrum of community members is involved; when participants are confident that their views will get a respectful hearing, even if they are ultimately not included in the vision; and when the process is structured to produce a useful result. There are many sources of information about visioning. We recommend *The Planning for Results Guidebook* by Lee Nellis and Karen Van Gilder (2003) as a good source of advice on visioning (and the rest of the planning process) for rural communities. This book is available for purchase from the American Planning Association’s book service at: <http://www.planning.org/apastore/default.aspx> or on-line at <http://www.sonoran.org/dmdocuments/ResultsGuidebook.pdf>.

### The Forests of Sylvan County

Map 1 – Land Cover shows the extent of Sylvan County’s forests. They occupy approximately 358,400 acres or 560 square miles. This is 64.8% - approaching two-thirds - of the county’s total land area.

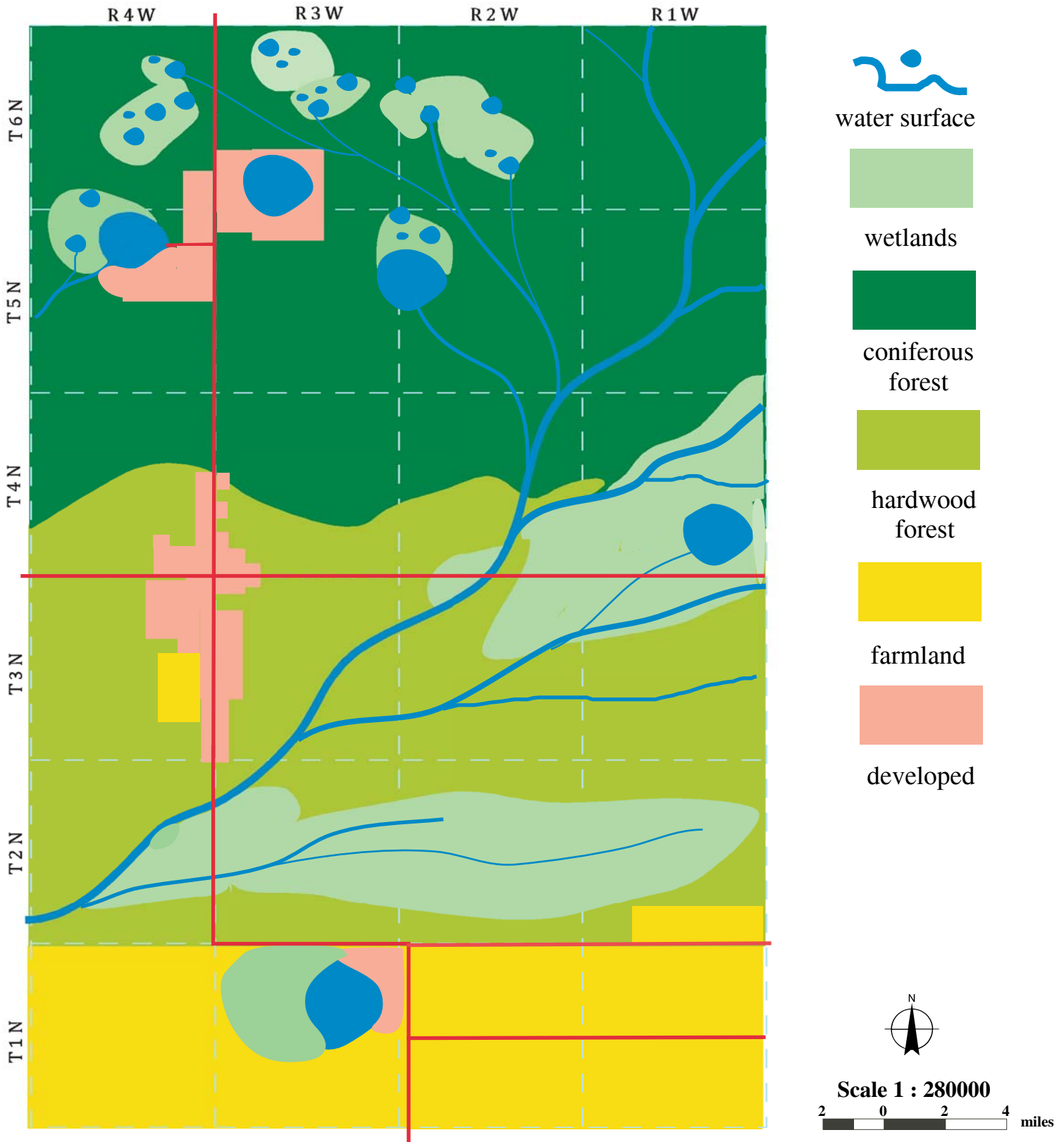
**Forest Ownership.** 250,880 acres - about three-quarters - of Sylvan County’s forest lands are in public ownership. This includes the federal lands of the Rustic National Forest, the Shady State Forest that is administered by the Minnesota Department of Natural Resources (DNR), and the tax-forfeited lands managed by the Sylvan County Land Department. The distribution of public land ownership in Sylvan County is shown on Map 2 – Land Management. Extensive as public ownership is, there are still more than 100,000 acres (about 168 square miles) of forest land in private hands.

**Forest Types.** Sylvan County’s forests are made up of many plant communities that reflect variations in terrain and soils, but can be divided into two major types: hardwood and coniferous. Each of these types can also be split into upland (drier) and lowland (wetter) types. The approximate extent of the two major forest types, which occupy roughly equal areas in Sylvan County is shown on Map 1 – Land Cover. Upland and wetland forests intermingle so extensively, that they are not separately mapped. Lowland forests occupy a smaller area than upland and tend to fade into the wetlands that make up another 20% of the county’s land area. Additional information about the extent and type of forests found in Sylvan County may be found in the *Natural Resource Inventory of Sylvan County*, a background study prepared as part of the effort to develop this plan.

**Mapping Land Cover and Ownership for Your Community.** Land cover data are available from the Land Management Information Center or “MnGeo” at <http://www.lmic.state.mn.us> and <http://www.lmic.state.mn.us/datanetweb/landuse.html> and the Minnesota Department of Natural Resources (DNR) at: <http://deli.dnr.state.mn.us/index.html>. General public ownership maps are also available from DNR, but the most accurate ownership data will be those maintained by your county assessor and your county land information specialist. Contact information for county land information specialists is available at: [http://www.lmic.state.mn.us/cty\\_contacts.html](http://www.lmic.state.mn.us/cty_contacts.html).

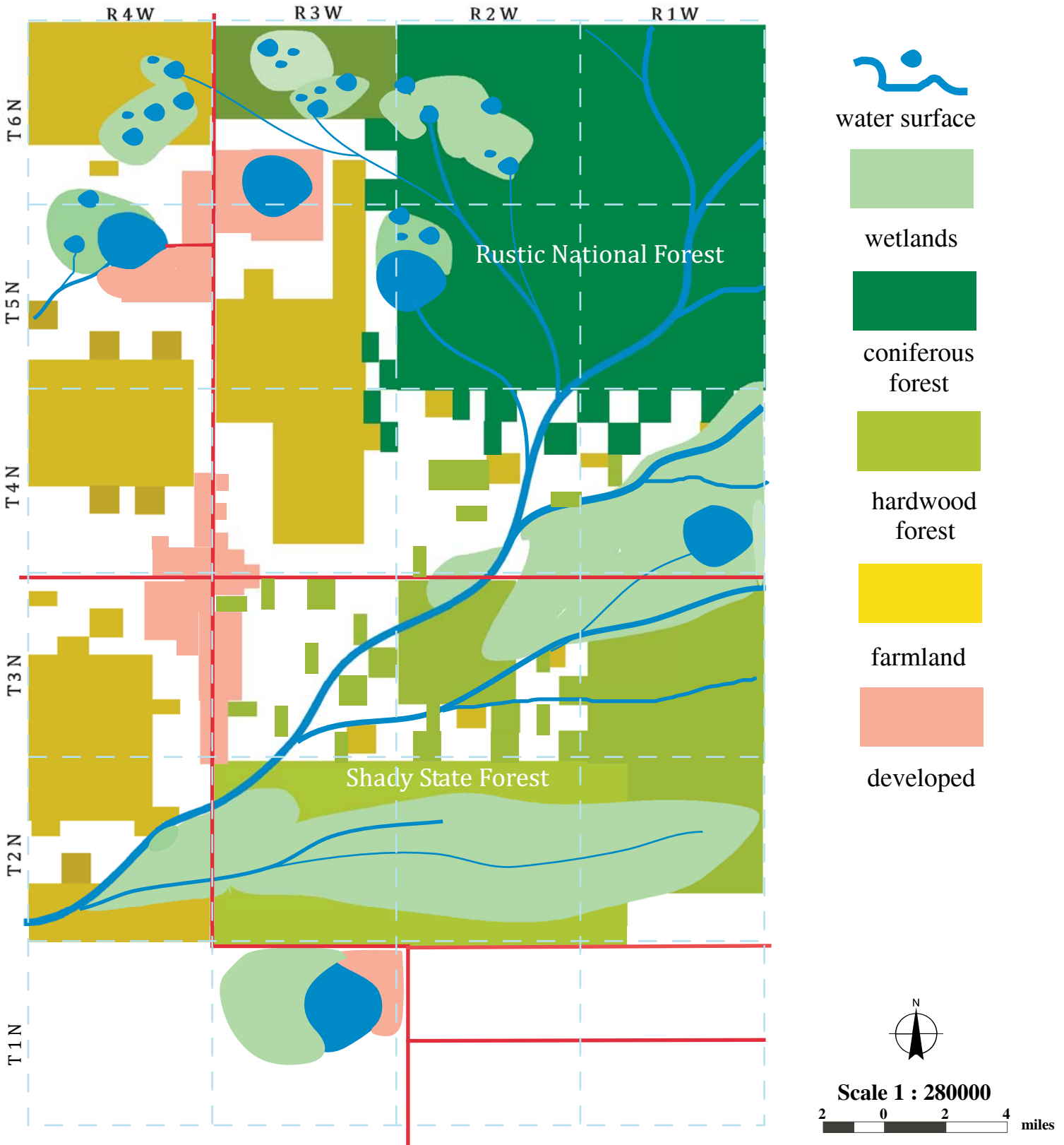






# Map 1 - Land Cover

## Sylvan County Comprehensive Plan 2010



# Map 2 - Land Management

## Sylvan County Comprehensive Plan 2010

## Forest Values in Sylvan County

The forests of Sylvan County make important contributions to the local economy and quality of life. They are also part of the county's appeal to visitors, including the owners of nearly 4,000 seasonal homes who spend part of their year in the county.

**Forest Products.** Logging and wood products (including furniture) manufacturing directly and indirectly generated approximately six percent (6%) of all personal income in Sylvan County in 2007. More than 250 people were employed in these industries, which support jobs in related sectors like trucking and the workers who provide goods and services for those working in the woods and the mills. More information about the economic impact of forest resources in Sylvan County is presented in the *Social and Economic Profile of Sylvan County*, a background study prepared as part of the effort to develop this plan.

**Analyzing Your Local Economy.** Most local plans focus on jobs, but income data paint the most accurate picture of a local economy. As this model plan element suggests, jobs often account for less than half the income people receive in rural areas. Employment data also omit business owners, like independent loggers and truckers, who are critical to the forest economy. Local area income data are available through the Regional Economic Information System (REIS) of the U.S. Bureau of Economic Analysis: [http://www.bea.gov/newsreleases/regional/lapi/lapi\\_newsrelease.htm](http://www.bea.gov/newsreleases/regional/lapi/lapi_newsrelease.htm). REIS data require some analysis – which is exemplified by the aggregation of sectors and economic base analysis used here - to be most useful. Employment data provided by the Minnesota Department of Employment and Economic Development can also be helpful, if you accept its limitations. Employment by industry data is available at: <http://www.deed.state.mn.us/lmi/tools/qcew/Default.aspx>. If local resources for economic analysis are limited, you can try the Economic Profile System that is maintained by Headwaters Economics for the U.S. Bureau of Land Management. EPS profiles are not always complete, nor are they tailored specifically to community needs, but they are a great free resource. Find them on-line at: <http://www.headwaterseconomics.org/eps/>.

**Forests & Water Resources.** Water quality is addressed in detail in “Chapter V – Water Resources” of this plan. Here it suffices to say that healthy forests are prerequisites for the healthy watersheds and the clean, clear lakes that are such an important part of life in Sylvan County. More information about water resources may be found in the *Sylvan County Comprehensive Water Management Plan*.

**Forests & Wildlife Habitat.** Sylvan County's forests are home to many species of wildlife, ranging from bears to butterflies, several of which are designated “species of greatest conservation need” in the DNR's comprehensive wildlife conservation strategy. Beyond their intrinsic value, we know that wildlife plays an important role in residents' quality of life. The DNR's *2004 Outdoor Recreation Participation Survey of Minnesotans* found that 35% of northwestern Minnesotans who are 20 years of age or older fish, 23% hunt, and 17% enjoy watching and photographing wildlife. More information on the wildlife of Sylvan County may be found in the *Natural Resource Inventory of Sylvan County*.

**Finding Water Resources and Wildlife Information for Your Community.** Your local water management plan is a good starting point. In fact, some Minnesota counties are integrating their water management plans into their comprehensive plans. You may also obtain information on water resources from the State Board of Water and Soil Resources, the DNR, the Pollution Control Agency, or the Mississippi Headwaters Board. DNR's comprehensive wildlife conservation strategy, *Tomorrow's Habitat for the Wild & Rare: An Action Plan for Minnesota Wildlife*, is available at: <http://www.dnr.state.mn.us/cwcs/index.html>. You may also find useful wildlife information at: <http://deli.dnr.state.mn.us/index.html>.

**Forests & Recreation.** Clean lakes and abundant wildlife habitat are the foundations of fun for those Sylvan County residents and visitors who boat, fish, hunt, swim, and watch wildlife. Other outdoor activities that depend, at least in part, on the accessibility and beauty of the county's forests include camping, hiking, cross-country skiing, and snowmobiling. Table IV-1 shows the percent participation of northwestern Minnesota residents who are 20 years of age or older in these and other activities.



**Table 1 - Percent Participation in Potentially Forest-based Outdoor Recreation, 2004**

	NW Minnesota	Statewide
walking/hiking	48%	54%
boating of all types	43%	43%
swimming or wading, all places	37%	41%
driving for pleasure	40%	37%
picnicking	34%	36%
fishing	35%	30%
biking, all types	19%	29%
camping, all types	30%	26%
nature observation, all types	20%	24%
sledding & snow tubing	15%	18%
hunting, all types	23%	16%
running or jogging	6%	14%
off-road ATV driving	17%	10%
snowmobiling	16%	10%
downhill skiing/snowboarding	3%	9%
gathering wild foods	11%	9%
cross country skiing	4%	7%
horseback riding	3%	5%
snowshoeing	2%	4%

**Finding Outdoor Recreation Information for Your Community.** It is simple enough to inventory local outdoor recreation facilities like boat landings, campgrounds, playing fields, and trails. The Minnesota Department of Natural Resource’s survey of participation in outdoor recreation is available on-line at: [http://www.dnr.state.mn.us/aboutdnr/reports/2004\\_orintro.html](http://www.dnr.state.mn.us/aboutdnr/reports/2004_orintro.html). *Adapting to Change: Minnesota’s 2008-2012 State Comprehensive Outdoor Recreation Plan* may be found on-line at: <http://www.dnr.state.mn.us/aboutdnr/reports/scorp/index.html>.

### Sylvan County’s Forest Economy

The forest products industry directly and indirectly generated approximately \$60 million in personal income for Sylvan County residents in 2007. As noted above, that’s about six percent of the total personal income received by county residents, but it is only a partial measure of the economic importance of the county’s forests. While their contributions are more difficult to measure, all of the forest values discussed above have an economic angle.

Expenditures by visiting recreationists expand the size and the diversity of the local economy. There is no way to distinguish the relative contributions of the lakes (and their fish), the woods (and their wildlife), the pastoral farming landscapes, and small town charm, but Sylvan County’s natural and cultural attractions combined with county seat Farmwood’s role as a minor trade center to directly and indirectly contribute about \$105,000,000 in local income in retail and tourism-related enterprises in 2007.

**Finding Economic Impact Information for Your Community.** This income estimate is based on an analysis of the REIS data cited above. Another source on the economic impacts of tourism is *The Economic Impact of Expenditures by Travelers on Minnesota, June 2007-May 2008*, prepared for Explore Minnesota and the University of Minnesota Tourism Center: [http://www.tourism.umn.edu/products/2008%20MN%20Economic%20Impact%20Report%20by\\_County%20v2.pdf](http://www.tourism.umn.edu/products/2008%20MN%20Economic%20Impact%20Report%20by_County%20v2.pdf). The



REIS analysis is preferable because it places trade and tourism in the context of the entire local economy, but this publication is a useful quick reference. You may also be interested in the participation and expenditure data that is presented in the *2006 National Survey of Fishing, Hunting, and Wildlife Associated Recreation* prepared for the U.S. Fish and Wildlife Service by the Bureau of the Census. See: <http://www.census.gov/prod/www/abs/fishing.html>.

Then there is the more than 60% of local personal income that is directly and indirectly supported by retirement checks. How many retirees from the Twin Cities and elsewhere have made Sylvan County their home for at least part of the year because of its natural attractions? No one really knows. We do know, as the *Social and Economic Profile of Sylvan County* documents, that there is in-migration of people over 55 into the county. How many would have come to retire without the forests and lakes?

Finally, Sylvan County's private forest lands contribute to its property tax base. The estimated market value of Sylvan County's timberlands in 2007 was \$305,000,000, approximately six percent of the total market value. Some managed forest lands pay a reduced property tax, but the *Cost of Public Services* study published by the Minnesota Department of Agriculture makes it clear that farm and, by the same logic, forest lands ordinarily require less in public services than they produce in revenue.

**Finding Property Tax Information for your Community.** County assessor's records are one of the most helpful sources of information for any local planning effort. The Minnesota Department of Agriculture's 1999 *Cost of Public Services* study is available at: <http://www.mda.state.mn.us/about/publicservices.htm>.

### Forest Resource Issues in Sylvan County

The process leading to the adoption of this plan showed that Sylvan County residents are well aware of the economic and environmental values offered by forest lands and that they are keenly interested in the future of those lands. The planning process is described in detail in Chapters I and II of this plan. It began with a kick-off event in September 2008.

- The first question, raised by a volunteer fire fighter, was about how the local planning process could be used to address wildfire hazards.
- Participants also talked about the impacts of forest management on nearby homes. This lively discussion had two sides, with some folks focusing on the noisome impacts (dust, noise, truck traffic, changing views) associated with logging, while others emphasized the loss of forest resources where residential development occurs.
- The final forest resource issue raised at the kick-off event was public access. Public lands are abundant in Sylvan County, but access to some of those lands and the continuity of some popular trails depends on the generosity of private landowners. Fishermen, hunters, mountain bikers, cross-country skiers, and snowmobilers worry that access will be lost as large private landholdings are subdivided.

Issues were added in the policy development workshops that were held throughout the winter of 2008-09. Participants in those meetings had a chance to read the background studies prepared as part of the planning effort and that led to questions about the extent of the land base needed to sustain the local forest products industry, the extensive rural development permitted by Sylvan County's existing regulations, the impacts of development on forest wildlife, and the costs of providing public services to remote developments.



***The Wildland-Urban Interface.*** All these issues arise where people interact with natural vegetation in the “wildland-urban interface (WUI).” The WUI is where homes are most exposed to wildfire and to the potential nuisances associated with forest management operations. It is also where development has the most impact on wildlife habitat and where changing land ownership patterns and perceptions about owners’ responsibilities are most likely to limit public access. Map 3 – Wildland-Urban Interface, is adapted from maps prepared by the SILVIS Lab at the University of Wisconsin-Madison. It shows that more than 10% (more than 55,000 acres) of Sylvan County was in the WUI in the year 2000.

**But Our Land Isn’t “Wild,” and Our Developments Aren’t “Urban.”** “Wildland” and “urban” are awkward terms to use in rural Minnesota, where the interface is usually one of managed forest lands with exurban development. Whatever it is called, the WUI is the area that local plans and regulations should seek to keep from expanding if sustaining forest resources is the goal. While they are beginning to be dated, SILVIS maps are useful tool for visualizing and understanding the extent of the issues that accompany development in forested landscapes. You can find these maps on-line at: <http://silvis.forest.wisc.edu/>.

***Forest Lands Build-Out.*** The planning process taught Sylvan County residents that the wildland-urban interface, with all the accompanying issues, could expand substantially as their county grows. The current subdivision and zoning regulations permit one dwelling unit per 10 acres throughout the zoning district that includes most private forest lands: the Agricultural-Forest-Rural Residential (AFRR). The *Sylvan County Land Use Inventory and Build-Out Study* – a background document prepared for the planning process – found that even though nearly half were unsuitable for building, the forest lands of the AFRR could accommodate approximately 3,000 additional home sites. Coupled with the potential for rural residential development of farmland (see Chapter III of this plan), this was shocking news. Further study also found that the county’s recently-adopted incentives for conservation subdivisions were ineffective in limiting forest fragmentation. Because the subdivision regulations exempt incremental development of 10-acre lots along existing roads, most landowners have no incentive to apply for subdivision review, much less to design and market a conservation subdivision.

**Analyzing the Build-Out of Your Community.** A build-out study is often the most useful and compelling information people see during a planning process, but such studies are seldom included in local plans in Minnesota. This may be due to a perception that build-out studies are expensive. Build-out studies definitely were time sinks in the past, but with the computerization of property tax records and the spread of GIS technology, it should be possible to produce a build-out study for most Minnesota counties with a reasonable level of effort.

Sylvan County’s 2007-08 planning process involved hundreds of county residents and property owners. As peoples’ understanding of the county’s assets and challenges grew, a consensus emerged that more should be done to protect the county’s working lands, while encouraging compact development centered on existing cities and unincorporated villages. The policies adopted here reflect that consensus.

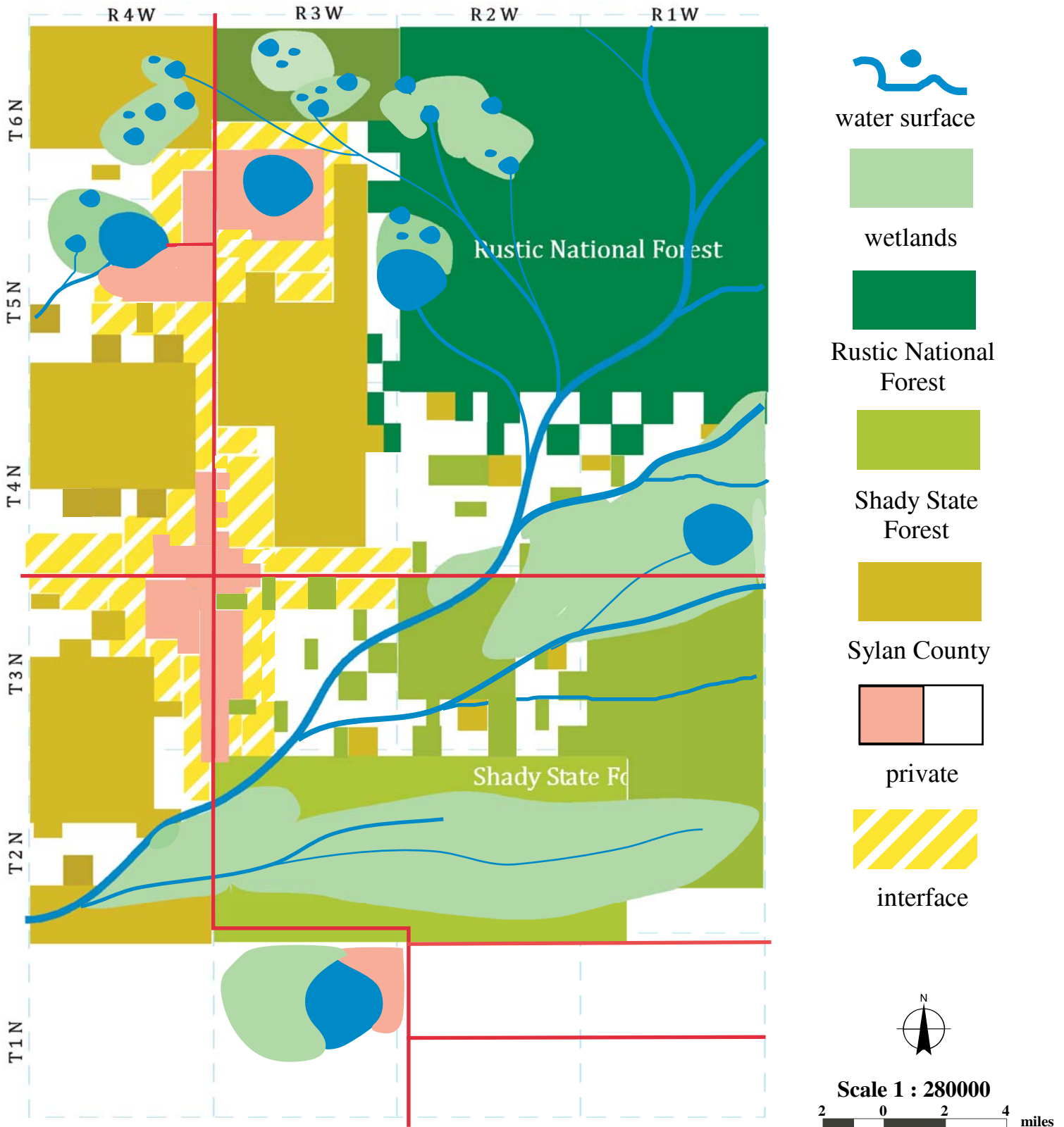
### **Forest Resources Policies for Sylvan County**

Healthy forests resources are essential to the quality of life and prosperity of Sylvan County residents. It is the county’s policy to promote the sound, sustainable management of its forest lands and ensure that exurban development does not greatly diminish the extent or functions of its forest resources.

**4.1 Public Forest Lands.** Sylvan County will continue to manage the forest lands entrusted to its stewardship for a sustainable yield of timber and other forest “products,” including clean water, wildlife, and outdoor recreation. County lands will be traded or sold only where that action clearly contributes to better management, and the county will protect existing access to all public lands. The county will also maintain and build working partnerships with other public forest land managers.







# Map 3 - Urban-Wildland Interface

## Sylvan County Comprehensive Plan 2010

Sylvan County GIS

The interface is mapped based on Sylvan County rural addresses and the land cover map. **This is the area of maximum wildfire exposure.**

**Number Your Policies.** This model plan element strongly recommends numbering plan policies. It makes it easy to refer to them and facilitates development of a checklist that can be used to monitor and assess plan implementation. More important, it helps when the time comes to demonstrate how specific provisions of the local regulations and specific land use decisions (approval of a subdivision plat, for example) are consistent with the plan.

**4.1.1 Forest Products Certification.** The Sylvan County Land Department will continue to certify its operations through the Forest Stewardship Council (FSC) of the United States. As defined by the FSC, “Forest certification is a process in which landowners and manufacturers invite third-party auditors to certify that their practices meet internationally recognized standards for responsible forest management.” For more information, visit the Forest Stewardship Council at: [http://www.fscus.org/images/documents/FSC\\_prospectus.pdf](http://www.fscus.org/images/documents/FSC_prospectus.pdf).

**4.1.2 Forest Land Acquisition.** Sylvan County will seek funding for the acquisition of additional forest lands consistent with this plan and the sound management of existing public lands. Funding may be available from various sources including the federal government (e.g., the Land and Water Conservation Fund), state government (e.g., the Lessard-Sams Outdoor Heritage Program), and private foundations. The county will also retain undeveloped lands that are acquired through tax foreclosure if retention of those lands will expand the Land Department’s management possibilities or otherwise help implement the goals of this plan

**4.1.3 Land Exchanges and Sales.** As Map 2 shows, Sylvan County manages some small, isolated parcels of public land. Scattered holdings contribute little to the Land Department’s management possibilities and the department will continue to use them to arrange trades for isolated parcels of private land that exist within larger blocks of county land. The county will also work to exchange lands with the Rustic National Forest and Shady State Forest to help all public land managers consolidate holdings. This is presently occurring in the Strawberry Creek watershed, where Sylvan County manages tracts within the boundary of the Rustic National Forest. Finally, Sylvan County may sell isolated parcels of public forest lands, but only if those parcels offer minimal public values and the proceeds of the sale are applied to the goal of expanding (see 4.1.2, above) and consolidating the county’s own lands.

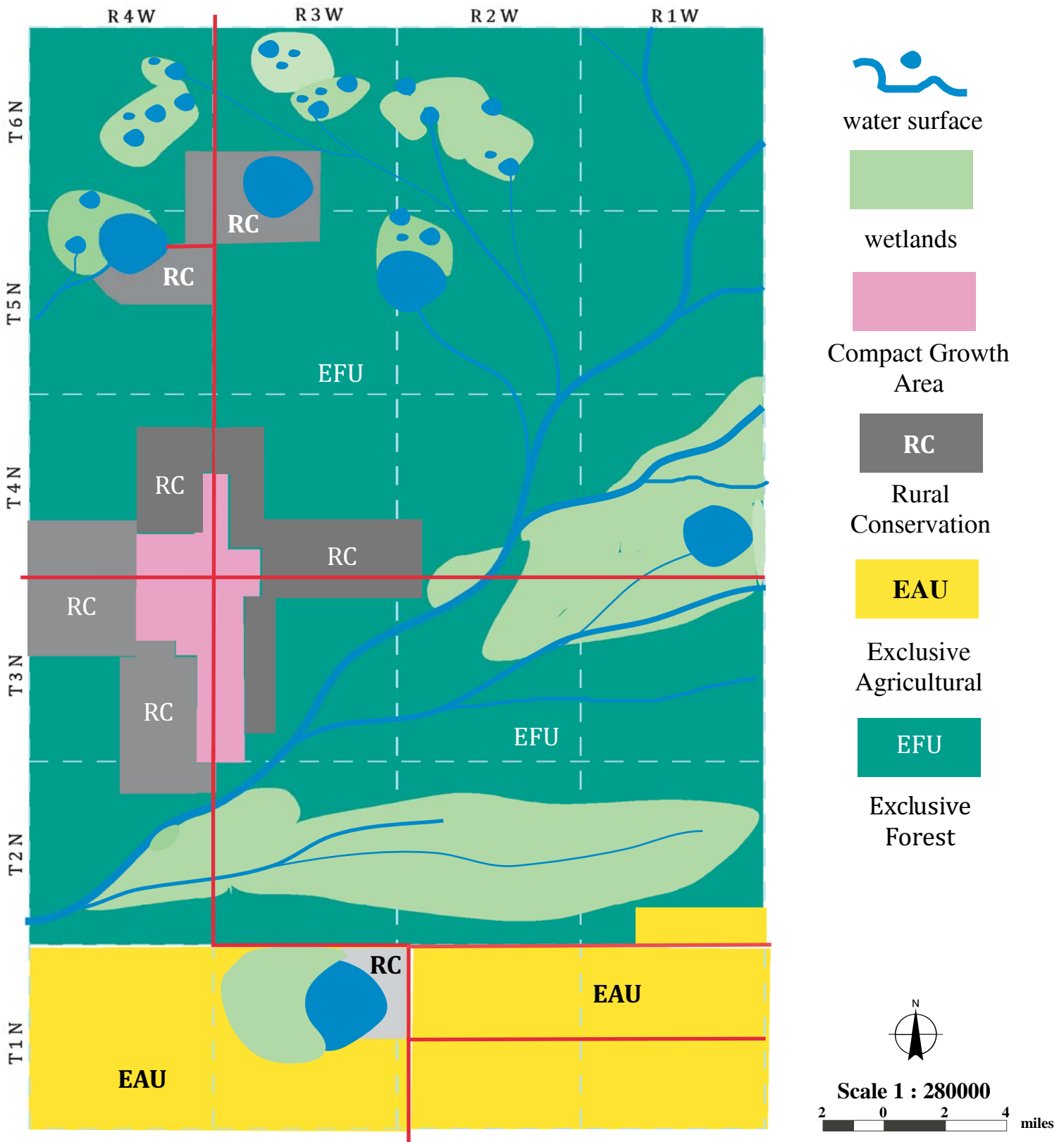
**4.1.4 Landscape Planning.** Sylvan County’s Land and Planning Departments will participate in the Minnesota Forest Resources Council’s landscape planning process. A description of this program, which “... builds relationships, strengthens partnerships, and identifies collaborative forest management projects that address local needs and represent concrete steps in determining and reaching citizen-identified short-term and long-term goals for broad landscape regions...” is available on-line at: [http://www.frc.state.mn.us/initiatives\\_llm.html](http://www.frc.state.mn.us/initiatives_llm.html).

**4.1.5 Rustic National Forest.** Sylvan County will develop a memorandum of understanding (MOU) with the Rustic National Forest that addresses shared concerns and responsibilities for road maintenance, solid waste disposal, wildfire response, and other issues of mutual interest. Sylvan County will also strive to represent the interests of its citizens in the national forest planning process and invite the Rustic National Forest to appoint an ex officio member to the Sylvan County Planning Commission.

**4.1.6 Shady State Forest.** Sylvan County will develop a memorandum of understanding (MOU) with Shady State Forest that addresses shared concerns and responsibilities for road maintenance, solid waste disposal, wildfire response, and other issues of mutual interest. Sylvan County will also invite the Department of Natural Resources to appoint an ex officio member to the Sylvan County Planning Commission.







# Map 4 - Future Land Use

## Sylvan County Comprehensive Plan 2010

**4.1.7 Access to Public Lands.** Sylvan County’s will adopt a new unified development code that requires the owners to maintain existing public access when a property is developed. This does not mean that a developer must permit trespass on building lots. It does mean that the continuity of existing public trails must be maintained and that some provision for public access must be made in any development that has the potential to “land lock” national forest, state forest, or county lands.

**What is a Unified Development Code?** A unified development code combines all official controls, including subdivision regulations and zoning, as well the specific ordinances that many rural Minnesota counties have adopted to regulate adult entertainment, signs, telecommunications towers, and other problematic land uses, into a single set of procedures and standards.

**4.2 Private Forest Lands.** Sylvan County will promote good stewardship of private forest lands and seek to ensure that exurban residential development on adjacent or nearby lands does not result in nuisance complaints against forest management activities. Sylvan County will also seek to maintain its forest land base, protect water quality, prevent further fragmentation of wildlife habitat, and maintain recreational opportunities by limiting further development of forest lands. This policy will contribute not only to a healthy, sustainable forest resource, but also to the attainment of the county’s vision (see page II-6 of this plan) of more compact new development.

### *The Conventional Zoning Option*

**We Have Options?** You do! This model plan element provides language that would support either conventional or performance zoning approaches to the regulation of forest lands. We cannot go into all of the reasons why a county or town might choose performance zoning here, but it sometimes has both practical and political advantages in complex, changing rural landscapes. No community should consider better regulatory protection for its forest resources without evaluating both approaches.

**4.2.1c Zoning Forest Lands.** Sylvan County will adopt a new unified development code that protects its best forest lands by establishing an Exclusive Forest Use Zoning District (EFU). Forest management and compatible activities (aggregate mining would be an example) will be the only permitted uses. Residential, resort, commercial, and most industrial development will be directed to more suitable locations, but there will be provisions allowing small conservation subdivisions at an average density of one dwelling unit per 80 acres and subject to conditions that limit the county’s need to provide public services in the EFU. Sylvan County will also permit the voluntary transfer of development rights out of the EFU into the compact growth area established in Chapter VIII of this plan. The proposed boundaries of the EFU are shown on Map 4 – Future Land Use.

**Do Minnesota Counties Use Exclusive Use Zoning Districts? Do Minnesota Counties Use Transferable Development Rights?** Yes, Stearns County provides a good example of a comprehensive and reasonably successful approach to farmland protection that includes exclusive farm use zoning, mandatory cluster development, and the transfer of development rights. The Stearns County comprehensive plan is on-line at: <http://www.co.stearns.mn.us/6436.htm>. Its zoning ordinance is on-line at: <http://www.co.stearns.mn.us/7041.htm>. Other rural Minnesota counties also use these tools. Blue Earth County has a modest transfer of development rights program. Blue Earth, Fillmore, and Nobles exemplify an approach that combines gentle exclusive farm use zoning and the use of low average densities (generally 1:40) to limit exurban residential development.

**4.2.2c Zoning the Interface.** Sylvan County will adopt a new unified development code that creates a Rural Conservation Zoning District (RC) to address the interface issues being experienced in its forest and farm landscapes. The use of conservation design will be mandatory for new subdivisions and resorts in this district, where the average density of residential development will be limited to one unit per 10 acres. The code will include standards ensuring that conservation



subdivisions and resorts protect critical resources, minimize wildfire exposure, minimize potential conflict with forest management and wildlife, and maintain rural character.

**4.2.3c Forest Land Evaluation and Site Assessment.** Given the extent and diversity of its forests, the intermingling of public and private ownerships, the occurrence of lakes and wetlands within forested areas, and the scattering of exurban residential and resort development (remember that there are approximately 55,000 acres, or 86 square miles, in the wildland-urban interface), Sylvan County needs a tool to systematically determine which forest lands it is most important to conserve in the EFU and which should more realistically be placed in the RCZD. The county will create a Land Evaluation Site Assessment (LESA) system for forest lands and use that system to help revise and finalize the boundaries of the EFU and RC that are proposed on Map 4 - Future Land Use.

**What is a LESA System?** LESA systems offer a consistent, systematic (and thus defensible) way of classifying crop, forest, or range lands based on their relative long-term viability for production. LESA systems incorporate both the inherent productivity of the land being evaluated (LE) and its context (SA), including accessibility, availability of urban infrastructure, and compatibility of neighboring land uses. The site assessment may also incorporate environmental factors. The Natural Resources Conservation Service provides general information about LESA systems on its website at <http://www.nrcs.usda.gov/programs/lesa/>. It also offers a detailed handbook on how to develop a LESA system at: <http://www.nrcs.usda.gov/programs/lesa/LESA%20Guidebook.pdf>. Stearns County, MN currently uses a LESA system in its efforts to protect farmland. See <http://www.co.stearns.mn.us/documents/ord209appA.pdf>.

*The Performance Zoning Option*

**4.2.1p Zoning for a Complex Landscape.** Given the extent and diversity of its forests, the intermingling of public and private ownerships, the occurrence of lakes and large wetlands within forested areas, and the scattering of exurban residential and resort development (remember that there are about 55,000 acres, or 86 square miles, in the wildland-urban interface), Sylvan County concluded that drawing zoning district boundaries between its most valuable forest lands and the lands of the wildland-urban interface – where other uses are already a significant part of the mix – would be difficult and likely to be seen as arbitrary by affected landowners. This problem applied to farmlands, too, leading the county to adopt performance zoning for its rural areas. Sylvan County will adopt a new unified development code that treats all rural forested lands, including interface areas and wetlands surrounded by forest, as a Forest Lands Zoning District (FLZD).

**4.2.2p Forest Land Evaluation and Site Assessment.** As a first step in implementing performance zoning Sylvan County will develop a Land Evaluation Site Assessment (LESA) system for forest lands. This system will be used in development review to determine which lands it is most important to reserve exclusively for forest management and compatible uses, and which lands can reasonably accommodate limited rural development.

**4.2.3p Performance Standards.** The only uses permitted by right in the FLZD will be forest management and compatible activities like aggregate mining. There will also be an exception for a single split of existing residential parcels of 20 or fewer acres. Any other residential, resort, and other development will be permitted only on lands that have a FLESA – Forest Land Evaluation Site Assessment - score of less than 50 and in compliance with performance standards that protect critical resources, limit wildfire exposure, minimize potential conflicts with forest management activities, and maintain rural character. Residential development rights will be assigned at a rate 1 unit per 80 acres to lands that have a LESA score of 50 or more and 1 unit per 10 acres to lands that have a LESA score of less than 50. Residential subdivisions must cluster units to provide at least 75% protected open space on the parcel. The intensity of resort development will be limited in a



similar way. It will also be possible to voluntarily transfer development rights to more suitable sites or out of the FLZD in the compact growth area established by Chapter IX of this plan.

*These Policies Apply in Either Option*

**4.2.4 Private Forest Management.** Sylvan County will encourage private forest landowners to follow the voluntary management guidelines of the Minnesota Forest Resources Council. Those guidelines may be found at: [http://www.frc.state.mn.us/initiatives\\_sitelevel\\_management.html](http://www.frc.state.mn.us/initiatives_sitelevel_management.html). The county will also encourage forest landowners to participate in Minnesota’s Sustainable Forestry Incentive Program. Detailed information about this tax relief program may be found on-line at: [http://www.taxes.state.mn.us/property/publications/fact\\_sheets/html\\_content/sust\\_forest\\_fact\\_sheet.shtml](http://www.taxes.state.mn.us/property/publications/fact_sheets/html_content/sust_forest_fact_sheet.shtml).

**More Options.** An important way to implement a local forest conservation policy is through conservation easements, which provide for the continued private management and stewardship of forest resources while precluding future development. Promoting this option gives landowners a sense of choice and eases the impact of regulations. The options offered here include a local land trust established by the county, which would probably appoint a “conservation commission” or similarly named body to guide its land conservation program or county cooperation with a not-for-profit land trust.

**4.2.5a Acquire Forest Conservation Easements.** Sylvan County will establish a county land trust that has authority to accept conservation easements donated to the county and to apply for state and federal funding for the purchase of conservation easements. County Land Department resources will be used for monitoring and enforcement of the easements. This county land trust will encourage forest landowners whose property has production and/or conservation values to consider an easement as an alternative to subdivision and development.

**4.2.5b Promote Forest Conservation Easements.** Sylvan County will encourage forest landowners whose property has production and/or conservation values to consider a conservation easement as an alternative to subdivision and development. It will do this by working with the Minnesota Land Trust to ensure that landowners clearly understand their options. The county may also provide stewardship funds to encourage landowners who would have difficulty raising such funds to donate an easement.

**4.2.6 The Right-to-Log.** Where residential or resort development is permitted in forested areas, the owner will be required to impose a covenant or record an easement in favor of continuing agricultural and forest management operations on adjacent lands. Model resource management easements and covenants are appended to this chapter. Sylvan County will also advocate the extension of Minnesota’s right-to-farm law (Minn. Statutes 561.19) to forest management operations.

**4.2.7 Firewise Standards.** Sylvan County experiences a dozen or more small wildland fires every year and occasionally sees a disastrous burn, like the 2007 Daisy Lake Fire, which consumed more than 20,000 acres and destroyed homes and outbuildings. Sylvan County will adopt a unified development code that requires all development in forested areas to provide safe access for fire fighters and an adequate water supply consistent with the *Sylvan County Community Wildfire Protection Plan*. New development will also be required to provide and maintain defensible space around all structures and may be required to provide perimeter and internal fuel breaks.



**Finding Model Firewise Standards for Your Community.** First, does your county have a wildfire protection plan? If not, developing one should be an implementation strategy in your plan. The Minnesota Department of Natural Resources' Firewise website is: <http://www.dnr.state.mn.us/firewise/community.html>. This site focuses on actions that can be taken to mitigate wildfire hazards. It does not provide much help for local planners. The Colorado State Forest Service offers an extensive array of wildfire protection planning resources, including that state's wildfire mitigation plan (which discusses local planning and zoning), model fuel break regulations, and links to local wildfire protection plans that have exemplary regulatory components. Visit: <http://csfs.colostate.edu/pages/wildfire.html> for this information. Another useful publication comes from the California Governor's Office of Planning and Research. *Fire Hazard Planning* may be found at: [http://www.opr.ca.gov/planning/publications/Fire\\_Hazard\\_Planning-Final\\_Report.pdf](http://www.opr.ca.gov/planning/publications/Fire_Hazard_Planning-Final_Report.pdf).

**4.2.8 Climate Change.** Sylvan County has adopted a climate change policy which recognizes the potential importance of sequestering carbon in local forests. See Chapter X – Climate Change and Energy.



**MODEL SYLVAN COUNTY RESOURCE MANAGEMENT EASEMENT**

\_\_\_\_\_ are the owners of real property described below. They are hereinafter referred to as the ‘Grantors.’

**INSERT LEGAL DESCRIPTION FROM DEED OR PLAT**

In accordance with the conditions set forth in the decision of Sylvan County, dated \_\_\_\_\_, approving Permit #\_\_\_\_\_ for residential development on the above described property, and in consideration of that approval, the Grantors grant to the owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the above described property is situated in an agricultural or forest area and may be affected by commercial agricultural or forestry operations on adjacent lands. Such operations include the planting, cultivation, harvest, storage, and shipping of crops; the planting, thinning, harvest, storage, and shipping of timber; and livestock raising, all potentially including the application of chemicals, including herbicides and pesticides; the operation, including night-time operation, of machinery and heavy trucks; the application of irrigation water; prescribed burning; and other customary agricultural and forestry activities conducted in accordance with federal and state laws. These activities ordinarily and necessarily produce dust, noise, odors, smoke, and other conditions that may conflict with Grantors' use of the property described above for residential purposes. Grantors hereby waive all common law rights to object to customary agricultural and forest management activities lawfully conducted on adjacent lands which may conflict with Grantors' use of their property for residential purposes and hereby grant an easement to adjacent property owners for such activities.

2. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from seeking the enforcement of federal, state, or local regulations on the activities conducted on adjacent properties.

This easement is appurtenant to all property adjacent to the above described property, binds the heirs, successors, and assigns of Grantors, and endures for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are expressly granted the right of third party enforcement of this easement.

IN WITNESS WHEREOF, the Grantors have executed this easement on \_\_\_\_\_, Grantor

STATE OF MINNESOTA  
County of Sylvan

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_, Notary Public,

My Commission Expires: \_\_\_\_\_



## SYLVAN COUNTY FOREST RESOURCE MANAGEMENT RESTRICTIVE COVENANT

This covenant is made on \_\_\_\_\_(date) by the person signing on page 2, who will be referred to as “the claimant” for the purpose of this covenant.

1. This covenant is in accordance with Sylvan County Ordinance # \_\_\_\_\_. It must be recorded in the office of the county recorder (or registrar for registered land) in each county where any of the land is located. The recording may be done in person or by mail. Contact your county recorder if you have any questions on the recording procedures.
2. By signing this covenant, the claimant certifies that they have the consent of all owners of the property. All of the owners of the property are responsible for complying with the terms of this covenant, even if they do not sign the covenant. Owners include lienholders and others with an interest in the property.
3. If you do not leave a 1 inch margin on this covenant, and on all attachments, you may be assessed an additional recording fee.
4. This covenant pertains to all or part of the real property in Sylvan County, Minnesota, which is legally described on the attached “Exhibit A.” A map of the property is in the attachment marked “Exhibit B.” This property will be referred to as “the property” for the purpose of this covenant.
5. This covenant shall run with the property for a period of 30 years from the date it is recorded. The restrictions shall bind the claimant, all other owners, our heirs, and any future owners Any person purchasing or acquiring an interest in the property must also abide by the terms of the covenant.
6. This covenant is not a contract; it is a condition of the decision of the Sylvan County Board, dated \_\_\_\_\_, approving Permit # \_\_\_\_\_ for residential development on the property.

### RESTRICTIONS

As the claimant, on behalf of all the owners and myself, I accept all of the following restrictions on the property. The Claimant, its heirs, successors, and assigns acknowledge by the granting of this covenant that the above described property is situated in an agricultural or forest area and may be affected by commercial agricultural or forestry operations on adjacent lands. Such operations include the planting, cultivation, harvest, storage, and shipping of crops; the planting, thinning, harvest, storage, and shipping of timber; and livestock raising, all potentially including the application of chemicals, including herbicides and pesticides; the operation, including night-time operation, of machinery and heavy trucks; the application of irrigation water; prescribed burning; and other customary agricultural and forestry activities conducted in accordance with federal and state laws. These activities ordinarily and necessarily produce dust, noise, odors, smoke, and other conditions that may conflict with Grantors' use of the property described above for residential purposes. The Claimant hereby waives all common law rights to object to customary agricultural and forest management activities lawfully conducted on adjacent lands which may conflict with claimant' use of its property for residential purposes. Nothing in this easement shall prohibit or otherwise restrict the Grantors from seeking the enforcement of federal, state, or local regulations on the activities conducted on adjacent properties.

The restrictions are a condition for entrance into the SFIA program and are required in order to receive an annual incentive check from the Department of Revenue.





SIGNATURES

By signing below I hereby accept the restrictions of this covenant.

\_\_\_\_\_  
Signature of Claimant

\_\_\_\_\_  
Print name of Claimant

This covenant was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by  
\_\_\_\_\_  
(name of claimant).

Notary Public

Notary Stamp or Seal Commission Expires:

This instrument was drafted by \_\_\_\_\_

EXHIBIT A

Legal Description of Real Property or Certificate of Title Number for Real Property  
List each legal description or certificate of title number for all lots, parcels or tracts of land in this county  
for which you wish to place under this covenant. If you need additional space, attach a separate sheet of  
paper.

