



Center for Land Use Education

# The Land Use Tracker

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## An Innovative Tool for Managing Rural Residential Development: A Look at Conservation Subdivisions

by Anna Haines, Ph.D.

This is the second of two articles addressing rural residential development. The [previous article on rural residential development](#) provided a definition of four related management tools (large minimum lot size, purchase of and transfer of development rights, and conservation subdivisions), and explained briefly how each tool worked, its potential benefits and limitations, and provided a list of references. In this article, I will provide a more in-depth look at conservation subdivisions.

The comprehensive planning law (or "Smart Growth" law) specifies nine elements that must be in the comprehensive plan. Among them is the implementation element that needs to outline the types of plan implementation tools a community will use to implement its plan. One primary goal of many communities is to balance residential development with agricultural needs, open space, and natural resources while trying to retain a sense of place. This kind of goal can make an important link between the housing, and agriculture, cultural and natural resources element of the comprehensive plan. Consideration of the goals and objectives within the comprehensive plan is necessary as the community considers the types of tools it will use to achieve its plan. One potentially useful tool to achieve the above goal is to describe conservation subdivisions as a *floating* zoning district or a conditional use in residential districts in the local zoning or land division code.

A model conservation subdivision ordinance was prepared by UW Extension. Local governments are not required to adopt this ordinance (see Ohm 2000), but may find it useful in crafting their own conservation subdivision ordinance.

### Conservation Subdivisions: A Definition

Conservation subdivisions are characterized by common open space and clustered compact lots. The purpose of a conservation subdivision is to protect farmland and/or natural resources while allowing for the maximum number of residences under current community zoning and subdivision regulations. In some cases a greater density (density bonus) may be offered in the local ordinance to encourage this approach to residential development planning. Generally, this tool is used for parcels 40 acres or larger.

### Development Density

One interesting feature of conservation subdivisions is that they are density neutral (except where a density bonus is offered). What does density neutral

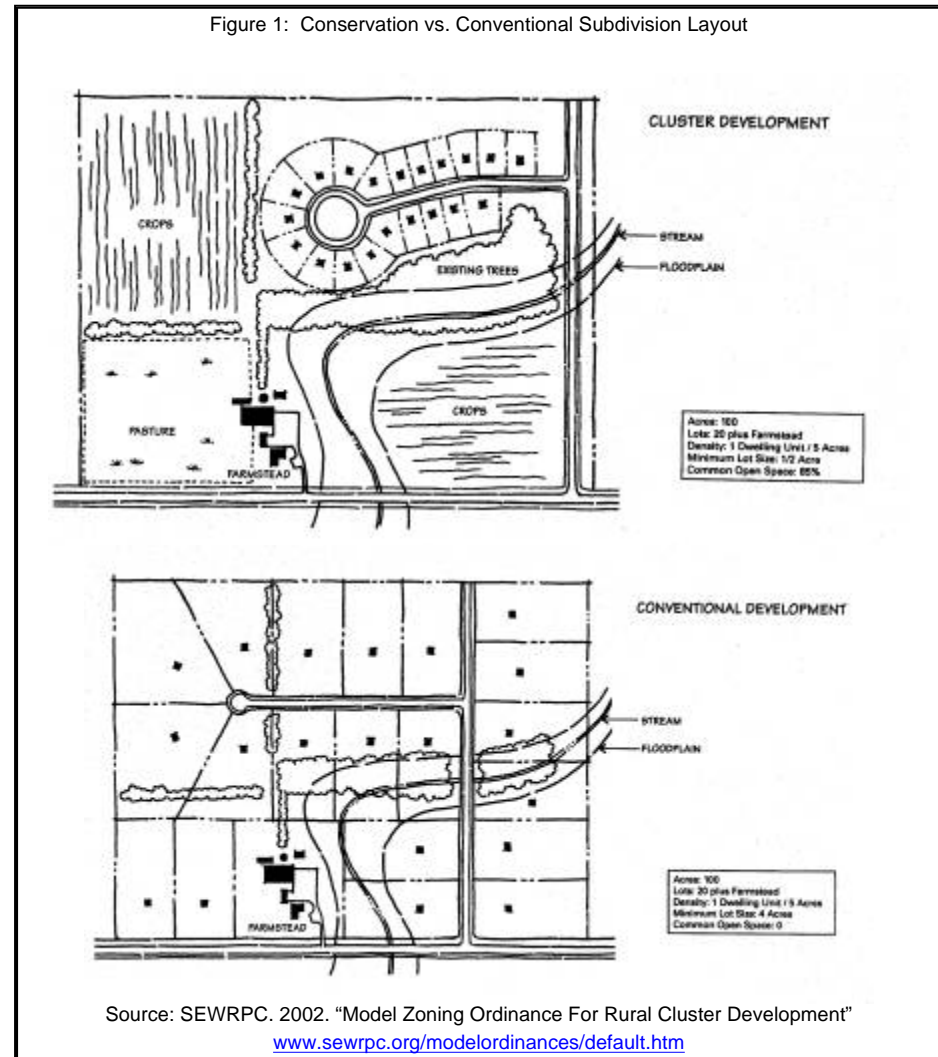


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mean? Many people assume that a conservation subdivision automatically implies a reduction in the number of lots allowed on a parcel of land. Actually, the same numbers of lots are built in a conservation subdivision as would be built in a conventional subdivision. Thus, a conservation subdivision maintains the same level of density as a conventional subdivision. Conventional lot-by-lot subdivisions spread development evenly throughout a parcel without consideration to environmental or cultural features (Ohm 2000).

The primary difference between conservation subdivisions and conventional ones involves the location of the homes on one part of the parcel, i.e., the homes are clustered. Other changes involve management and ownership of the land that has been left for preservation.

Figure 1: Conservation vs. Conventional Subdivision Layout



### Open Space Design, Use and Ownership Options

Conservation subdivision ordinances generally require permanent dedication of 40% or more of the total development parcel as open space. Open space design requirements often include contiguity and connection to other open space or conservation areas. Open space uses may include agriculture, forestry or outdoor recreation and in some cases has included use for waste water disposal or sports facilities in urbanizing areas. There are a variety of ownership choices for the open space (individual residential lots are owned as in conventional subdivisions): The original landowner can retain ownership of the land and continue to use it as a farm, for example (usually agricultural use

is limited; a confined animal feed lot is an inappropriate use, while a vegetable farm is appropriate); a homeowner's association could manage it, it can be held as individual outlots for each of the building lots, or a local government or a land trust can manage the property for conservation purposes or outdoor recreation.

### **Consolidated infrastructure and reduced development costs**

Clustering homes reduces the amount of infrastructure. For example, the linear miles of road are reduced; thus, the associated costs of construction, operations and maintenance are also reduced. As well it is possible to share wells and septic systems in these clustered developments. However, placement of wells and septic systems must be carefully designed to prevent unwanted uptake of wastewater into private wells.

### **Marketing amenities**

Conservation subdivisions are desirable from a developer/realtor perspective. They appeal to potential homeowners who want easy access to open space for the views and/or for a range of outdoor activities, i.e., a "golf course" development without the golf course.

### **How it works**

One of the more popular methods is advocated by Randall Arendt who has outlined a four step process. The process begins with the community identifying the cultural and natural resources that are valued on a specific parcel earmarked for development. This communication results in (i) identifying primary and secondary conservation areas, (ii) designing open space to protect them, (iii) arranging houses outside of those protected areas, and (iv) finally laying out streets, lots and infrastructure. Often between 40% to 80% of the site is permanently set aside for open space (Arndt 1992, Minnesota Land Trust 2000, Natural Lands Trust).

### **Potential Benefits**

Conservation development or subdivisions **potentially** can benefit a community in a variety of ways:

- Achieves a community goal of preserving open space at the same density standard as is outlined in current ordinances.
- Establishes an open space network, if done within the context of a comprehensive plan and these types of developments/subdivisions are purposefully linked together. Continuous open space (farmland, forest or other natural resources) allows for greater benefits for the environment, i.e., habitat preservation for wildlife, and for a local economy if dependent on agriculture and/or tourism. This open space network also can extend and join recreational trails.
- None of the land is taken for public use unless the developer/owners want it to be.
- Does not require public expenditure of funds.
- Does not depend on landowner charity.
- Does not involve complicated regulations for shifting rights to other parcels.

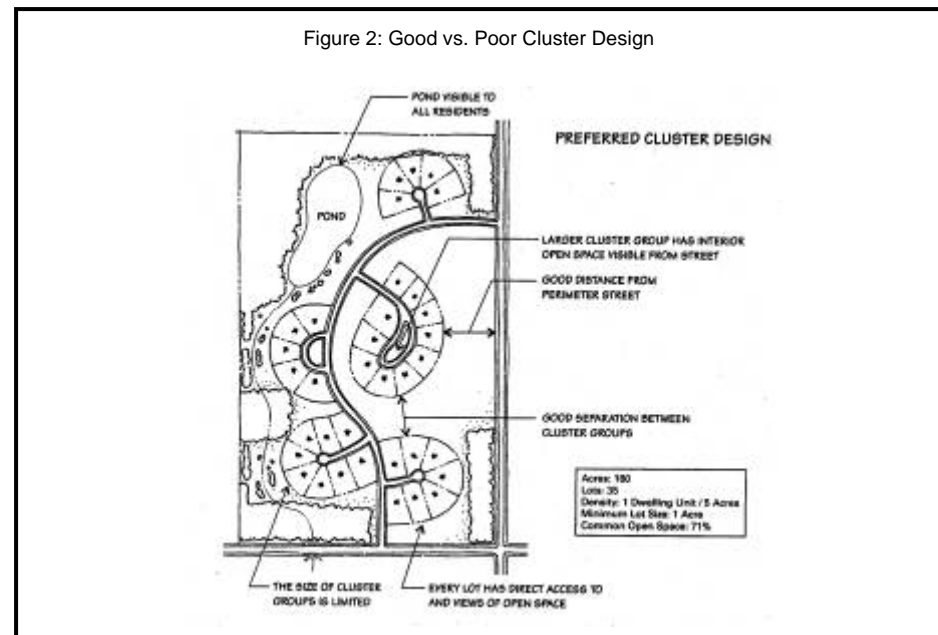
- Does not depend upon the cooperation of two or more adjoining landowners to make it work.
- Provides a quality residential and recreational environment.

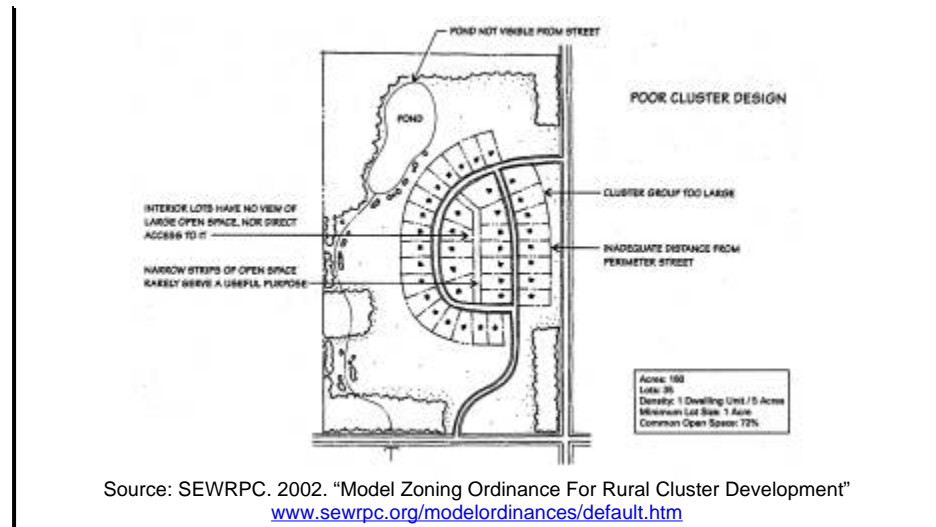
Source: Better Designs for Development in Michigan and Minnesota Land Trust and University of Minnesota 2001.

### Limitations

While conservation subdivisions can achieve a variety of benefits, there are a number of limitations to consider:

- Conservation subdivisions are not a panacea. Used alone they cannot fully accomplish goals related to establishing and preserving open space or managing residential development.
- These subdivisions should connect to a broader network of conservation areas, if not a community will have a chopped up landscape.
- Conservation subdivisions not attached to already developed areas and not connected to services can result in poor land use practices.
- If one goal of your community is to create affordable housing, conservation subdivisions may not provide this housing option. Many conservation subdivisions are expensive, and are marketed to “high end consumers.” On the other hand, there is no reason why these types of subdivisions cannot include more affordable housing.
- If a goal of the community is to promote development that is less dependent on the automobile, conservation subdivisions may not help.
- Technical assistance is important. Poorly designed conservation subdivisions may may not achieve open space goals of the community.





### Guidelines for conservation subdivision development and design:

- Conservation design is not a panacea
- Setting goals in the community's planning framework is critical.
- It is important to have good resource information
- Think big and plan for a large open space network
- Ordinances should create incentives and reduce barriers
- Open space should be diligently designed, not just set aside
- Water quality and quantity is paramount
- The management of the protected areas is critical
- Conservation development must be profitable
- Many of the barriers to change are not technical, but institutional

Source: Minnesota Land Trust, 2000.

### Is This Tool "Right" for Our Community?

Each community should decide on the types of land management tools they want to use. Recognize that your community should choose a number of tools rather than rely on one exclusively. The reason to choose a group of tools is to bring strength where one tool is weak and to send consistent signals to the development community and property owners regarding appropriate and planned uses for particular parcels. It is reasonable, for example, to have a purchase of development rights program in place along with overlay zones and a conservation subdivision ordinance. Below is a list of criteria to consider when choosing plan implementation tools, including conservation subdivisions:

- Does your community have an accepted plan that identifies rural

- residential development, open space, or sprawl as an issue?
- Does the plan specify goals and objectives that address how your community will contend with rural residential development?
- Will the tool accomplish any of your community's goals and objectives?  
Is the tool politically acceptable?  
Can the local government or some other organization administer the new tool given current personnel or is another position or committee necessary?  
Are there any enforcement issues local government personnel would need to contend with?  
To be effective, would the same tool need to be used by adjoining communities and/or is a cooperative effort possible?

Answering the above questions will give you a better idea which tools are appropriate to use in your community. Avoid choosing any plan implementation tool before you have done your homework. Understand how that tool works and the implications for administering and enforcing it.

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## **Resources**

Arndt, Randall. "Open Space" Zoning: What it is & Why it Works: [www.plannersweb.com/articles/are015.html](http://www.plannersweb.com/articles/are015.html) (from Planning Commissioners Journal, Issue 5, July/August 1992, page 4)

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Natural Lands Trust, Inc. "Growing Greener: Putting Conservation into Local Codes." [www.natlands.org/planning/planning.html](http://www.natlands.org/planning/planning.html)

Ohm, Brian. 2000. "An Ordinance for a Conservation Subdivision." [www.wisc.edu/urpl/people/ohm/projects/consub.pdf](http://www.wisc.edu/urpl/people/ohm/projects/consub.pdf)

SEWRPC. 2002. "Model Zoning Ordinance For Rural Cluster Development" [www.sewrpc.org/modelordinances/default.htm](http://www.sewrpc.org/modelordinances/default.htm)

Wisconsin Department of Natural Resources. "Position on 'Cluster Development.'" [www.dnr.state.wi.us/org/es/science/landuse/tools/index.htm](http://www.dnr.state.wi.us/org/es/science/landuse/tools/index.htm)

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Alicia Acken contributed to an earlier draft of this article. DNR's Land Use Team, Michael Dresen, Gary Korb, Lynn Markham and Brian Ohm reviewed this article for form and content. Any errors, mistakes and omissions remain the responsibility of the author.

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