

REGIONAL PARKS FOR
MINNESOTA'S OUTSTATE
URBAN COMPLEXES

PREPARED FOR:
LEGISLATIVE CITIZEN COMMISSION ON MINNESOTA RESOURCES



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2007

This project was funded by the Legislative Commission on Minnesota Resources (now Legislative Citizen Commission on Minnesota Resources).

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Community Growth Institute created the maps of the proposed Regional Recreation Resource Districts.

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REGIONAL PARKS FOR MINNESOTA'S NEW OUTSTATE URBAN COMPLEXES

- This project has identified the most scenic places in the fastest growing counties of Minnesota.
- Population in the identified outstate urban complexes will account for 1/3 of all of the projected population growth in Minnesota between 2000 and 2030.
- These complexes are Minnesota's new cities and they will need a wide array of urban services, one of the most important being a regional recreation open space system equal in quality to the metropolitan regional park system.
- To acquire and develop a high quality park system that can adequately serve these new cities, Minnesota will have to invest approximately \$250,000,000.
- A new management structure is the best way to maintain the value and quality of these areas as open space assets for attracting tourism, sustained development, recreation, agricultural investment, employers, and residents.
- This structure requires the ability to comprehensively manage private land uses and vertically integrate public land management to ensure that these areas maintain their competitiveness in a global marketplace as treasure worthy of investment.
- It is the goal of this report to generate the needed public discussion on what our new urban areas should look like, the public role in their management, and how to make them competitive with the new high amenity cities being created in other parts of the U.S. This discussion must begin NOW.

INTRODUCTION	6
Background	6
Programs and Services Coordinated by Regional Recreation Resource Districts	15
THREE MINNESOTAS	16
Twin Cities Metropolitan Area – Increasing Population	16
Agricultural Areas / Remote Forests – Population Decrease	17
Commuter/ Amenity Areas – Rapid Population Increase	18
MINNESOTA OPEN SPACE HISTORY	19
Steel Rail Epoch Parks 1870 – 1920	19
Automobile Epoch Parks 1920 - 1970	19
PROJECT STUDY AREAS	21
Ring: Collar Counties	22
Greater St. Cloud	34
Greater Rochester	41
Central Lakes	47
Western Lakes	54
Micropolitan Areas	61
<i>Bemidji</i>	61
<i>Willmar</i>	66
REGIONAL PARKS	70
Non-Metropolitan Regional Parks	70
Outstate Regional Recreation Parks Current Standards / Guidelines	72
Current Policies / New Modified Recreation State Park Policy	75
Facility Adequacy Survey	75

Key Candidate Sites	76
REGIONAL RECREATION RESOURCE DISTRICTS	79
Introduction	79
<i>Why?</i>	80
<i>What?</i>	82
<i>How?</i>	82
General Structure	83
Mechanics of the New Regional Recreational Resource District	87
<i>Governance</i>	87
<i>Land-Use</i>	87
Options	90
CONCLUSION	92
Next Steps	93
Appendices	93

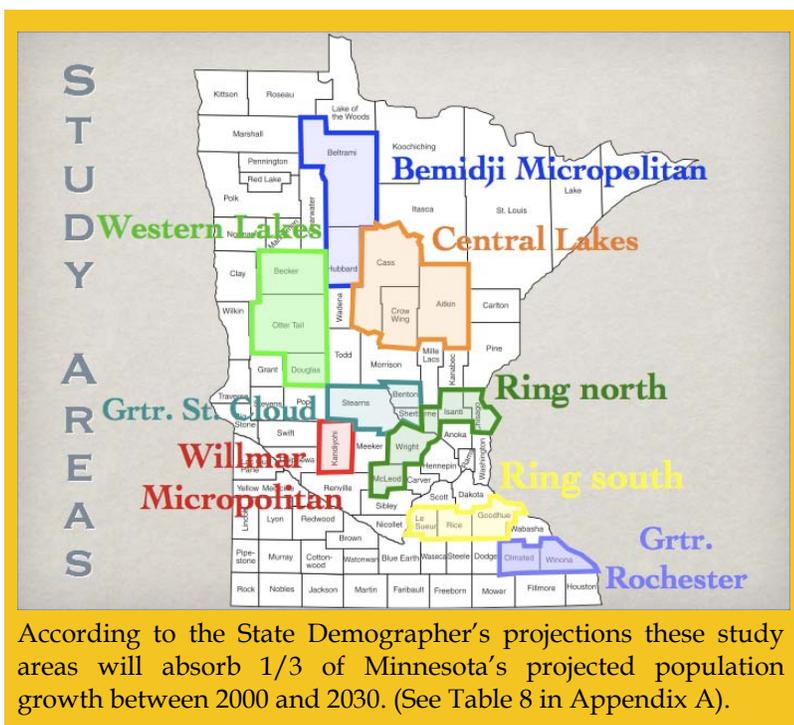
Introduction

Background

From the end of World War II until 1970, most population growth in Minnesota was in the seven county metropolitan area, and in regional trade centers like St. Cloud and Mankato. Beginning in about 1970 a new era of urbanization based on electronics and communication has created a new pattern of population growth and a new set of challenges for policy makers. The personnel computer, internet, and low cost phone service are making it possible for individuals in remote sites to have nearly the same access to information and communication as an individual living and working in a large metropolitan area. This technological change has given many workers the ability to live where they traditionally just vacationed. Longer and healthier life-spans have made it possible for retirees to also make this move to outstate amenity areas. These factors have created a new pattern of urbanization in Minnesota, and the growth of these new urban complexes has accounted for much of the above average population growth of the state.

The population in almost one quarter of rural Minnesota is growing at over ten percent per decade, and this growth is projected to continue. This growth is predominately amenity related and is concentrated in hilly-forested-lake regions.

Modern amenity-related growth has resulted in the development of new urban complexes. Six of these urban complexes and two smaller “micropolitan” areas are included in this study. Duluth and the Iron Range are not included because of the relatively light population growth and the wealth of recreational facilities.



The largest new urban complex in Minnesota is comprised of the counties surrounding the Seven County Metropolitan Area. It is now the second largest urban concentration in Minnesota. Most of this urban complex has been built since 1970, and it is a low density city-in-the-country. Its neighborhoods are clustered around lakes, forests, hills, and highway intersections. Similar settlement patterns are occurring in the other new urban complexes.

Greater St. Cloud and Greater Rochester are also growing rapidly and much of their growth is populating high amenity sites within 30 miles of these centers.

The most dramatic new urban complex to emerge since 1970 is the Central Lakes Urban Complex centered on Baxter/Brainerd. This lake-oriented complex now has 100,000 permanent residents, most of whom are clustered around the major lakes of the area.

The newest urban complex is the Western Lakes Region, which extends from Alexandria to Detroit Lakes. The micropolitan areas of Bemidji and Willmar are experiencing rapid growth, which is also linked to the high amenities of their respective areas.

Within these new urban complexes the automobile and expansive road network allow people to cover large distances to get to work, home, and play, resulting in sprawl based development, and the high consumption of open space. This rapid consumption of land is causing open space which historically provided valued visual amenities and outdoor recreation opportunities, to disappear. These amenity and recreation areas become unusable, and if the resource survives it is of diminished quality. As an amenity area becomes developed, new development moves to other less developed amenities. This is observed as most high quality lakeshore becomes developed, new development moves to the edge of public open space. This “ringing” of natural resource amenities can diminish the value of the initial public investment made to preserve the open space. This is a special problem around public hunting areas, and is increasingly observed and discussed in relation to areas such as Carlos Avery Wildlife Management Area.

This project assumes that our new urban areas will need similar kinds and quality of urban infrastructure as our established large urban areas, but at a lower density and in a different pattern. This study concentrates on the open space and recreation component of the needed urban systems. Other projects will need to address other urban systems such as water supply, waste management, transportation etc. To have an effective and functioning system of open space and recreation infrastructure, the planning and investment must be made early. Once the region is developed it is too late to acquire and connect the assets needed to provide a high-quality open space resource.

In determining the raw acreage and investment necessary to make each outstate urban complex equitable with the open space systems Twin Cities Metropolitan Area, the current, and projected, populations of the urban areas were used as a basis for the calculation. Equity between the new outstate urban complexes and the Metro is the basic principle used in determining the amount of park space needed in each study area.

THE STUDY AREAS:

- The Ring (Northern Section: Chisago, Isanti, Kanabec, McLeod, Wright and eastern Sherburne counties. Southern Section: Goodhue, LeSueur, and Rice counties.)
- The Greater St. Cloud Region (Benton, Stearns, and western Sherburne counties.)
- The Greater Rochester Region (Olmsted and Winona counties.)
- The Central Lakes Region (Aitkin, Cass, and Crow Wing counties.)
- The Western Lakes (Becker, Otter Tail, and Douglas counties.)
- Two Micropolitan Areas
 - Greater Willmar (Kandiyohi County)
 - Greater Bemidji (Beltrami and Hubbard counties)

The amount of needed Regional Recreation Parkland was determined for each region by applying the current and projected population for each region to a formula designed to calculate the amount of land needed to make park distribution equitable with the present Metropolitan Regional Park standards. That number was then subtracted by all “Potential Regional Parklands” as identified by previous LCMR studies to determine the needed acreage. Even assuming that ALL potential regional parklands are incorporated into the New Outstate Regional Park System, by 2030 all of the study areas will be deficient in Regional Recreation open space.

OUTSTATE PARKLAND NEEDS TO REACH EQUITY WITH THE SEVEN COUNTY METRO:

- The Ring is currently deficient more than 4,000 acres of regional parklands. This deficiency will increase to over 8,450 acres by 2030 if more lands are not incorporated into the system.
- The St. Cloud Region is currently deficient by 2,674 acres which will increase to nearly 4,500 acres of needed lands by 2030.
- The Greater Rochester Study Region is currently in need of more than 1,050 acres and will need nearly 2,400 acres by 2030 to maintain equity with the Twin Cities Metro Area.
- The Central Lakes Region currently requires almost 2,000 new acres to satisfy the needs of its permanent and seasonal residents, and will need an additional 4,500 acres by 2030.
- The Western Lakes is severely deficient and currently needs over 4,000 acres to maintain equity of parkland distribution with the Metro, and will need nearly 5,700 acres by 2030.
- Bemidji has sufficient *potential* parkland, but this acreage must be developed to provide the high-quality assets that are needed.
- Willmar currently has no potential regional parklands and needs over 1,000 acres for the present population.

The investments needed are significant and Tables “A” and “B” demonstrate the acreage and dollar requirements to provide for current needs (2000) and projected needs (2030). The State will need to invest between 89 and 133 million dollars to meet the current needs, and between 161 and 241 million dollars to meet the future needs. These tables assume that ALL identified potential regional parks are incorporated into the system but does not estimate the cost of making those lands Regional Parks. While the numbers in the following tables are large, they are a best-case scenario and are in today’s dollars.

Table A

Current Regional Park Acquisition and Development Investment Needs for Outstate Minnesota Urban Complexes (HIGH estimate) *						
Study Area	Total Acreage Needed to Meet Standard	New Acreage Needed to Meet Standard	Land Acquisition Costs (\$6000 per acre)	Development Cost of Acquired Land (\$3000 per acre)	Total Investment per Study Area	Percent of Total Investment per Study Area
Metro Ring North	6,413	2,983	\$17,898,000	\$8,949,000	\$26,847,000	20%
Metro Ring South	3,155	1,023	\$6,138,000	\$3,069,000	\$9,207,000	7%
St. Cloud Region	4,689	2,674	\$16,044,000	\$8,022,000	\$24,066,000	18%
Rochester / Winona	4,357	1,078	\$6,468,000	\$3,234,000	\$9,702,000	7%
Central Lakes**	4,625	1,910	\$11,460,000	\$5,730,000	\$17,190,000	13%
Western Lakes**	4,499	4,114	\$24,684,000	\$12,342,000	\$37,026,000	28%
Bemidji Metropolitan**	2,176	0	\$0	\$0	\$0	0%
Willmar Metropolitan	1,030	1,030	\$6,180,000	\$3,090,000	\$9,270,000	7%
TOTALS	30,944	14,812	\$88,872,000	\$44,436,000	\$133,308,000	100%

*This Estimate DOES NOT INCLUDE the cost to bring existing potential regional parklands up to the Outstate Regional Recreation Park standard. **The acreage needs for these areas are based on a seasonally adjusted population, as explained in the report.

Table B

Projected 2030 Regional Park Acquisition and Development Investment Needs for Outstate Minnesota Urban Complexes (HIGH estimate) *						
Study Area	Total Acreage Needed to Meet Standard	New Acreage Needed to Meet Standard	Land Acquisition Costs (\$6000 per acre)	Development Cost of Acquired Land (\$3000 per acre)	Total Investment per Study Area	Percent of Total Investment per Study Area
Metro Ring North	9,943	6,513	\$39,078,000	\$19,539,000	\$58,617,000	24%
Metro Ring South	4,075	1,943	\$11,658,000	\$5,829,000	\$17,487,000	7%
St. Cloud Region	6,511	4,496	\$26,976,000	\$13,488,000	\$40,464,000	17%
Rochester / Winona	5,666	2,387	\$14,322,000	\$7,161,000	\$21,483,000	9%
Central Lakes**	7,144	4,429	\$26,574,000	\$13,287,000	\$39,861,000	17%
Western Lakes**	6,061	5,676	\$34,056,000	\$17,028,000	\$51,084,000	21%
Bemidji Metropolitan**	3,114	114	\$684,000	\$342,000	\$1,026,000	0%
Willmar Metropolitan	1,192	1,192	\$7,152,000	\$3,576,000	\$10,728,000	4%
TOTALS	43,706	26,750	\$160,500,000	\$80,250,000	\$240,750,000	100%

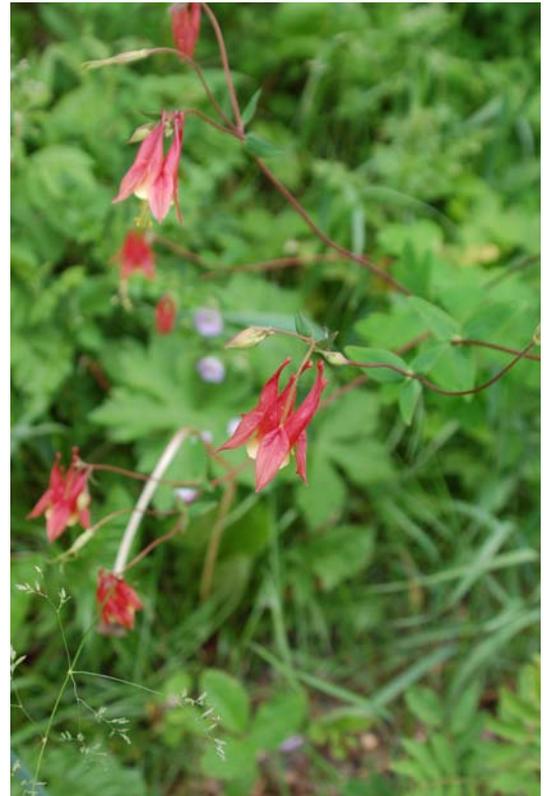
*This Estimate DOES NOT INCLUDE the cost to bring existing potential regional parklands up to the Outstate Regional Recreation Park standard. **The acreage needs for these areas are based on a seasonally adjusted population, as explained in the report.

The report has also developed cost projections based on an acquisition cost of \$4000 per acre and a development cost of \$2000 per acre. Tables containing these projections are included in Appendix A.

The Metropolitan area has developed a regional park system based on large tracts of contiguous public ownership averaging about 1,000 acres in size. Duplicating this type of a system in outstate urban complexes will be challenging without the use of eminent domain and strong local zoning. These tools are not universally used in outstate urban complexes, so the creation of large contiguous tracts may be difficult. Further complicating creation of large open space parks is the development pattern of these new urban areas. Even though there are large amounts of open space, development tends to cluster in and around high amenity areas (hills, trees, and water), which are the same resources needed for regional parks.

To adequately describe the park system proposed in this report, it was necessary to develop maps of actual park locations. Several statewide data bases were utilized: water resources, topography, land cover, and existing public ownership. From these databases several maps were developed to identify scenically attractive areas and existing public ownership. The “scenically attractive” series of maps combines topography, surface water resources, and forest vegetation. The resulting maps shows the areas in Minnesota that have the most relief, are near surface water and are forested, when combined with knowledge of where the highest population growth will be occurring an outline of prime candidate locations for regional recreation parks is generated.

Upon completing the mapping it became apparent that the acreage needed, while sufficient for recreational purposes, was not sufficient to maintain the character of the study areas, much less maintain the services that the traditional open spaces provide. People are attracted to, and spend large sums of money to experience the character of the “North Woods or Lake Wobegone Countryside,” but the acreage that this project identifies for preservation in these areas is not sufficient to protect its invaluable character.



The challenges presented in this study necessitated development of an expanded definition of regional parks to include a new management unit called a “Regional Recreation Resource District.” This concept is built to compliment the Recreation State Park component of the Minnesota Outdoor Recreation System. This new concept draws from tried and tested conservation schemes such as New York’s Adirondack Park District, the English Lake District National Park northwest of London, and the Deep Portage Conservation Reserve of Cass County Minnesota. Within a Regional Recreation Resource Districts key tracts of regional parkland can be purchased and developed with adjoining private land protected by strong zoning. Compatible development on private land within the Regional Recreation Resource District can be encouraged through zoning and economic development incentives that are managed by a governing board. Other public land management units can be included in the District where compatible with the

District's goals and coordinated by the governing board.

Public ownership maps were combined with the above described amenity data to identify potential locations for the Regional Recreation Resource Districts. Existing public ownership in the proposed districts highlights opportunities for interagency cooperation or land trading to further the regional recreation needs of the outstate urban complexes. This cooperation can reduce public investment costs for land acquisition, eliminate facility duplication, and increase the overall quality of experiences offered in the New Regional Parks and Recreation Resource Districts.

This current proposal contains sixteen Regional Recreation Resource Districts distributed throughout the eight outstate urban complexes. These proposed Districts contain about 2 million acres which is approximately 4% of the State. The proposed Districts represent the highest amenity locations in fastest growing outstate urban complexes.

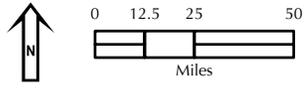


Weber Parkway in North Minneapolis.

Table C

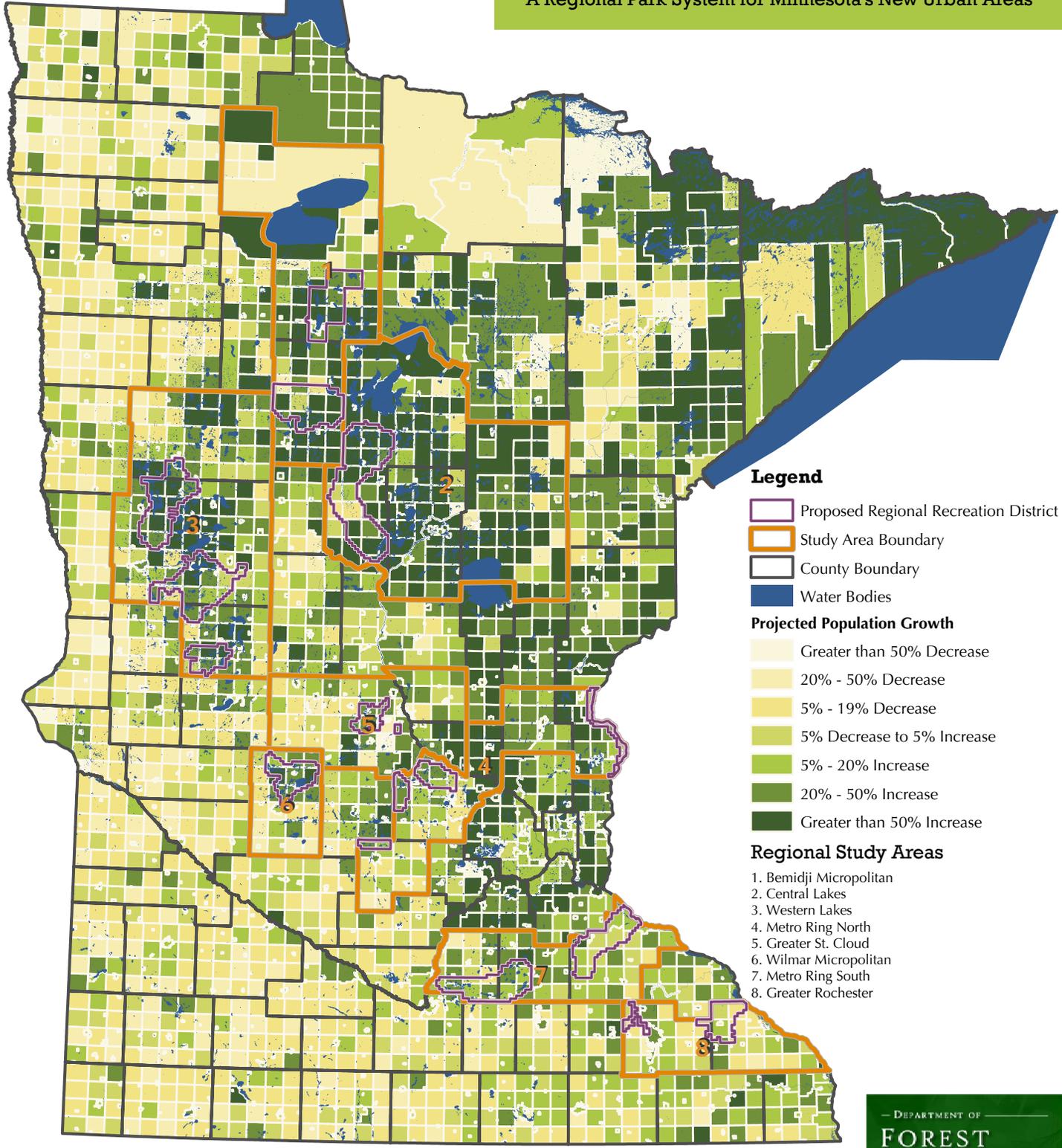
Regional Recreation Resource District Size and Location				
Urban Complex	Location	Name ?	Square Miles	Acres
Metro Ring North	Northwestern Wright	?	53	33,741
Metro Ring North	Northern Wright		96	61,169
Metro Ring North	Northern McLeod		32	20,525
Metro Ring North	St. Croix Valley - Chisago		63	40,173
Metro Ring South	Southern LeSueur / Western Rice		264	169,245
Metro Ring South	Northern Goodhue		227	145,421
Greater St. Cloud	Eastern Stearns		81	51,914
Greater St. Cloud	Eastern Stearns		6	3,817
Central Lakes	Central Cass		540	345,812
Western Lakes	Becker / Otter Tail		319	204,121
Western Lakes	Southern Otter Tail - Northern Douglas		343	219,532
Western Lakes	Alexandria Area		110	70,250
Rochester	Western Olmsted		30	19,057
Greater Rochester	Whitewater		134	85,665
Willmar Micropolitan	Willmar		170	108,957
Bemidji	Bemidji		554	354,874
TOTALS			3,022	1,934,273

By retaining the natural character and integrity of certain areas of the state these areas become, recreation, tourism, natural resource showcases that are easily accessible to many people. The working value of the land is sustained, the ecosystem services are preserved and Minnesota has outdoor amenities that can(compete nationally and internationally for jobs, investment, and tourism. On the following maps (2 and 2A) the land that meets this need is outlined in purple. The identified land is the highest amenity value land in the areas of highest population growth.



Projected Population Change by Minor Civil Division, 2000 - 2030

A Regional Park System for Minnesota's New Urban Areas



Legend

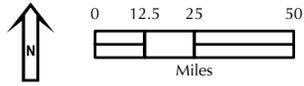
- Proposed Regional Recreation District
- Study Area Boundary
- County Boundary
- Water Bodies

Projected Population Growth

- Greater than 50% Decrease
- 20% - 50% Decrease
- 5% - 19% Decrease
- 5% Decrease to 5% Increase
- 5% - 20% Increase
- 20% - 50% Increase
- Greater than 50% Increase

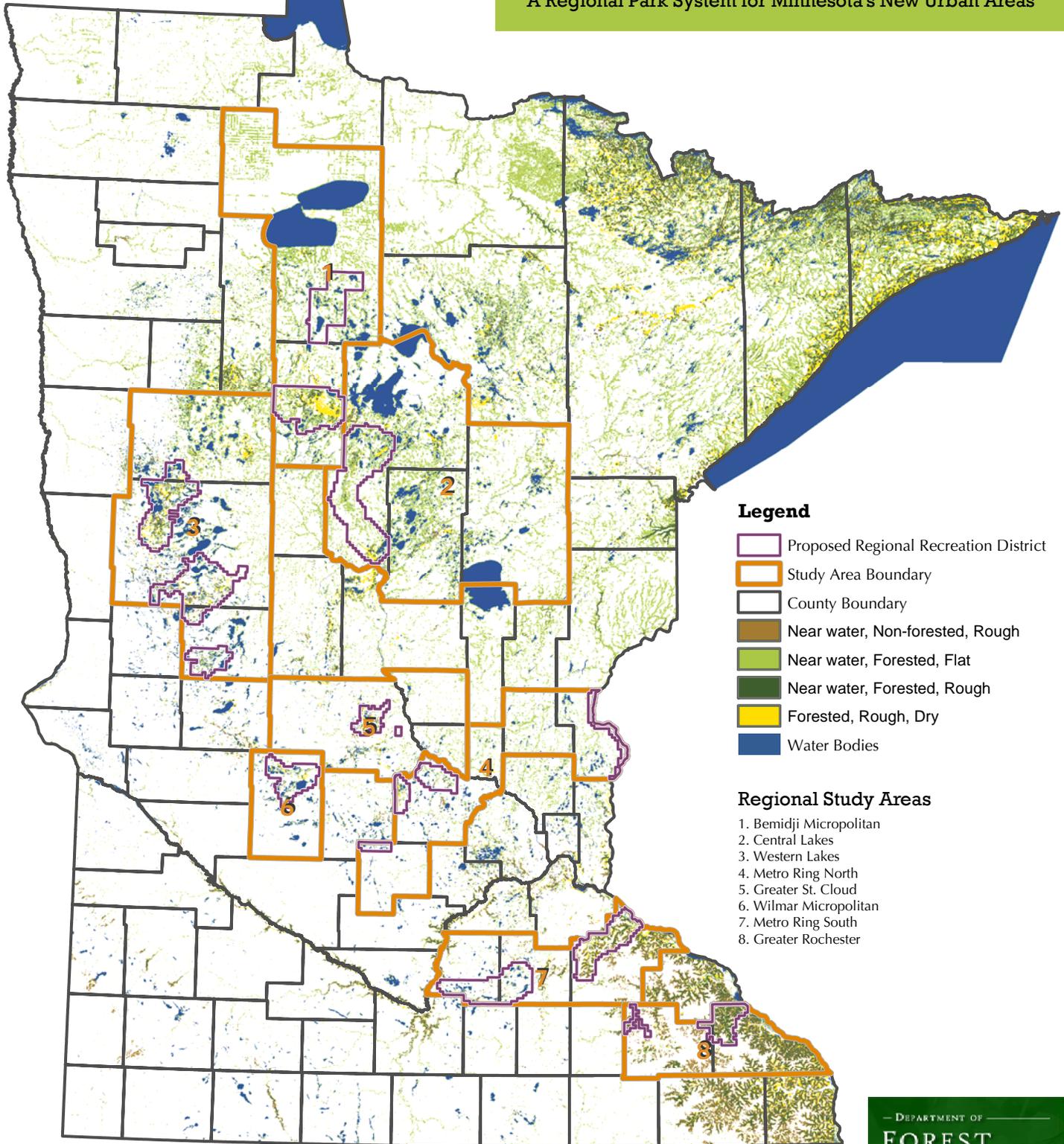
Regional Study Areas

1. Bemidji Micropolitan
2. Central Lakes
3. Western Lakes
4. Metro Ring North
5. Greater St. Cloud
6. Wilmar Micropolitan
7. Metro Ring South
8. Greater Rochester



Scenic Amenities & Proposed Recreation Districts

A Regional Park System for Minnesota's New Urban Areas



Legend

- Proposed Regional Recreation District
- Study Area Boundary
- County Boundary
- Near water, Non-forested, Rough
- Near water, Forested, Flat
- Near water, Forested, Rough
- Forested, Rough, Dry
- Water Bodies

Regional Study Areas

1. Bemidji Micropolitan
2. Central Lakes
3. Western Lakes
4. Metro Ring North
5. Greater St. Cloud
6. Wilmar Micropolitan
7. Metro Ring South
8. Greater Rochester

Programs and Services Coordinated by Regional Recreation Resource Districts

Regional Recreation Resource Districts

Scope of Authority

To be effective, the Entity charged with running the Regional Recreation Resource Districts (RRRD) must have the ability to coordinate a broad range of governmental programs and departments. It is essential to vertically integrate the public programs and services to ensure that they are providing the needed resource. Those resources may include; wildlife, timber, scenic, recreational, etc.

Beyond vertically integrating public assets, the Entity should also have the capacity to assist with private commercial and economic development. This assistance will be in the form of grant allocation, education, zoning, etc.

FEDERAL GOVERNMENT

National Forests
Waterfowl Production Areas



Waterfowl Production Easements
National Wildlife Refuges

STATE GOVERNMENT

State Parks
State Recreation Area
Historic Sites
State Trails
Grant in Aid Trails
Public Water Access
State Park Road Grants
State Forests
State Forest Roads
Scientific and Natural Areas
Wildlife Management Areas
Greenways
Land Acquisition and Development Grant Programs

BWSR Programs
Highways in Scenic Areas
State Zoning (Shoreland and Floodplain)
Lake Management
New Programs: Heritage Fishing, Leased Public Access Areas

LOCAL GOVERNMENT

County Memorial Forest
County Tax Forfeit Land
County Parks
City Parks
Township Parks
Trails
Scenic Roads
LOCAL ZONING
Environmental Education
School District Recreation Areas



PRIVATE

Conservation For Non Profits (Ducks Unlimited, Trust For Public Land, Nature Conservancy, Minnesota Land Trust, etc)
Game Farms
Restaurants
Forest/ Agricultural Production Areas
Water-parks
Lodging (bed and breakfasts, Motels, RV Parks, Campgrounds)



Three Minnesotas

As Minnesota continues to undergo shifts in land use patterns, large quantities of open space are being consumed to make way for new subdivisions, shopping centers, roads, vacation homes, and other trappings of an affluent society. Unfortunately with all of this new development, Minnesota is at risk of losing one of its most valuable resources, our rural landscape. This new development is forging into Minnesota's remaining forests, prairies and wetlands, turning productive farmland and forests into residential subdivisions and separating Minnesotans from the outdoors by consuming our wealth of open space.

Steps need to be taken to insure that Minnesota's outstate urban areas have at least the same type of recreational opportunities that make the Twin Cities Metro Area such a desirable place to live. This project identifies the amount of recreational lands that are needed in the fastest growing areas of the State and highlights locations for park development.

Land prices are rapidly rising throughout Minnesota especially in high quality natural areas, and time is running out to create large regional parks and open spaces in the new outstate urban complexes. Development of this park system is fundamental to the immediate and long-term viability of Minnesota. If land acquisition is delayed, adequate development of this park system may become prohibitively expensive.

Twin Cities Metropolitan Area – Increasing Population

In 1967, the Minnesota legislature created the Metropolitan Council manage growth in the seven county metropolitan area. Counties within the Met Council's jurisdiction are: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. These seven counties define the metropolitan area, and within this area there are large core cities, small towns, suburbs, exurbs, agricultural areas, diverse development types, and a spectacular park system.¹

When the Council was created it already had a world-renowned park system within its jurisdiction thanks to the early efforts of visionaries like Horace Cleveland, Charles Loring, Theodore Wirth, Fredrick Law Olmsted, and others. These early parks, although wonderful, were determined to be insufficient for the future needs of the metro. Starting in 1974 the Council worked to acquire and develop new parks and trails for the growing population.² In 1974 the Council published a guideline of 25 acres of regional recreation open space per 1,000 people as the goal for acquisition needs.³ While this 25-acre per thousand is no longer a formal guideline, it served the Council well in gauging acquisition needs and setting a target for the development of the open space system. Through the Council's efforts the park system grew to currently include 52,000 acres, 47 regional parks and park reserves, six special recreation features, such as the zoo and conservatory at Como Park, 22 regional trails (170 miles currently open to the public, and

¹ See 2030 Regional Park Policy Plan, Metropolitan Council, June 29, 2005.

² 2030 Regional Park Policy Plan, Metropolitan Council, June 29, 2005. Executive Summary.

³ *Technical Appendices 2030 Regional Parks Policy Plan*, Metropolitan Council, April 2005. Appendix D: Recreation needs analysis.

30.5 million visitors annually (2003 estimate).⁴ The Council has indicated that it will work to expand the Metropolitan Park System to 69,716 acres by 2030.⁵

Several factors set the metropolitan area apart from the new outstate urban complexes that will develop over the next decades such as; the metropolitan area has extensive infrastructure in place, growth is planned and controlled by the Metropolitan Council for the region, and the rate of population change in the developing outstate urban areas exceeds rate of growth in the metro.

Existing infrastructure of the metro has been evolving for well over a century. This infrastructure not only includes the grey infrastructure of roads, rail, sewers, buildings, etc., but also the green infrastructure of parks, lakes, trail, corridors, etc. This infrastructure can support diverse land uses such as the high-density residential and mixed-use Loring Park area. Loring Park is a perfect example of how different sectors can coexist in a confined geographic location when the proper infrastructure is in place. Because of the wealth of parks and trails, the connectivity afforded by grid pattern roads and transit, the jobs provided by industrial, retail, commercial, medical, educational, restaurants, etc., and the services that come with all that is present, the area is a thriving destination to live, work, and visit.

The metro area is also developing into greenfields in cities such as Woodbury and Anoka, where much of the grey infrastructure has to be built. All such development is undertaken in accord with the local government's comprehensive plan that has to be approved by the Metropolitan Council. Such planning allows for the preservation of green spaces and for the adequate development of regional recreational areas.

Agricultural Areas / Remote Forests – Population Decrease

The state demographer predicts that in the coming decades several outstate counties will experience population declines including: Koochiching, Kittson, Marshall, Norman, Wilkin, Traverse, Big Stone, Lac Qui Parle, Yellow Medicine, Pipestone, Murray, Martin, and Faribault.⁶ Because of the increasing industrialization of agriculture, the loss of small family farms, and many other factors there is less demand for



⁴ *Supra* note 2. Executive Summary.

⁵ *Id* at iv.

⁶ See Minnesota State Demographer Population Projections 2000-2030.

labor and fewer economic opportunities in these areas. This drives migration toward population centers, where there are employment and educational opportunities. As the population in these areas ages it is not replacing its numbers.

There is less need for region-wide recreation planning and preservation of open space as development pressures in these areas are light when compared with the metro and outstate commuter/amenity areas.

Commuter/Amenity Areas – Rapid Population Increase

These are the fastest growing areas, currently and through 2030, according to the Minnesota Demographer’s Projections,⁷ they also generally lack comprehensive plans. While these areas currently contain valuable amenities such as lakes, rivers, large open spaces, and ecological diversity, such amenities are threatened with degradation. Because of the lack of early stage planning, and the historically rural nature of these areas, they are deficient in urban infrastructure when compared with the Metro.

Outstate urbanizing areas are experiencing population increases that exert development pressure due to the current preference for low-density amenity-based development. This type of development is characterized by a population widely dispersed at low densities linked to work, education, entertainment, and shopping areas by a high-speed network of roads.

Because of the high rate of population growth and the higher rate of land consumption these areas are in imminent danger of losing the very same recreational opportunities that make them such attractive places to live. This rate of population growth can be explained by; retirees/baby boomers desiring to live at the “lake,” affordable land for development, increasing ability to work from home, the ease by which land is developed with relatively little restriction/regulation, and family flight to areas that are seen as safer than the “city.”

The rate of growth and the lack of current regional recreation open space is quickly threatening to consume the open space amenity and the associated recreational opportunities. Land prices will continue to increase and open space consumption will not abate, making this the opportune time to plan, and build, Regional Recreation Park Systems in these areas.



⁷ See *id.*

Minnesota Open Space History

Steel Rail Epoch Parks 1870 – 1920

(Minneapolis, St. Paul, Duluth)

Minnesota's settlement pattern was created during the steel rail epoch. Major urban centers developed in several locations: the largest waterpower site in the central United States (St. Anthony Falls), the head of navigation on the Mississippi River (St. Paul), the head of the lakes port and key transshipment point for rail cargo to the west coast (Duluth), and other river ports such as Stillwater and Red Wing.

Major park systems were developed for each of these cities. Those systems were based on a basic two-park-pattern: neighborhood parks to provide green space every few blocks and large parks for use by all city residents and visitors. The large parks created in this epoch gave us the basic structure for the regional park systems of today. Como Park in St. Paul, and Theodore Wirth Park and Chain of Lakes Park in Minneapolis are examples of these early regional parks.

Automobile Epoch Parks 1920 - 1970

(Minnesota State Park System, Metropolitan Regional Park System)

Starting in the 1920's Minnesota, and the rest of the nation, entered a new era of urbanization. The high-density neighborhoods of the Steel Rail City, which depended on streetcars and trains, were surrounded by a lower density city (suburbs) designed to accommodate cars, freeways, office parks and shopping centers. This era also saw rapid development of high amenity areas within a one half day driving distance of major centers with second homes and resorts, primarily for weekend and vacation use. In Minnesota this was concentrated in the development of the lake regions. The most intensive development occurred in the Brainerd lakes area where; larger lakes, clear water, sand beaches, wooded shorelines, and pine trees were closest to the Twin Cities.

Two types of large parks were developed during this period to satisfy the growing need and demand for land preservation and development, the State Park system and the Metropolitan Regional Park system. The State Park system was modeled after the national parks and attempts to preserve, for recreation in a natural setting, each major ecological landscape of Minnesota and unique natural features. Itasca State Park is the most well known of these facilities. The original State Park System⁸ also designated a Recreation State Park that was designed to expand the Metropolitan Regional Park concept into rural Minnesota, but this program was not implemented.

In the 1960's the Hennepin County Parks System heralded the start of the Metropolitan Re-

⁸ See Minnesota Outdoor Recreation Act of 1975 Minn.Stat. 86A.01-86A.11. See also 1981 Minnesota Department of Natural Resources, Recreational State Parks 0368B Effective March 11, 1981.

gional Park System which focused on maintaining representative landscapes of the seven county metropolitan area. Construction and enhancement of this system is ongoing, and the Metropolitan Council in conjunction with related cities and counties is charged with creating, and maintaining, the complex of large parks and reserves, which serve the Seven County Area. This system has matured to become high quality, heavily used facilities, averaging about 1000 acres in size, which offer varied outdoor recreation experiences in a natural setting. A national parallel to this system is the Cook County Forest Preserves surrounding the Chicago Metropolitan Region.

Project Study Areas

Minnesota's new outstate urban complexes are facing unprecedented rates of land development and population growth risking loss of the open space that make them such attractive places to live. Although these outstate urban complexes will be absorbing much of the land development pressures over the next several decades they do not have an equitable distribution of Regional Recreation Park when compared to the Twin Cities Metro. This study analyzes five outstate urban complexes and two micropolitan⁹ areas, where such pressure and lack of open space warrant identification of candidate sites for regional park development.

Study Areas

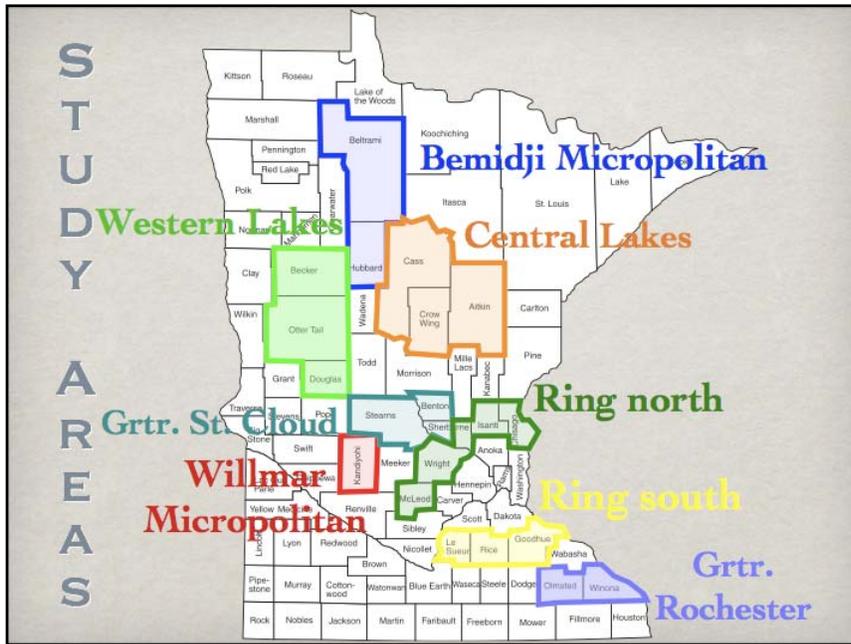
- **Ring: Collar Counties** (Northern Section: Chisago, Isanti, Kanabec, McLeod, Wright and eastern Sherburne counties. Southern Section: Goodhue, LeSueur, and Rice counties.)
- **Greater St. Cloud Region** (Benton, Stearns, and western Sherburne counties.)
- **Greater Rochester** (Olmsted and Winona counties)
- **Central Lakes** (Aitkin, Cass, and Crow Wing counties)
- **Western Lakes** (Becker, Otter Tail, and Douglas counties)
- **Greater Bemidji** (Beltrami, and Hubbard counties)
- **Greater Willmar** (Kandiyohi County)

The purpose of this section is to identify and describe each study area. The description includes analysis of the population in each region and the amount of existing open space that has the potential to become Regional Recreation Parks. The population of each region is used to determine the amount of extra acreage necessary to provide the region with adequate Regional Recreation Park amenities. The original Metropolitan Council parkland acquisition standard was utilized to determine acreage needs. The reasoning for this standard will be discussed further in this report. In simplest terms use of this standard creates equity between these developing areas and the Metro area in Regional Parkland distribution.

All population data was drawn from "Minnesota Population Projections 2000-2030," Minnesota Planning State Demographic Center, Martha McMurry, 2002.¹⁰ Open space data was drawn from two sources unless otherwise noted. These sources are 1) "Examples of Regional Parks Outside the Twin Cities Metro Area," Wayne Sames, MN DNR, 2003. 2) "Legislative Commission on Minnesota Resources Greater Minnesota Park Inventory Regional Park Criteria, Final Report, 2005.

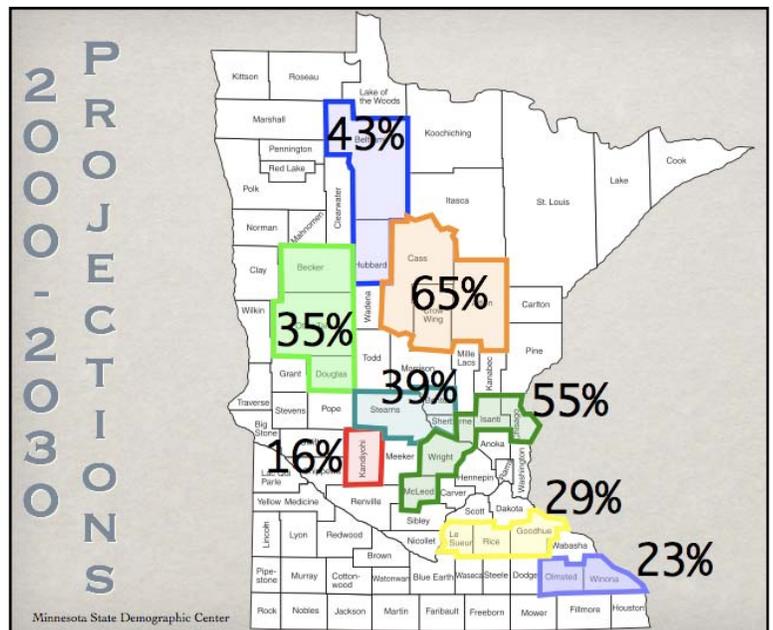
⁹ A micropolitan area contains an urban core of at least 10,000 (but less than 50,000) population. Each metro or micro area consists of one or more counties and includes the counties containing the core urban area, as well as any adjacent counties that have a high degree of social and economic integration. <http://www.census.gov/population/www/estimates/metroarea.html>

¹⁰ See See Minnesota State Demographer Population Projections 2000-2030.



This section illustrates the general conclusions that Minnesota’s new urban centers currently are, and will be, deficient in Regional Parklands, and that such lands are not equitably distributed between the Twin Cities Metro and the outstate areas.

This report relied on the Minnesota State Demographer Population Projections in calculating the projected populations of each of the study areas. It is essential to remember that these numbers relate to the study areas as a whole. Many of the study areas are also experiencing intra-county migration with people moving away from rural agricultural lands to more amenity rich lands. this move is taking place due to the aging population and the declining need for labor in the agricultural industry.



Ring: Collar Counties

The “Ring” counties border the seven metropolitan counties under the jurisdiction of the Metropolitan Council. Counties within the Ring include: Chisago, Goodhue, Isanti, Kanabec, LeSueur, McLeod, Rice, Wright, and east Sherburne. Because of several factors, including differences in governance and projected settlement patterns, the Ring is discussed throughout this report as both a single region and northern and southern sections. The *northern section* includes:

Chisago, Isanti, Kanabec, McLeod, Wright, and eastern Sherburne¹¹ counties. The *southern section* includes: Goodhue, LeSueur, and Rice counties. The two regions are experiencing somewhat different growth patterns, and have existing multi-jurisdictional park planning policies that encourage discussion of the region in sections.

The counties within the Met Council’s jurisdiction have comprehensive development guidelines that provide for orderly growth and preservation of open space within the seven county region. The Met Council, working with counties, succeeded in setting aside tens of thousands of acres for parklands as the region developed. This preservation has not occurred in the Ring counties, and not surprisingly these Ring counties are *extremely* deficient in parklands when compared to the Seven County Metropolitan Area.

Population of the Ring Counties

Table 1.1a

Metropolitan Ring Counties Population			
Area	2000 Census	2030 Projection	Percent Change
Chisago	41,101	69,540	69%
Goodhue	44,127	52,890	20%
Isanti	31,287	42,350	35%
Kanabec	14,996	21,520	44%
LeSueur	25,426	30,100	18%
McLeod	34,898	41,580	19%
Rice	56,665	80,010	41%
Wright	89,986	139,010	54%
East Sherburne	44,268	83,700	89%
Metropolitan Ring Total Population	382,754	560,700	46%

By 2030 the Metropolitan Ring counties are expected to contain well over a half million people. It is also projected that these people will develop the region at rates that are less dense than current development patterns. This projected development pattern will result in an increasing rate of land consumption. The rate of land consumption is projected to outpace the actual population growth rate, resulting in land being consumed for development increasing at a faster rate than the population is growing. This will cause high value recreational open space to be permanently lost at an increasingly rapid pace reducing the inventory of high quality tracts that are suitable as Regional Parks.

The Minnesota Demographer’s projections, as summarized in Table 1.1a, foresee a 46% increase in population for the Ring, with the highest rates of growth in East Sherburne, Chisago and Wright counties. Wright County will add the most people with nearly 50,000 new residents by

¹¹ East Sherburne Population was derived from Minnesota Department of Administration / Office of Geographic and Demographic Analysis / Land Management Information Center, 2000 Census data. East Sherburne includes: Blue Hills Township, Orrock Township, Big Lake City, Big Lake Township, Baldwin Township, Livonia Township, Elk River City, Princeton City (part), Zimmerman City.

2030. This influx of people throughout the region will dramatically alter the landscape and reduce access to quality recreational opportunities unless steps are taken to ensure an adequate inventory of recreational open space.

Table 1.1b

Metropolitan Ring Counties (North) Population			
Area	2000 Census	2030 Projection	Percent Change
Chisago	41,101	69,540	69%
Isanti	31,287	42,350	35%
Kanabec	14,996	21,520	44%
McLeod	34,898	41,580	19%
Wright	89,986	139,010	54%
East Sherburne	44,268	83,700	89%
Metropolitan Ring (North) Total Population	256,536	397,700	55%

The northern portion of the Metro Ring will experience a 55% change in population by 2030 partly fueled by development along the I-94 and I-35 corridors. Like other outstate areas, there is currently an inventory of relatively inexpensive land that has convenient access through a high capacity interstate and state highway system. Much of the population growth in the northern Ring consists of commuters that work in the core cities. Increasingly, because of the decentralization of jobs and businesses, many of the new residents will be commuting between suburbs. This inter-exurban commuting will increase the amount of land consumed as a percentage of population due exclusive reliance on automobile transportation. Land consumption in the northern ring will likely be further exacerbated by the proposed North Star Rail, which will decrease the transportation costs associated with sprawl-based growth.¹²

The northern Ring counties are in a transitional state, shifting from agricultural open space to low density sprawling residential. This transition has the potential to eliminate recreational opportunities that can only be undertaken on large tracts of open space. This potential loss will also eliminate the services these spaces provide such as; clean water, clean air, wildlife, aesthetic beauty, etc.

Table 1.1c

Metropolitan Ring Counties (South) Population			
Area	2000 Census	2030 Projection	Percent Change
Goodhue	44,127	52,890	20%
LeSueur	25,426	30,100	18%
Rice	56,665	80,010	41%
Metropolitan Ring (South) Total Population	126,218	163,000	29%

¹² By decreasing the commuting cost (in time, actual dollars, and ease) people will be more willing to live further and further away from their places of work. As cost-of-commute is one of the only remaining limits on commuting distance the North Star Rail will subsidize sprawl by reducing that limiting factor.

The southern region of the Metropolitan Ring is not growing as fast as the northern region but the development pressure is, and will continue to be significant. Growth is occurring in this region because of the proximity of Goodhue County to both the Twin Cities and Rochester and the wealth of lakes in Rice and LeSueur Counties. The rich farmland of the region is rapidly being removed from production as fields are turned into subdivisions, and the scenic rolling hills of the Mississippi River Valley are permanently becoming adorned with houses. It is essential that open space be set-aside in these invaluable areas for the future recreation needs of Minnesotans before the necessary land becomes unavailable.

Existing Potential Regional Parkland in the Ring

All of the Ring Counties (except Kanabec) have parks that are identified as Regional Parks, or Parks that have Regional potential.¹³ With a total of 5,562 acres of Regional Park or potential Regional Park the entire region currently has about 15 acres per 1000 people.¹⁴ When the projected growth for 2030 is factored in that amount decreases to only 10 acres per 1000 people.¹⁵ The existing parks in the regions are a good foundation to provide part of the framework necessary to develop the Ring's Regional Park System.



¹³ Criteria for regional parks explained in: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

¹⁴ Population numbers from 2000 Census.

¹⁵ See Table 1.2.

Table 1.2a

Existing Park Space For Metropolitan Ring Counties *					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Chisago County	Dennis Frandsen County Park	117	1, 2	7	4
	Fish Lake County Park	152	1, 2		
Goodhue County	Cannon Valley Wilderness Area	780	1	18	15
Isanti	Springvale County Park	172	1	10	7
	Becklin Homestead Park/WMA	140	2		
Kanabec County		0	1,2	0	0
LeSueur County	Lake Washington Park	162	2	20	17
	Ney Environmental Learning Center	340	2		
McLeod County	Lake Marion Regional	86	2	11	9
	Pioepenberg Regional	156	2		
	Stalhs Lake Park	127	2		
Rice County	Cannon River Wilderness Area	850	2	15	11
Wright County	Beebe Lake Regional Park	70	1, 2	25	16
	Clearwater/Pleasant County Park	210	1, 2		
	Collinwood County Park	308	1, 2		
	Otsego	70	1		
	Robert Ney Memorial County Park	600	1, 2		
	Schroeder Regional Park		1		
	Harry Larson Park	170	1, 2		
	Stanley Eddy Memorial Park Reserve	660	1, 2		
	Montissippi County Park	170	1, 2		
East Sherburne County	Grams Regional Park	108	2	5	3
	Fremont Park (in planning)	114	1		
	Total Acres Reference 1	3593		9	6
	Total Acres Reference 2	4118		11	7
	Total Acreage	5562		15	10

* Criteria for regional parks explained in: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

Reference 1: "Examples of Regional Parks Outside the Twin Cities Metro Area," Wayne Sames, MN DNR, 2003.

Reference 2: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

There is a large disparity in Regional Park acreage when the Ring Counties are compared to the Metro region. The Metro currently has about 52,000 acres in the system or about 20 acres per thousand people; compared with 5,562 acres or 15 acres per thousand people in the Ring. There is also disparity in distribution of parklands throughout the Ring, but all of the counties except Wright are currently experiencing a deficit as measured by the 25 acres per thousand benchmark. Even Wright will have a deficit of 9 acres per thousand people if no new lands are acquired before 2030.

Table 1.2b

Existing Park Space For Metropolitan Ring Counties (North)					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Chisago County	Dennis Frandsen County Park	117	1, 2	7	4
	Fish Lake County Park	152	1, 2		
Isanti	Springvale County Park	172	1	10	7
	Becklin Homestead Park/WMA	140	2		
Kanabec County		0	1,2	0	0
McLeod County	Lake Marion Regional	86	2	11	9
	Pioepenberg Regional	156	2		
	Stalhs Lake Park	127	2		
Wright County	Beebe Lake Regional Park	70	1, 2	25	16
	Clearwater/Pleasant County Park	210	1, 2		
	Collinwood County Park	308	1, 2		
	Otsego	70	1		
	Robert Ney Memorial County Park	600	1, 2		
	Schroeder Regional Park		1		
	Harry Larson Park	170	1, 2		
	Stanley Eddy Memorial Park Reserve	660	1, 2		
	Montissippi County Park	170	1, 2		
	East Sherburne County	Grams Regional Park	108		
Fremont Park (in planning)		114	1		
	Total Acres Reference 1	2813		11	7
	Total Acres Reference 2	3074		12	8
	Total Acreage	3430		13	9

Table 1.2c

Existing Park Space For Metropolitan Ring Counties (South)					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Goodhue County	Cannon Valley Wilderness Area	780	1	18	2
LeSueur County	Lake Washington Park	162	2	20	17
	Ney Environmental Learning Center	340	2		
Rice County	Cannon River Wilderness Area	850	2	15	11
	Total Acres Reference 1	780		6	5
	Total Acres Reference 2	1352		11	8
	Total Acreage	2132		17	13

According to the benchmark of 25 acres per thousand people the southern portion of the Ring is fairing slightly better than the northern portion with currently 17 acres per thousand as opposed to the northern Ring’s 13 acres per thousand. By 2030 if no new parklands are added the northern and southern portions, and all potential Regional Parklands are added to the system those portions of the Ring will have 9 and 13 acres per thousand respectively.

Regional Parkland Needs for the Ring

By utilizing the 25 acres per thousand as a benchmark it is possible to estimate the acreage currently needed, and needed by 2030 for each of the counties, and for the Ring as a whole. This estimate simply illustrates how much raw acreage of regional parklands is needed for equitable distribution between the Ring and the Metro. The estimate makes no assumptions about the types of recreational experiences that users want, and the differences in acreage that those uses require. The 25 acre per thousand creates a benchmark to measure the amount of land needed, so that that land can be acquired before high recreational value tracts are consumed by development.

Table 1.3a

Acreage Needed to Meet 25 acres per 1000 Guideline for Metropolitan Ring Counties Study Region		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	9569	14018
Extra acreage necessary (Ref. 1)	5976	10425
Extra acreage necessary (Ref. 2)	5451	9900
Extra Acreage Necessary (Total)*	4007	8456

*This is assuming that ALL potential and existing parkland are incorporated into the system.

Table 1.3a is the “big picture” view of what needs to be done to make distribution of parklands equitable between the Twin Cities Metro and the Ring Counties. The overall goal for the Ring Counties is, “A Regional Park System containing 14,018 acres of regional parklands by 2030.” This goal can be met by integrating *all* the existing recreational acreage as identified in Table 1.2a into the Ring’s Regional Park System, and by adding 8,456 acres to the system. This is an ambitious goal, but can be accomplished by prioritizing natural resources spending across jurisdictions and within different governmental agencies.

This “big picture” is regionalized in tables 1.3b and 1.3c. Table 1.3b illustrates that by 2030 the northern portion of the Ring will require 6,513 acres to meet the benchmark. Table 1.3c shows the need for parklands in the southern portion of the Ring is nearly 2,000 acres in 2030 to meet the benchmark.

Table 1.3b

Acreage Needed to Meet 25 acres per 1000 Guideline for Metropolitan Ring Counties Study Region (North)		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	6413	9943
Extra acreage necessary (Ref. 1)	3600	7130
Extra acreage necessary (Ref. 2)	3339	6869
Extra Acreage Necessary (Total)*	2983	6513

*This is assuming that ALL potential and existing parkland are incorporated into the system.

Table 1.3c

Acreage Needed to Meet 25 acres per 1000 Guideline for Metropolitan Ring Counties Study Region (South)		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	3155	4075
Extra acreage necessary (Ref. 1)	2375	3295
Extra acreage necessary (Ref. 2)	1803	2723
Extra Acreage Necessary (Total)*	1023	1943

*This is assuming that ALL potential and existing parkland are incorporated into the system.

The List of Tables (Appendix A) includes a breakdown of estimated Regional Parkland needs by county.

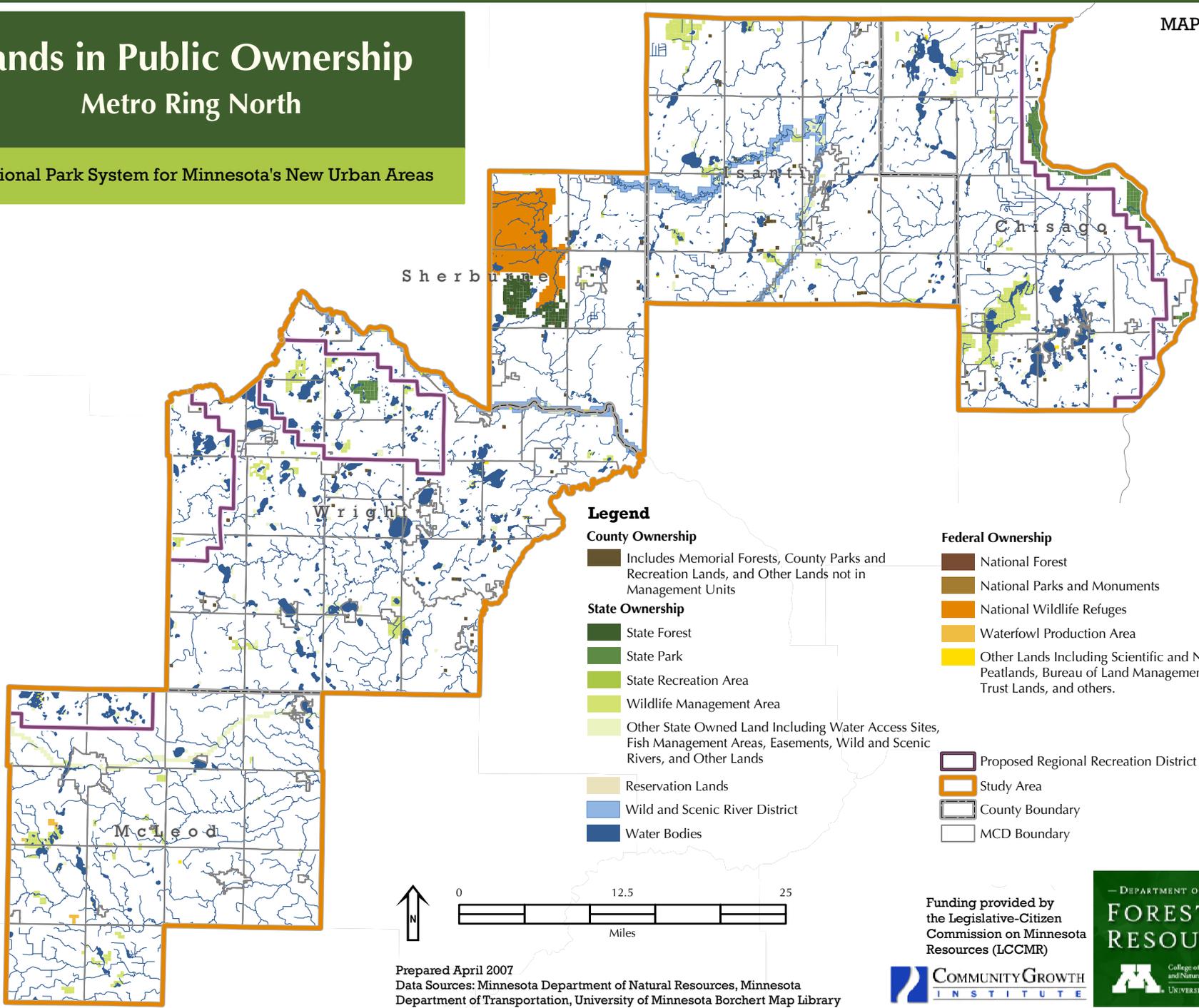
Proposed Regional Park Search Locations

The maps on the next four pages identify the areas of highest amenity value as determined by their proximity to hills, trees, and water. Such features provide for recreational opportunities and are important in determining location of the new Regional Parks. Two maps also identify existing public land ownership, which is important in building large hubs of protected open space. The maps are marked with a purple line, this purple line signifies a proposed Regional Recreational Resource District which will be further discussed in Part B. This proposal suggests development of at least one Regional Recreation Park within the boundaries of each proposed Regional Recreation Resource District. After taking public comments about preliminary drafts of this report the authors believe that the Minnesota River valley and bluff-lands should be included within the search locations as depicted on maps 5 and 6 (following pages).

Lands in Public Ownership

Metro Ring North

A Regional Park System for Minnesota's New Urban Areas



Legend

County Ownership

Includes Memorial Forests, County Parks and Recreation Lands, and Other Lands not in Management Units

State Ownership

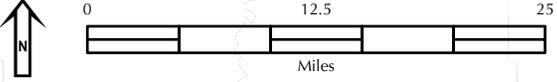
- State Forest
- State Park
- State Recreation Area
- Wildlife Management Area
- Other State Owned Land Including Water Access Sites, Fish Management Areas, Easements, Wild and Scenic Rivers, and Other Lands

- Reservation Lands
- Wild and Scenic River District
- Water Bodies

Federal Ownership

- National Forest
- National Parks and Monuments
- National Wildlife Refuges
- Waterfowl Production Area
- Other Lands Including Scientific and Natural Area Peatlands, Bureau of Land Management Lands, Trust Lands, and others.

- Proposed Regional Recreation District
- Study Area
- County Boundary
- MCD Boundary



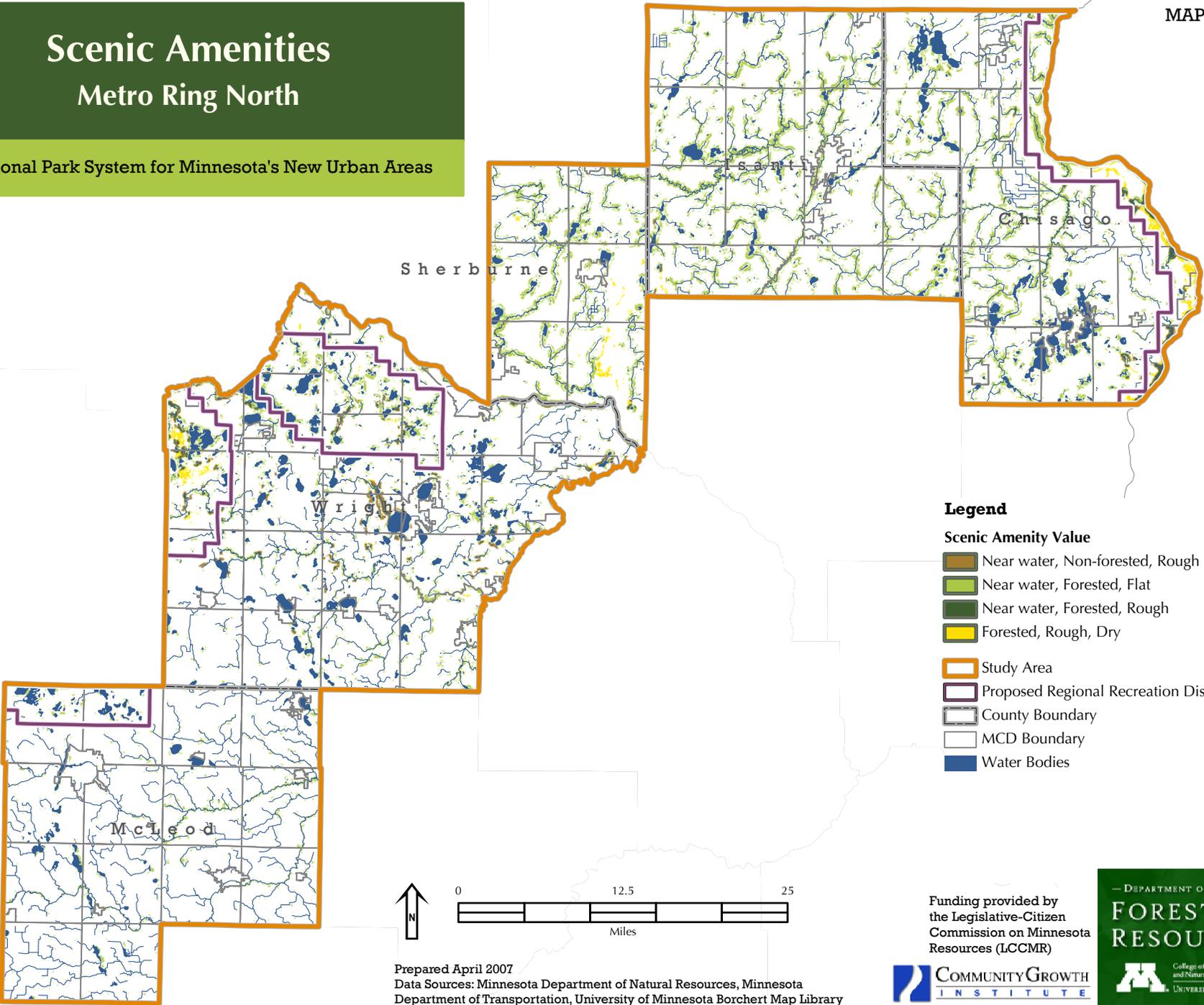
Prepared April 2007
Data Sources: Minnesota Department of Natural Resources, Minnesota Department of Transportation, University of Minnesota Borchert Map Library

Funding provided by the Legislative-Citizen Commission on Minnesota Resources (LCCMR)



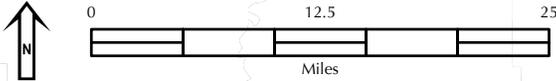
Scenic Amenities Metro Ring North

A Regional Park System for Minnesota's New Urban Areas



Legend

- Scenic Amenity Value**
- Near water, Non-forested, Rough
 - Near water, Forested, Flat
 - Near water, Forested, Rough
 - Forested, Rough, Dry
- Study Area
- Proposed Regional Recreation District
- County Boundary
- MCD Boundary
- Water Bodies



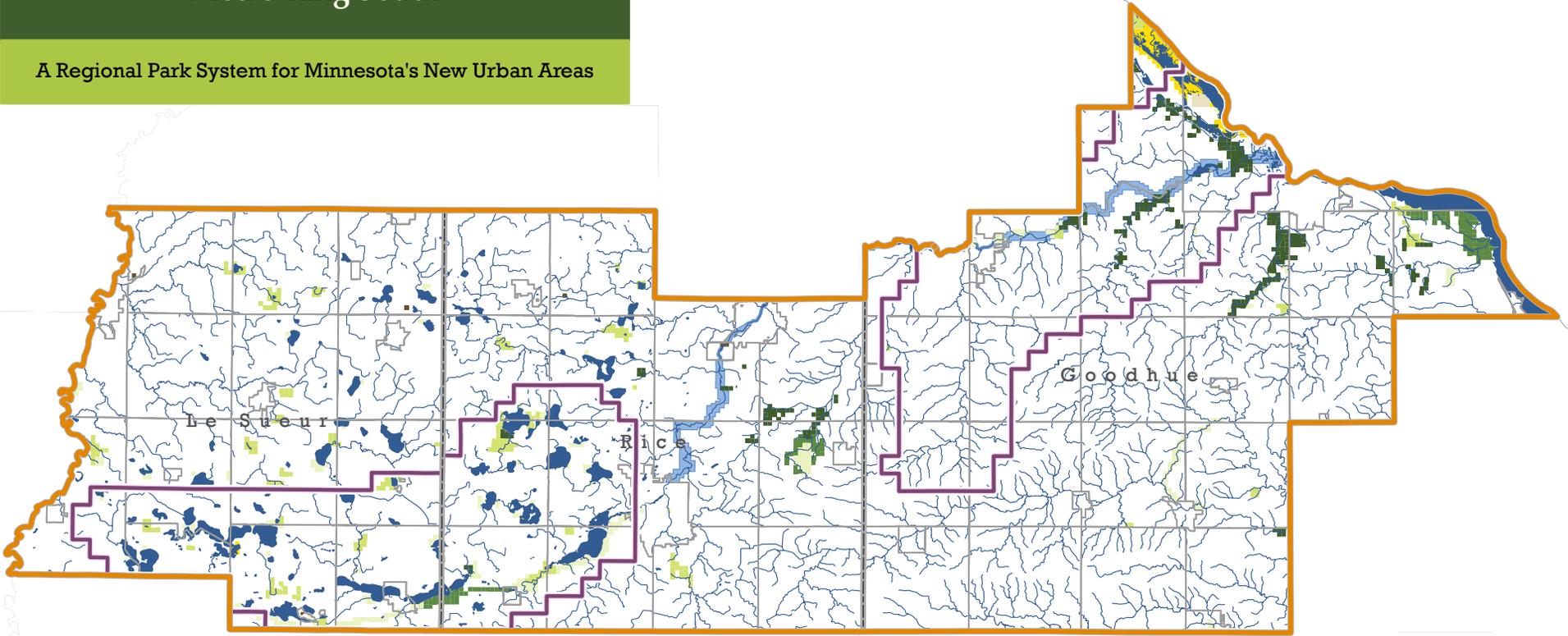
Prepared April 2007
 Data Sources: Minnesota Department of Natural Resources, Minnesota
 Department of Transportation, University of Minnesota Borchert Map Library

Funding provided by
 the Legislative-Citizen
 Commission on Minnesota
 Resources (LCCMR)



Lands in Public Ownership Metro Ring South

A Regional Park System for Minnesota's New Urban Areas



Legend

County Ownership

Includes Memorial Forests, County Parks and Recreation Lands, and Other Lands not in Management Units

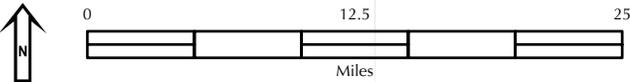
State Ownership

- State Forest
- State Park
- State Recreation Area
- Wildlife Management Area
- Other State Owned Land Including Water Access Sites, Fish Management Areas, Easements, Wild and Scenic Rivers, and Other Lands
- Reservation Lands
- Wild and Scenic River District
- Water Bodies

Federal Ownership

- National Forest
- National Parks and Monuments
- National Wildlife Refuges
- Waterfowl Production Area
- Other Lands Including Scientific and Natural Area Peatlands, Bureau of Land Management Lands, Trust Lands, and others.

- Proposed Regional Recreation District
- Study Area
- County Boundary
- MCD Boundary



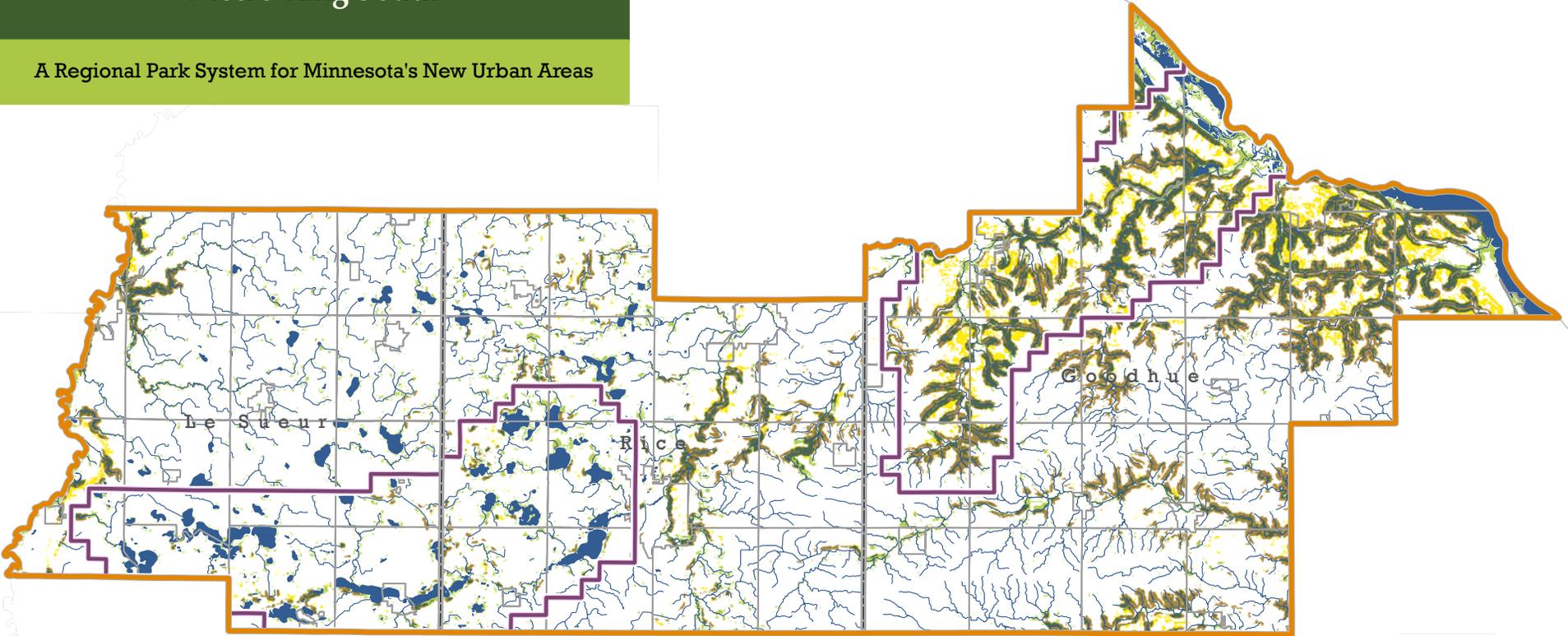
Prepared April 2007
Data Sources: Minnesota Department of Natural Resources, Minnesota Department of Transportation, University of Minnesota Borchert Map Library

Funding provided by the Legislative-Citizen Commission on Minnesota Resources (LCCMR)



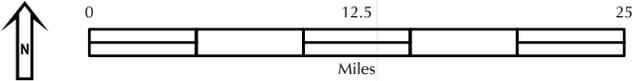
Scenic Amenities Metro Ring South

A Regional Park System for Minnesota's New Urban Areas



Legend

- Scenic Amenity Value**
- Near water, Non-forested, Rough
 - Near water, Forested, Flat
 - Near water, Forested, Rough
 - Forested, Rough, Dry
- Study Area
 - Proposed Regional Recreation District
 - County Boundary
 - MCD Boundary
 - Water Bodies



Prepared April 2007
 Data Sources: Minnesota Department of Natural Resources, Minnesota
 Department of Transportation, University of Minnesota Borchert Map Library

Funding provided by
 the Legislative-Citizen
 Commission on Minnesota
 Resources (LCCMR)



Greater St. Cloud

The St. Cloud study region is one of the fastest developing areas in Minnesota. The population of this region is expected to exceed a quarter million people by 2030, an increase of nearly 40%. Greater St. Cloud is currently an attractive place to develop because of the relatively low land costs, low cost of living compared to the Twin Cities Metro, major transportation access including I-94 and U.S. 10, and proximity to open space and scenic beauty. Counties in the Greater St. Cloud study area include: Benton, Stearns, and west Sherburne¹⁶.

Currently St. Cloud has some valuable recreation assets, but as the area grows there will be a need for significant additions and investment to maintain that amenity.

Population of Greater St. Cloud

The greater St. Cloud area will house a projected 260,430 individuals by 2030, up from 187,541 in 2000, an increase of nearly 40%. West Sherburne will see the highest percentage change as its population will swell from just over 20,000 to over 38,000 individuals, almost a 90% change! The rate of population growth is only half the story in St. Cloud as the predominant development pattern in the region is very low density and land intensive thus driving the rate of land consumption to increase faster than the rate of population growth.¹⁷

Table 2.1

St. Cloud Region Population			
Area	2000 Census	2030 Projection	Percent Change
Metropolitan Area Population	167,392	222,330	33%
Stearns	133,166	177,370	33%
Benton	34,226	44,960	31%
West Sherburne [^]	20,149	38,100	89%
Total St. Cloud Region Population	187,541	260,430	39%

[^]West Sherburne was derived from Minnesota Department of Administration / Office of Geographic and Demographic Analysis / Land Management Information Center, 2000 Census data. West Sherburne includes: Haven Township, Palmer Township, St. Cloud City (part), Santiago, Township, Clear Lake City, Clear Lake Township, Becker City, Becker Township.

¹⁶ West Sherburne was derived from Minnesota Department of Administration / Office of Geographic and Demographic Analysis / Land Management Information Center, 2000 Census data. West Sherburne includes: Haven Township, Palmer Township, St. Cloud City (part), Santiago, Township, Clear Lake City, Clear Lake Township, Becker City, Becker Township.

¹⁷ U.S. Census Bureau Data, http://www.sprawlcity.org/charts/top_pogrowth.html, for the Minneapolis/St. Paul area from 1970 to 1990 there was a 22% increase in population growth and a 21% increase in Per Capita Land Consumption. The data also shows that the Minneapolis/St. Paul area uses 0.327 acres per individual. We are assuming for this study that the growth patterns of the St. Cloud region are similar to that of Minneapolis/St. Paul.

As seen in Table 2.1 above, in 2030 the Greater St. Cloud Region will include about 73,000 more people than in 2000, and those individuals will have recreational and open space needs that will not be met by the current system. This influx of people throughout the region will dramatically alter the landscape and reduce access to quality recreational opportunities unless steps are taken to ensure an adequate inventory of recreational open space. Now is the time to make the investment in open space as every day more and more acres of high amenity land are consumed for development.

Currently the Regional Park system operated by the Metropolitan Council includes more than 52,000 acres and 170 miles of regional trails.¹⁸ The population of the seven county Metropolitan area is 2.64 million, thus the Metropolitan Council operates parks at a ratio of slightly less than 20 acres per 1000 people.¹⁹ Compare that with the population of 187,541 in the St. Cloud Region with 2,015 acres of Regional Park and a ratio of about 11 acres per thousand persons. In order for the Metropolitan Council to get to its current ratio in 1974 it employed the initial acquisition guideline of 25 acres per thousand, now the St. Cloud region must do the same to ensure that in thirty years it has a sufficient base of land in its regional park system.

It is essential, and equity demands, that the distribution of regional recreation open space be similar between the state's urban areas. As the St. Cloud Region becomes increasingly urban and populous the quality of life and character of the region must be maintained, the equitable distribution of regional parks will play an important role in this maintenance. The Park system provides public benefits including the preservation of natural resources, protection of open spaces, protection of cultural and historical resources, physical fitness opportunities, and recreational opportunities.²⁰ All urban areas of the state need to have similar opportunities for the population to enjoy.

By not providing sufficient open space for recreation, the population is adversely affected. Minnesotans are more active on average than the typical American, but can only maintain their activity level if sufficient opportunities are available.

Existing Potential Regional Parkland in Greater St. Cloud

Greater St. Cloud does contain parks that are, or have the potential to be, regional parks. However, these parks are not organized or maintained as part of an interconnected system. They are identified by the DNR and LCMR as having "regional park potential," but may not meet this study's criteria for inclusion in this proposed Regional Recreation Park system. Further, these parks merely have the *potential* to provide the type of recreational assets that the population demands, and until they are organized by a system that is designed to meet those needs they are not meeting that potential. The population of the region is used to assess the general need for regional recreation open space by employing the original Metro Council acquisition guide-

¹⁸ 2030 Regional Parks Policy Plan, Metropolitan Council, June 29, 2005. Executive Summary page i.

¹⁹ The 52,000 acres only includes regional recreational open space that is under the jurisdiction of the Metropolitan Council. It does not include the numerous large county and city parks that may qualify under the broad definition that is employed to identify regional parks in Greater Minnesota.

²⁰ LCMR Parks Study Group Report, to the full LCMR. December 18, 2003. Findings, page i.

line.(see Table 2.2) Not all the parks identified in Table 2.2 will be added to the new regional park system, so as bad as the current acreage ratio is, the true deficiency is actually worse. The 25 acre per thousand guideline, as discussed earlier, is based on what the Metropolitan Council used in determining initial acquisition needs for the Metro Regional Park System. Therefore, Table 2.2 also illustrates the inequality in distribution of regional recreation open space between the Metropolitan area and the St. Cloud region.

Table 2.2

Existing Park Space For St. Cloud Study Region*					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Stearns	Quarry Park and Nature Preserve	643	1, 2	7	5
	Mississippi River County Park	230	2		
	Warner Lake County Park	241	1, 2		
	Lake Koronis Park	67	1, 2		
Benton	Bend in the River Regional Park	286	2	8	6
West Sherburne	Oak Savanna Land Preserve	140	2	7	4
City of St. Cloud	Neenah Creek Regional	213	2		
	Plum Creek Regional Park	139	2		
	Riverside Regional Park	56	2		
	Total acreage: Reference 1	951		5	4
	Total acreage: Reference 2	2015		11	8
	Total Acreage	2015		11	8

* Criteria for regional parks explained in: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

Reference 1: "Examples of Regional Parks Outside the Twin Cities Metro Area," Wayne Sames, MN DNR, 2003.

Reference 2: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

While there is an obvious disparity in parklands between Greater St. Cloud and the Twin Cities Metro there is little disparity of distribution within the study region. It is important to maintain an equitable distribution throughout the region so that residents can have convenient access to the recreation resources.

Currently there is only a total of 2,015 acres in Greater St. Cloud, or about 11 acres per 1000 people compared with 52,000 acres in the Metro area, or about 20 acres per 1000. If no new regional recreation open space is added to the Greater St. Cloud system by 2030 there will only be 8 acres per 1000 residents.

Regional Parkland Needs for Greater St. Cloud

While the region does have a selection of existing parks that could be incorporated into the Regional Recreation Park system, this selection is far from what is needed. At the 2000 census, Greater St. Cloud had less than half of the necessary acreage according to the 25 acre per thou-

sand guideline, or approximately 11 acres per thousand.

In utilizing 25 acres per thousand as a benchmark it is possible to estimate the acreage currently needed, and needed in 2030 for each of the counties and for Greater St. Cloud as a whole. This estimate simply illustrates how much raw acreage of regional parkland is needed for equitable distribution between Greater St. Cloud and the Metro. The estimate makes no assumptions about the types of recreational experiences that users want, and the differences in acreage that those uses require. The 25 acre per thousand guideline creates a benchmark to measure the amount of land needed so that that land can be acquired before high recreational value tracts are consumed by development.

Table 2.3

Acreage Needed to Meet 25 acres per 1000 Guideline for St. Cloud Study Region		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	4689	6511
Extra acreage necessary (Ref. 1)	3738	5560
Extra acreage necessary (Total)*	2674	4496

*This is assuming that ALL potential and existing parkland are incorporated into the system.

Table 2.3 is the “big picture” of what additions are needed to the Greater St. Cloud system to make distribution of regional parklands equitable in comparison to the Twin Cities Metro. The overall goal for development in the Greater St. Cloud region is, “A Regional Park System containing 6,511 acres of regional parklands by 2030.” This goal can be met by integrating *all* the existing recreational acreage as identified in Table 2.2 into Greater St. Cloud’s Regional Park System, *and* by adding 4,496 new acres to the system. This is an ambitious goal, but can be accomplished by prioritizing natural resources spending across jurisdictions and within different governmental agencies.

The List of Tables (Appendix A) includes a breakdown of estimated Regional Parkland needs by county.



Proposed Regional Park Search Locations

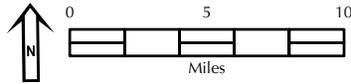
The following map (7) identifies the areas of highest amenity value in the St. Cloud Region as determined by proximity to hills, trees, and water. Such features provide for recreational oppor-

tunities and are important in determining locations of the new Regional Parks. The second map (8) identifies existing public land ownership, which is important in building large hubs of protected open space. Both maps are marked with a purple line, this purple line signifies a proposed Regional Recreational Resource District (RRRD) which will be further discussed in Part B. This proposal suggests development of at least one Regional Recreation Park within the boundaries of each proposed Regional Recreation Resource District, therefore the boundary of the RRRD also serves as the search area for the Regional Park.

Lands in Public Ownership

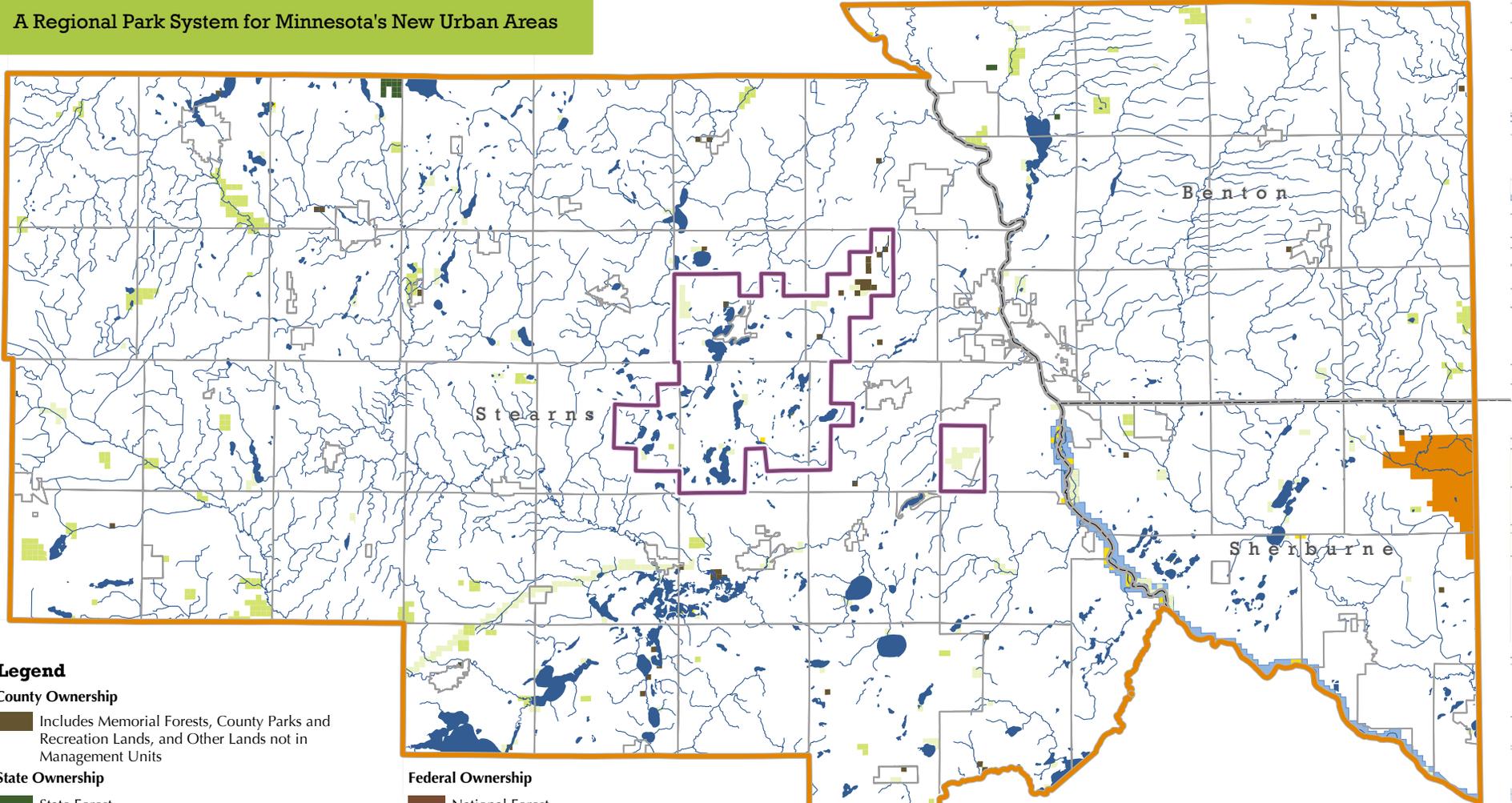
Greater St. Cloud Region

A Regional Park System for Minnesota's New Urban Areas



Prepared April 2007
 Data Sources: Minnesota Department of Natural Resources, Minnesota Department of Transportation, University of Minnesota Borchert Map Library

Funding provided by
 the Legislative-Citizen
 Commission on Minnesota
 Resources (LCCMR)



Legend

County Ownership

Includes Memorial Forests, County Parks and Recreation Lands, and Other Lands not in Management Units

State Ownership

- State Forest
- State Park
- State Recreation Area
- Wildlife Management Area
- Other State Owned Land Including Water Access Sites, Fish Management Areas, Easements, Wild and Scenic Rivers, and Other Lands

Federal Ownership

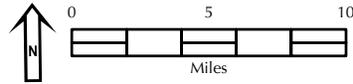
- National Forest
- National Parks and Monuments
- National Wildlife Refuges
- Waterfowl Production Area
- Other Lands Including Scientific and Natural Area Peatlands, Bureau of Land Management Lands, Trust Lands, and others.

- Reservation Lands
- Wild and Scenic River District
- Water Bodies

- Proposed Regional Recreation District
- Study Area
- County Boundary
- MCD Boundary

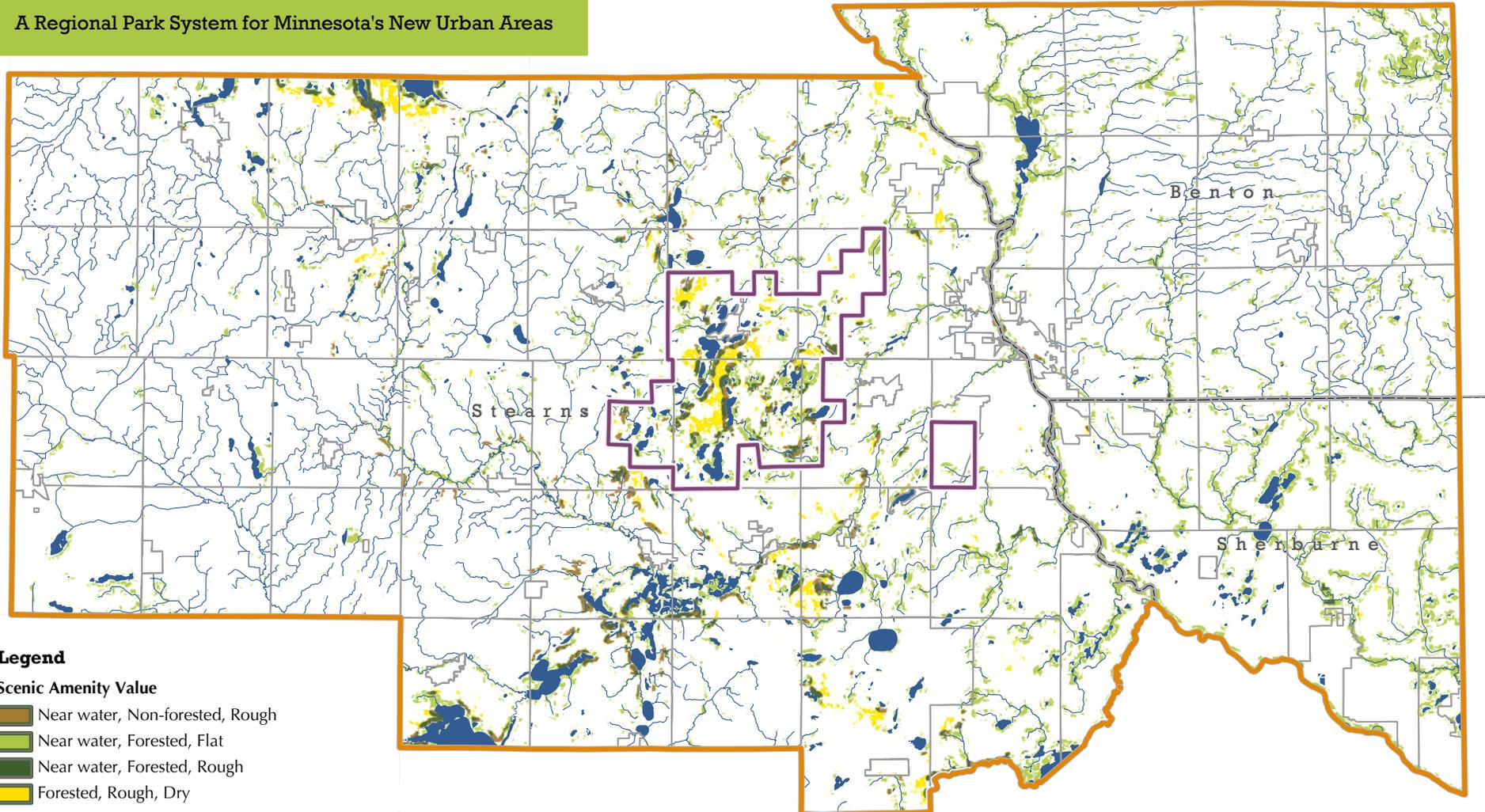
Scenic Amenities Greater St. Cloud Region

A Regional Park System for Minnesota's New Urban Areas



Prepared April 2007
Data Sources: Minnesota Department of Natural Resources, Minnesota Department of Transportation, University of Minnesota Borchert Map Library

Funding provided by
the Legislative-Citizen
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Resources (LCCMR)



Legend

Scenic Amenity Value

- Near water, Non-forested, Rough
- Near water, Forested, Flat
- Near water, Forested, Rough
- Forested, Rough, Dry

- Study Area
- Proposed Regional Recreation District
- County Boundary
- MCD Boundary
- Water Bodies

Greater Rochester

The Greater Rochester study region contains areas that will experience both increases and declines in population but as a whole the region is projected to absorb more than 50,000 new residents by 2030. The rolling hills, proximity to the Twin Cities, the Mayo Clinic, IBM, relatively inexpensive land, and current amount of open space are just some of the reasons that this is such an attractive place to live. In the greater Rochester Region, Olmsted County is projected to experience the majority of population increase, about 37%.

Population of Greater Rochester

Table 3.1

Rochester and Winona Region Population**			
Area	2000 Census	2030 Projections	Percent Change
Rochester Metropolitan Area	124,277	170,500	37%
Olmsted	124,277	170,530	37%
Winona	49,985	56,090	12%
Rochester Metropolitan Area Totals	174,262	226,620	23%

The Greater Rochester study region will house a projected 226,620 residents by 2030, up from 174,262 in 2000, an increase of about 23%. The rate of population growth is only half the story in Greater Rochester as the predominant development pattern in the region is low density and land intensive, and the rate of land consumption in the area is increasing faster than the rate of population growth.²¹

By 2030 Greater Rochester will include about 50,000 more residents, and those individuals will have recreational and open space needs that will not be met by the current system. This influx of people throughout the region will dramatically alter the landscape and reduce access to quality recreational opportunities unless steps are taken to ensure an adequate inventory of recreational open space. Now is the time to make the investment in open space as every day more and more high amenity value acres in the region are consumed for development.

Currently the Regional Park system operated by the Metropolitan Council includes more than 52,000 acres and 170 miles of regional trails.²² The population of the seven county Metropolitan area is 2.64 million thus the Metropolitan Council operates parks at a ratio of nearly 20 acres per

²¹ U.S. Census Bureau Data, http://www.sprawlcity.org/charts/top_popgrowth.html, for the Minneapolis/St. Paul area from 1970 to 1990 there was a 22% increase in population growth and a 21% increase in Per Capita Land Consumption. The data also shows that the Minneapolis/St. Paul area uses 0.327 acres per individual. We are assuming for this study that the growth patterns of the St. Cloud region are similar to that of Minneapolis/St. Paul. (See supra note 3.)

²² 2030 Regional Parks Policy Plan, Metropolitan Council, June 29, 2005. Executive Summary page i.

1000 people.²³ Compare that with the current population of 174,262 in the Greater Rochester region with 3,279 acres of Regional Park and a current ratio of about 19 acres per thousand persons (see table 3.2), which will decrease to about 14 acres per thousand in 2030. In order for the Metropolitan Council to get to its current ratio in 1974 it employed the initial acquisition guideline of 25 acres per thousand, now the same must be done in the Greater Rochester region to ensure that in thirty years it has a sufficient base of land in its regional park system.

It is essential, and equity demands, that the distribution of regional recreation open space be similar between the state's urban areas. As the Greater Rochester Region becomes increasingly urban and populous, the quality of life and character of the region must be maintained, equitable distribution of regional parks will play an important role in this maintenance. The proposed Regional Recreation Park system provides public benefits including the preservation of natural resources, protection of open spaces, protection of cultural and historical resources, physical fitness opportunities, and recreational opportunities.²⁴ All urban areas of the state need to have similar opportunities for the population to enjoy.

By not providing sufficient open space for recreation, the population is adversely affected. Minnesotan's are more active on average than the typical American, but can only maintain their activity level if sufficient opportunities are available.

Existing Potential Regional Parkland in Greater Rochester

Greater Rochester does contain parks that are, or have the potential to be, regional parks. However, these parks are not organized or maintained as part of an interconnected system. They are identified by the DNR and LCMR as having "regional park potential," but may not meet this study's criteria for inclusion in this proposed Regional Recreation Park system. Further, these parks merely have the *potential* to provide the type of recreational assets that the population demands, and until they are organized by a system that is designed to meet those needs they are not meeting that potential. In order to assess Rochester/Winona's general need the acreage of those parks are applied to the population to determine the overall number of acres per thousand persons. (see Table 3.2)

It is likely that not all the parks included in Table 3.2 will be added to the new Regional Recreation Park system, so while the current ratio does not appear to be that bad it is a best case scenario. The 25 acre per thousand guideline, as discussed earlier, is based on what the Metropolitan Council used in determining initial acquisition needs for the Metro Regional Park System. Therefore, table 3.2 also illustrates the inequality in distribution of regional recreation open space between the Metropolitan area and the Greater Rochester region.

²³ The 52,000 acres only includes regional recreational open space that is under the jurisdiction of the Metropolitan Council. It does not include the numerous large county and city parks that may qualify under the broad definition that is employed to identify regional parks in Greater Minnesota.

²⁴ LCMR Parks Study Group Report, to the full LCMR. December 18, 2003. Findings, page i.

Table 3.2

Existing Park Space For Rochester/Winona Study Region**					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Olmsted County*	Chester Woods Park	1,380	1,2	16	12
	Oxbow Park	624	1,2		
Winona County		0	1,2	0	0
Rochester	Eastwood	188	2		
	Essex	160	2		
	Foster Arend Park	200	2		
	Gamehaven Reservoir	230	2		
	Quarry Hill	302	2		
	Willow Creek Reservoir	195	2		
	Total Acreage	3,279		19	14

* Acreage for Olmsted County Regional Parks is not consistent between the two references used. Acreage figures are taken from reference "2" data as the reference 2 is more recent and since the figures are larger than reference 1.

** Criteria for regional parks explained in: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

Reference 1: "Examples of Regional Parks Outside the Twin Cities Metro Area," Wayne Sames, MN DNR, 2003.

Reference 2: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

While there is not a huge current disparity in parklands between Greater Rochester and the Metro, area there is a large disparity in distribution between Olmsted (16 acres per 1000) and Winona Counties (0 acres). It is important to maintain an equitable distribution throughout the region so that residents can have convenient access to recreation resources. Currently there is about 3,279 acres (this assumes that ALL identified parklands are incorporated into the system) in Greater Rochester or 19 acres per 1000, but the parklands deficit will increase, as there will only be 14 acres per 1000 in 2030 if no new lands are added.

Regional Parkland Needs for Greater Rochester

While the region does currently have a selection of existing parks that could be incorporated into the regional park system this selection is far from what will be needed. By 2030 the Greater Rochester region will have to nearly double its current inventory of Regional Parklands to meet the 25 acres per 1000 benchmark. The estimate in Table 3.2 simply illustrates how much raw acreage of regional parklands is needed for equitable distribution between the Greater Rochester and the Metro. The estimate makes no assumptions about the types of recreational experiences that users want, and the differences in acreage that those uses require. The 25 acre per thousand creates a benchmark to measure the amount of land needed so that that land can be acquired before high recreational value tracts are consumed by development.

Table 3.3

Acreage Needed to Meet 25 acres per 1000 Guideline for Rochester/Winona Study Region		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	4357	5666
Extra acreage necessary (Total)*	1078	2387

Table 3.3 is the “big picture” of what additions are needed to the Greater Rochester system to make distribution of regional parklands equitable in comparison to the Twin Cities Metro. The overall goal for development in the Greater Rochester region is, “A Regional Park System containing 5,666 acres of regional parklands by 2030.” This goal can be met by integrating *all* the existing recreational acreage as identified in Table 3.2 into Greater Rochester’s Regional Park System, *and* by adding at least 2,387 new acres to the system. This is an ambitious goal, but can be accomplished by prioritizing natural resources spending across jurisdictions and within different governmental agencies.

The List of Tables (Appendix A) includes a breakdown of estimated Regional Parkland needs by county.

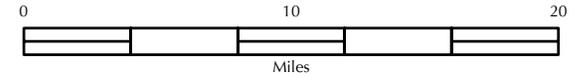
Proposed Regional Park Search Locations

The following map (9) identifies the areas of highest amenity value in the Rochester/Winona Region as determined by proximity to hills, trees, and water. Such features provide for recreational opportunities and are important in determining locations of the new Regional Parks. The second map (10) identifies existing public land ownership, which is important in building large hubs of protected open space. Both maps are marked with a purple line, this purple line signifies a proposed Regional Recreational Resource District (RRRD) which will be further discussed in Part B. This proposal suggests development of at least one Regional Recreation Park within the boundaries of each proposed Regional Recreation Resource District, therefore the boundary of the RRRD also serves as the search area for the Regional Park.

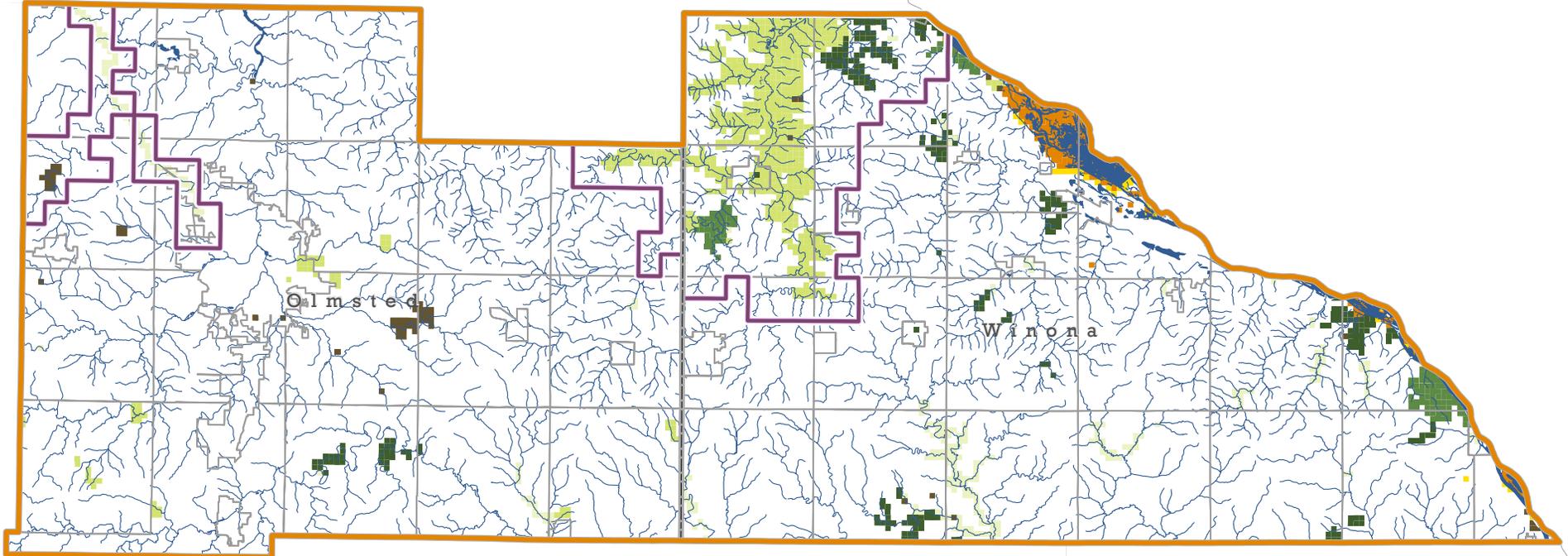
Lands in Public Ownership

Greater Rochester Region

A Regional Park System for Minnesota's New Urban Areas



Prepared April 2007
 Data Sources: Minnesota Department of Natural Resources, Minnesota
 Department of Transportation, University of Minnesota Borchert Map Library



Legend

County Ownership

Includes Memorial Forests, County Parks and Recreation Lands, and Other Lands not in Management Units

State Ownership

- State Forest
- State Park
- State Recreation Area
- Wildlife Management Area
- Other State Owned Land Including Water Access Sites, Fish Management Areas, Easements, Wild and Scenic Rivers, and Other Lands

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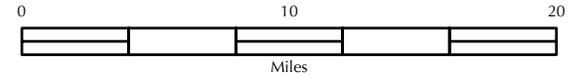
MAP 13 OF 20

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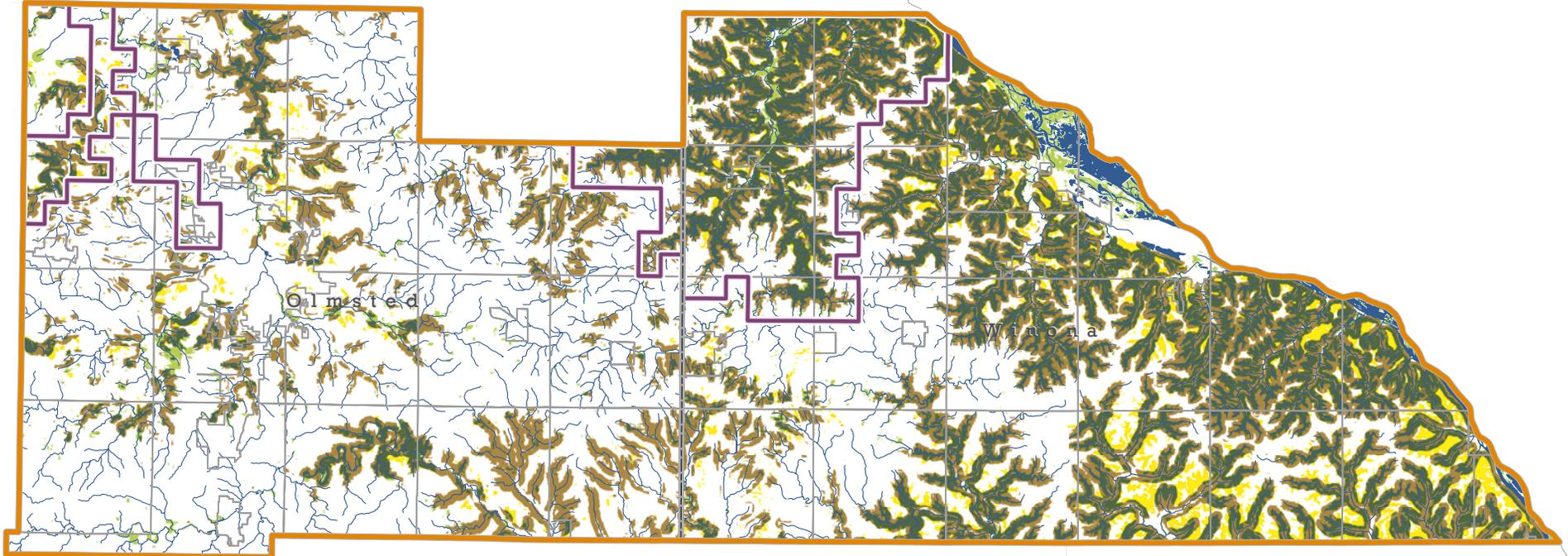


Scenic Amenities Greater Rochester Region

A Regional Park System for Minnesota's New Urban Areas



Prepared April 2007
Data Sources: Minnesota Department of Natural Resources, Minnesota
Department of Transportation, University of Minnesota Borchert Map Library



Legend

Scenic Amenity Value

-  Near water, Non-forested, Rough
-  Near water, Forested, Flat
-  Near water, Forested, Rough
-  Forested, Rough, Dry

-  Study Area
-  Proposed Regional Recreation District
-  County Boundary
-  MCD Boundary
-  Water Bodies

MAP 14 OF 20

Funding provided by
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Commission on Minnesota
Resources (LCCMR)



Central Lakes

The Central Lakes region is currently experiencing, and will continue to experience, massive population growth and development pressures. The permanent population of the region is expected to increase approximately 65% by 2030. The natural beauty of the area with its wealth of lakes, rivers, and forests, coupled with the aging demographic of the state, and the ability to work from remote locations is driving this massive migration. The Central Lakes Region’s natural open space is an invaluable resource, but that resource is threatened by the population influx. In other words, Minnesotans risk loving one of their natural treasures to death.



In analyzing the Central Lakes Region two methods were utilized; the first uses the population projections and census numbers published by the Minnesota Demographer, the second applies a simplistic functional assumption to estimate the seasonal population.

Currently, the region has valuable recreational assets such as Deep Portage Environmental Learning Center and the Paul Bunyan Arboretum. It is unlikely, however, that these assets will adequately preserve the “Northwood’s” character that makes the Central Lakes such a Minnesota Treasure.

Population of the Central Lakes

The Central Lakes region will house an estimated 160,790 (Table 4.1) permanent residents and may play host to 285,757 (Table 4.1a) seasonal and permanent residents by 2030. This is a massive 65% increase in population across the region, but this change is only part of the issue. As an open space destination where owning acreage is very desirable, the rate of land consumption and large tract fragmentation will outpace the rate of population growth.

Table 4.1

Central Lakes Region Population: No Seasonal Adjustment*			
Area	2000 Census	2030 Projection	Percent Change
Aitkin County	15,301	25,270	65%
Cass County	27,150	45,280	67%
Crow Wing County	55,099	90,240	64%
Central Lakes Region Total Population	97,550	160,790	65%

* from Minnesota Population Projections 2000-2030, Minnesota Planning State Demographic Center, Martha McMurry, 2002.

Table 4.1a

Central Lakes Population with Adjustment								
County	2000 Census	2000 Seasonal Homes*	2000 Lodging Estimate**	2000 Adjusted Total	2030 Projection	2030 Seasonal Homes Projection***	2030 Lodging Estimate****	2030 Adjusted Total
Aitkin	15,301	16,806	1,770	33,877	25,270	25,309	2,089	52,668
Cass	27,150	24,147	11,750	63,047	45,280	36,363	13,865	95,508
Crow Wing	55,099	25,848	7,133	88,080	90,240	38,925	8,416	137,581
Total Population with Adjustment	185,004				285,757			

*2000 Seasonal Homes: This number was arrived at by multiplying the number of seasonal homes in the 2000 census by Minnesota's household size of 2.52 also from the 2000 census. State Demographer Tom Gillaspay assisted in generating these numbers.

**2000 Lodging Estimate: This number was generated with assistance from Explore Minnesota Tourism's Patrick Simmons and Peggy Nasby. These individuals compiled the total number of lodging units in each county. Lodging units includes indoor units and camping units. Those units were then multiplied by Minnesota's average household size of 2.52 to arrive at a population estimate.

***2030 Seasonal Homes Projection: 2000 Seasonal Homes population estimate multiplied by the 65% regional growth rate multiplied by the State Demographer's projected household size of 2.3.

****2030 Lodging Estimate: The 2000 Lodging Estimate was multiplied by the regional growth rate of 65% then multiplied by the State Demographer's projected household size of 2.3.

By the summer of 2030 the Central Lakes could include 100,000 more people than its current estimated seasonal population, and those individuals will have recreational and open space needs that will not be met by the current open space assets. This influx of people throughout the region will dramatically alter the landscape and reduce access to quality recreational opportunities unless immediate steps are taken to ensure an adequate inventory of recreational open space. From fouling the lakes to fragmenting the forests, development of the region's open space will greatly alter the character of this Minnesota treasure. Now is the time to make the investment in open space as every day more and more acres in the region are consumed for development.



Existing Potential Regional Parklands in the Central Lakes

The Central Lakes currently contain a wealth of open space including the unique Deep Portage Environmental Learning Center. But, the existing assets are not organized or maintained as part of a system. It is also unclear if these parks are providing the type of recreational experiences that the population desires, and will desire. It is clear that Minnesotans are participating less in

wildlife related recreation less per capita,²⁵ one valid explanation for the decline is that the recreational opportunities are not attractive enough. This project proposes not only more open space for recreation, but attractive and diverse opportunities to meet the desires of the population.

Table 4.2 illustrates the number of acres per 1000 people (without seasonal adjustment), and when compared with the benchmark of 25 acres per 1000 the current inventory does not look that bad. But, is it proper to apply a benchmark developed for urban parklands to an open space amenity area like the Central Lakes? No, open space amenity areas are fundamentally different than developed areas such as the Metro, and need their open space to be managed to preserve the character and value of the amenity. (This issue is further addressed in Part B.) Table 4.2a illustrates the acres per 1000 (with seasonal adjustment), and when the ELCs are not included in the total there is a more apparent deficiency.

Table 4.2

Existing Park Space for Central Lakes Region: No Seasonal Adjustment					
County	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Aitkin County	Jacobson Campground and Wayside Rest	762	2	50	30
	Snake River Campground	1,753	2		
	Long Lake ELC	760	2		
Cass County	Deep Portage ELC	6,103	2	225	135
Crow Wing County	Paul Bunyan Arboretum	200	2	4	2
	Total Acreage	9,578		98	60
	Not including the ELCs	2,715		28	17

Table 4.2a

Existing Park Space for Central Lakes Region: With Seasonal Adjustment					
County	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Aitkin	Jacobson Campground and Wayside Rest	762	2	22	14
	Snake River Campground	1,753	2		
	Long Lake ELC	760	2		
Cass	Deep Portage ELC	6,103	2	97	64
Crow Wing	Paul Bunyan Arboretum	200	2	2	1
	Total Acreage	9,578		52	34
	Not Including ELCs	2,715		15	10

²⁵ Tim Kelly, Minnesota Department of Natural Resources, Outdoor Recreation Participation trends in Wildlife Related Activities and Recreational boating. April 2004..

Regional Parkland Needs for the Central Lakes Region

Determining the true open space need in the Central Lakes (and all the other study areas for that matter) is difficult unless we know exactly what values the open space is to provide. If we want the open space to maintain the Northwoods character, the clean water, clean air, habitat, or scenic beauty the calculation is much different than if we are trying to determine the need for regional recreation parklands in a fully developed urban area. Since this study is concerned with the latter, the 25 acre per 1000 guideline is utilized. (The authors of this report strongly emphasize that these types of open space amenity regions are not the same as developed metropolitan regions, and should not be managed in the same way.) In determining the raw acreage needed the existing ELCs are not included as they are not recreational assets within the scope of this study.

Table 4.3

Acreage Needed to Meet 25 acres per 1000 Guideline for Central Lakes Region		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed With Seasonal Adjustment	4625	7144
Total Acreage of Regional Recreation Open Space Needed Without Seasonal Adjustment	2439	4020
Extra acreage necessary with adjustment*	1910	4429
Extra acreage necessary without seasonal adjustment*	None	1305

*This is assuming that ALL potential and existing parkland (except ELC's) are incorporated into the system.

Table 4.3 is the “big picture” of what additions are needed to the Central Lakes system to make distribution of regional parklands equitable in comparison to the Twin Cities Metro. The overall goal for development in the Central Lakes region is, “A Regional Park System containing 7,144 acres of regional parklands by 2030.” This goal can be met by integrating *all* the existing recreational acreage as identified in Tables 4.3 and 4.4 (except the ELCs) into the Central Lakes Regional Park System, *and* by adding 4,429 new acres to the system. This is an ambitious goal, but can be accomplished by prioritizing natural resources spending across jurisdictions and within different governmental agencies.

Even if this goal is met the natural character of the Central Lakes will not be adequately protected. This need simply identifies the acreage that is needed for a specific type of park asset to be equitably distributed between Metro and the Central Lakes.

The List of Tables (Appendix A) includes a breakdown of estimated Regional Parkland needs by county.

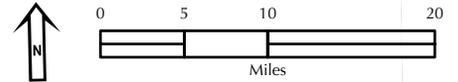
Proposed Regional Park Search Locations

The following map (11) identifies the areas of highest amenity value in the Central Lakes Region as determined by proximity to hills, trees, and water. Such features provide for recreational opportunities and are important in determining locations of the new Regional Parks. The second map (12) identifies existing public land ownership, which is important in building large hubs of protected open space. Both maps are marked with a purple line, this purple line signifies a proposed Regional Recreational Resource District (RRRD) which will be further discussed in Part B. This proposal suggests development of at least one Regional Recreation Park within the boundaries of each proposed Regional Recreational Resource District, therefore the boundary of the RRRD also serves as the search area for the Regional Park.

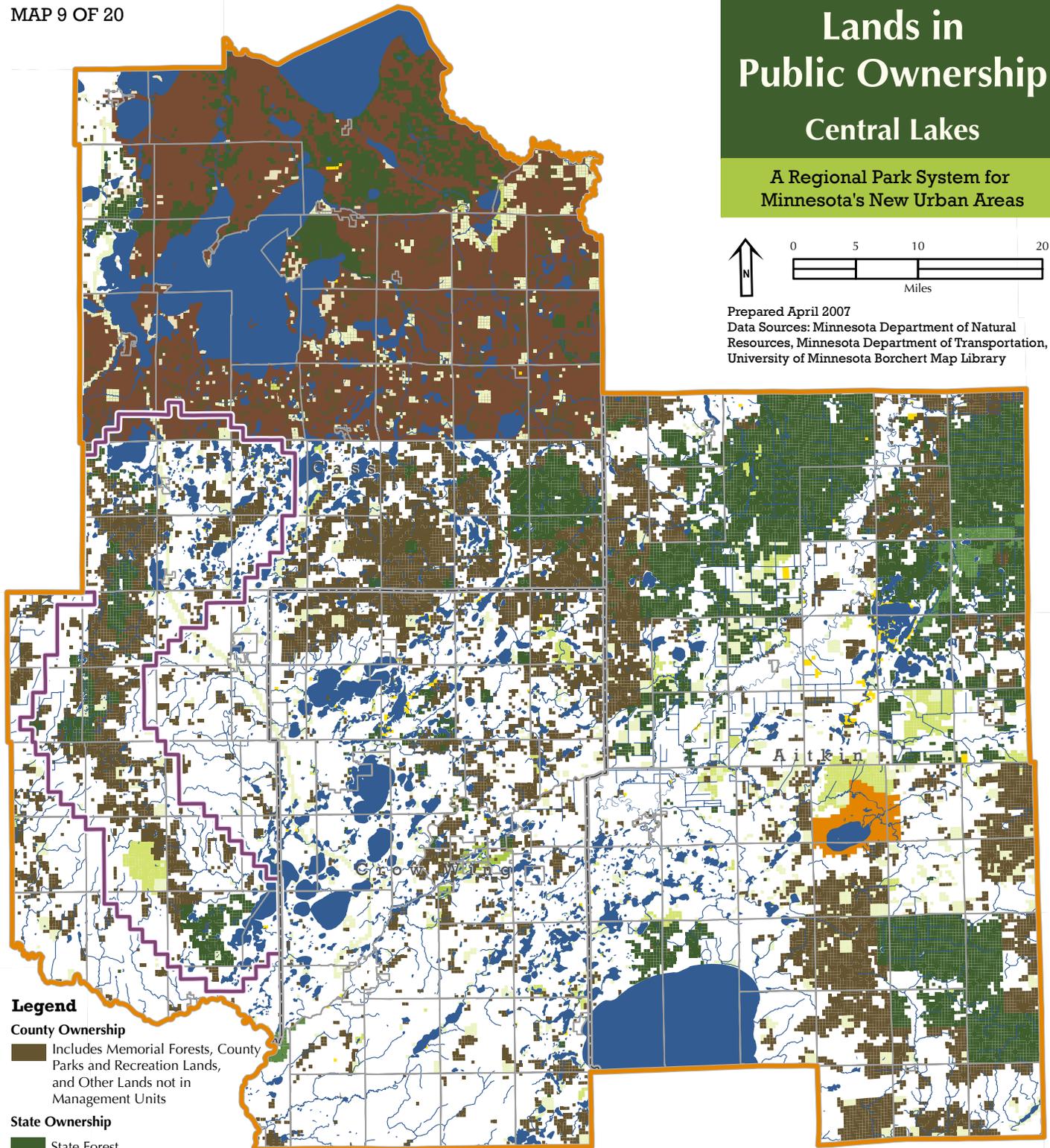
Lands in Public Ownership

Central Lakes

A Regional Park System for Minnesota's New Urban Areas



Prepared April 2007
 Data Sources: Minnesota Department of Natural Resources, Minnesota Department of Transportation, University of Minnesota Borchert Map Library



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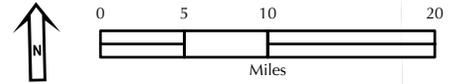
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- County Boundary
- MCD Boundary

Funding provided by the Legislative-Citizen Commission on Minnesota Resources (LCCMR)

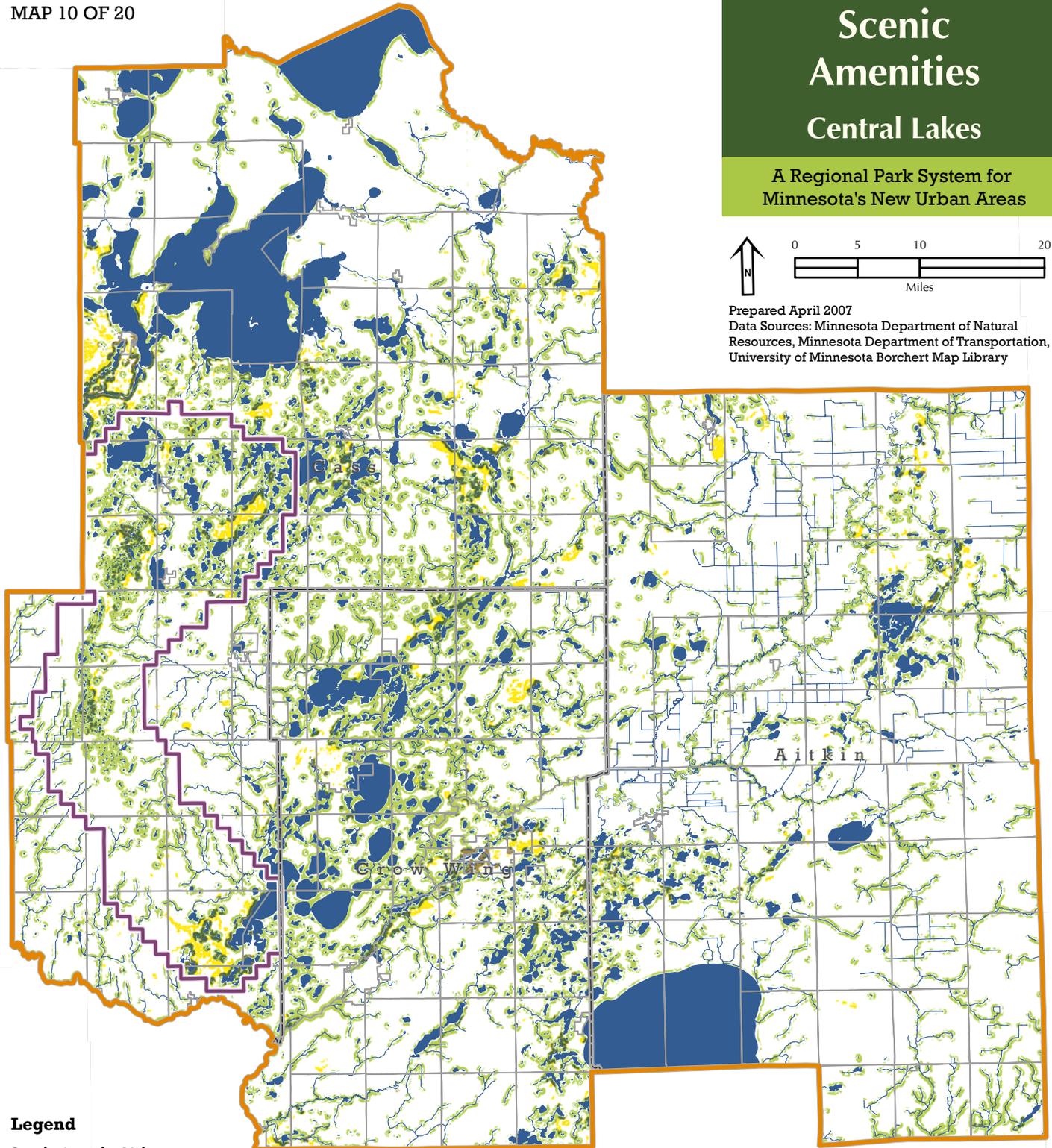


Scenic Amenities Central Lakes

A Regional Park System for
Minnesota's New Urban Areas



Prepared April 2007
Data Sources: Minnesota Department of Natural Resources, Minnesota Department of Transportation, University of Minnesota Borchert Map Library



Legend

Scenic Amenity Value

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- Near water, Forested, Flat
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- Forested, Rough, Dry

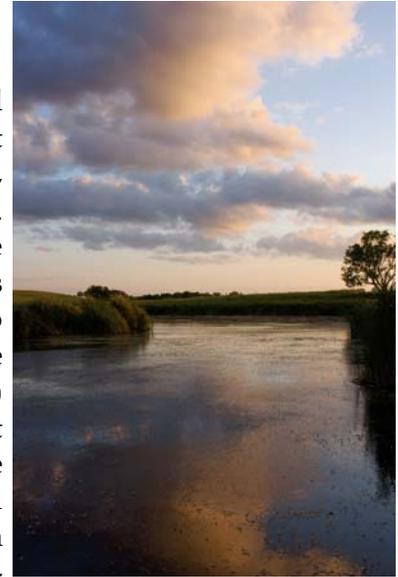
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- MCD Boundary
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Funding provided by the Legislative-Citizen Commission on Minnesota Resources (LCCMR)



Western Lakes

The Western Lakes region is currently experiencing, and will continue to experience, rapid population growth and development pressures. This area includes destination towns like Detroit Lakes, and picturesque lakes like Otter Tail, Pelican Lake and Detroit Lake. The permanent population of the region is expected to increase approximately 35% by 2030. The natural beauty of the area with its wealth of lakes, rivers, and forests, coupled with its proximity to several population centers (Fargo/Moorhead, St. Cloud, and the Metro), fuel the population migration. The Western Lakes (WL) region has an invaluable resource in its natural open space, but that resource is threatened by the current and projected migration. Like the Central Lakes region Minnesotans risk loving one of their natural treasures to death. Also like Central Lakes, the Western Lakes region experiences a significant seasonal influx, unfortunately those seasonal numbers are less reliable than those provided for the Central Lakes Region. By using a very conservative approximation of the difference in seasonal population of the Central Lakes Region, a rough estimate of the seasonal population of the Western Lakes Region is possible.²⁶ By expecting that there will be approximately 50% (the Central Lakes experiences an estimated 63%) more seasonal visitors in the region than there are permanent residents, we are able to plan according for needed Regional Parklands.



Population of the Western Lakes Region

The population of the Western Lakes region is projected to increase about 35% between 2000 and 2030 to an estimated 161,620 permanent residents (table 5.1), if the estimated seasonal residents are accounted for then there will be approximately 242,000 people in the region (table 5.1a). As an open space destination where owning acreage and lakefront is very desirable, and compact development is rare, the rate of land consumption will likely outpace the rate of population growth.

Table 5.1

Western Lakes Population*			
Area	2000 Census	2030 Projection	Percent Change
Becker	30,000	37,190	24%
Otter Tail	57,159	78,250	37%
Douglas	32,821	46,180	41%
Western Lakes Total Population	119,980	161,620	35%

* from Minnesota Population Projections 2000-2030, Minnesota Planning State Demographic Center, Martha McMurry, 2002.

²⁶ The estimated seasonal population of the Central Lakes in 2000 was approximately 90% higher than the population of permanent residents in the same year. The estimated seasonal population of seasonal residents in 2030 is approximately 75% higher than the projected permanent population of the Central Lakes. For purposes of estimating the seasonal increase in the Western Lakes Region a conservative 50% increase is used.

Table 5.1a

Western Lakes Population With Seasonal Adjustment*			
Area	2000 Census	2030 Projection	Percent Change
Becker	45,000	55,785	24%
Otter Tail	85,739	117,375	37%
Douglas	49,232	69,270	41%
Western Lakes Total Population	179,970	242,430	35%

*An adjustment factor of 50% is utilized as a conservative estimate of the increase in seasonal residents. This number is roughly based on the estimates of seasonal residents in the Central Lakes Region. The census population was subtracted from the adjusted total population of the central lakes and the resulting number was divided by the census population for 2000 to give the percent increase in seasonal residents. In 2000 the increase was approximately 90% and in 2030 the projected increase is estimated at 75%. We are therefore comfortable using 50% as a conservative estimate of the increase in seasonal population for the Western Lakes Region.

According to the 25 per 1000 guideline the existing system of recreational open space will not adequately serve the 2030-projected population of Western Lakes, much less the estimated seasonal population. This influx of people throughout the region will dramatically alter the landscape and reduce access to quality recreational opportunities unless steps are taken to ensure an adequate inventory and protect recreational open space. From fouling lakes to fragmenting forests, development of the region’s open space will greatly alter the natural character of this Minnesota treasure. Now is the time to make the investment in open space as every day more and more acres in the region are consumed for development, every day of inaction reduces the opportunity to retain large open space.

Existing Potential Regional Parklands in the Western Lakes Region

The Western Lakes region does contain several open space assets including the state parks of Glendalough, Maplewood, and Lake Carlos. But, these assets currently do not provide the type of experience that Minnesotans get at regional recreation parks, and they are not included in determining the adequacy open space for this report. When the 25 acre per 1000 guideline is applied it is clear that the parks identified as potential regional parks are inadequate to provide for the needs of the region. Further, these potential regional parks are not organized or maintained as part of a system that can provide for the diverse needs of Minnesotans.



Table 5.2 illustrates the number of acres per 1000 people. The lack of existing potential regional parks is obvious as there is currently only 3.2

acres per 1000 people in the Western Lakes Region. When the population is adjusted to include seasonal residents, there is only 2.1 acres per 1000 residents (Table 5.2a). This inequitable distribution of regional park lands when compared with the Metro will only get worse as the population of the area increases. By 2030 if no further acquisitions are made, and if all the identified potential acres are included in the regional park system, there will be 2.4 acres of Regional Park per 1000 people. When the 2030 estimated seasonal residents are included there is a mere 1.6 acres per 1000 people.

This is an area that thrives because of its open space and scenic beauty. It is a destination because it can provide for the recreational and outdoor needs of Minnesotans, but without adequate investment in the regional park system much of what makes it a destination could be lost.

Table 5.2

Existing Park Space for Western Lakes Region					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Becker County	Chilton County Park	205	1,2	7	6
Otter Tail County		0	1,2	0	0
Douglas County	Runestone County Park	180	1,2	5	4
	Total Acreage	385		3.2	2.4

Table 5.2a

Existing Park Space for Western Lakes Region With Adjustment					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Becker County	Chilton County Park	205	1,2	5	4
Otter Tail County		0	1,2	0	0
Douglas County	Runestone County Park	180	1,2	4	3
	Total Acreage	385		2.1	1.6

Regional Parkland Needs for the Western Lakes Region

Determining the true open space need in the Western Lakes (and all the other study areas for that matter) is difficult unless we know exactly what the open space is to provide. If we want the open space to maintain the Northwood's character, the clean water, clean air, habitat, or scenic beauty the calculation is much different than if we are trying to determine the need for regional recreation parklands. Since this study is concerned with the latter the 25-acre per 1000

guideline is utilized. (Again, the authors of this report strongly emphasize that these types of open space amenity regions are not the same as developed metropolitan regions, and should not be managed in the same way.) In determining the raw acreage needed to make the Western Lakes regional park system equitable with that of the metro it is apparent that significant investment is immediately needed.

Table 5.3

Acreage Needed to Meet 25 acres per 1000 Guideline for Western Lakes Study Region		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	3000	4041
Extra Acreage Necessary (Total)*	2615	3656

*This is assuming that ALL potential and existing parkland are incorporated into the system.

Table 5.3a

Acreage Needed to Meet 25 acres per 1000 Guideline for Western Lakes Study Region With Adjustment		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	4499	6061
Extra Acreage Necessary (Total)*	4114	5676

*This is assuming that ALL potential and existing parkland are incorporated into the system.

Table 5.3 and 5.3a are the “big picture” of what additions are needed to the Western Lakes system to make distribution of regional parklands equitable when compared to the Twin Cities Metro. Because there are seasonal residents in the region, and because those residents will have recreational needs, the adjusted values should be used to set the regional goal. Therefore, the overall goal for development in the Western Lakes region is, “A Regional Park System containing 6,061 acres of regional parklands by 2030.” This goal can be met by integrating *all* the existing recreational acreage as identified in Tables 5.2, *and* by adding 5,676 new acres to the system. The current system has less than one tenth of the acreage needed to meet the guideline. This is an ambitious goal, but can be accomplished by prioritizing natural resources spending across jurisdictions and within different governmental agencies.

The List of Tables (Appendix A) includes a breakdown of estimated Regional Parkland needs by county.

Proposed Regional Park Search Locations

The following map (13) identifies the areas of highest amenity value in the Western Lakes Region as determined by proximity to hills, trees, and water. Such features provide for recrea-

tional opportunities and are important in determining locations of the new Regional Parks. The second map (14) identifies existing public land ownership, which is important in building large hubs of protected open space. Both maps are marked with a purple line, this purple line signifies a proposed Regional Recreational Resource District (RRRD) which will be further discussed in Part B. This proposal suggests development of at least one Regional Recreation Park within the boundaries of each proposed Regional Recreation Resource District, therefore the boundary of the RRRD also serves as the search area for the Regional Park.

Lands in Public Ownership

Western Lakes

A Regional Park System for Minnesota's New Urban Areas

Legend

County Ownership

Includes Memorial Forests, County Parks and Recreation Lands, and Other Lands not in Management Units

State Ownership

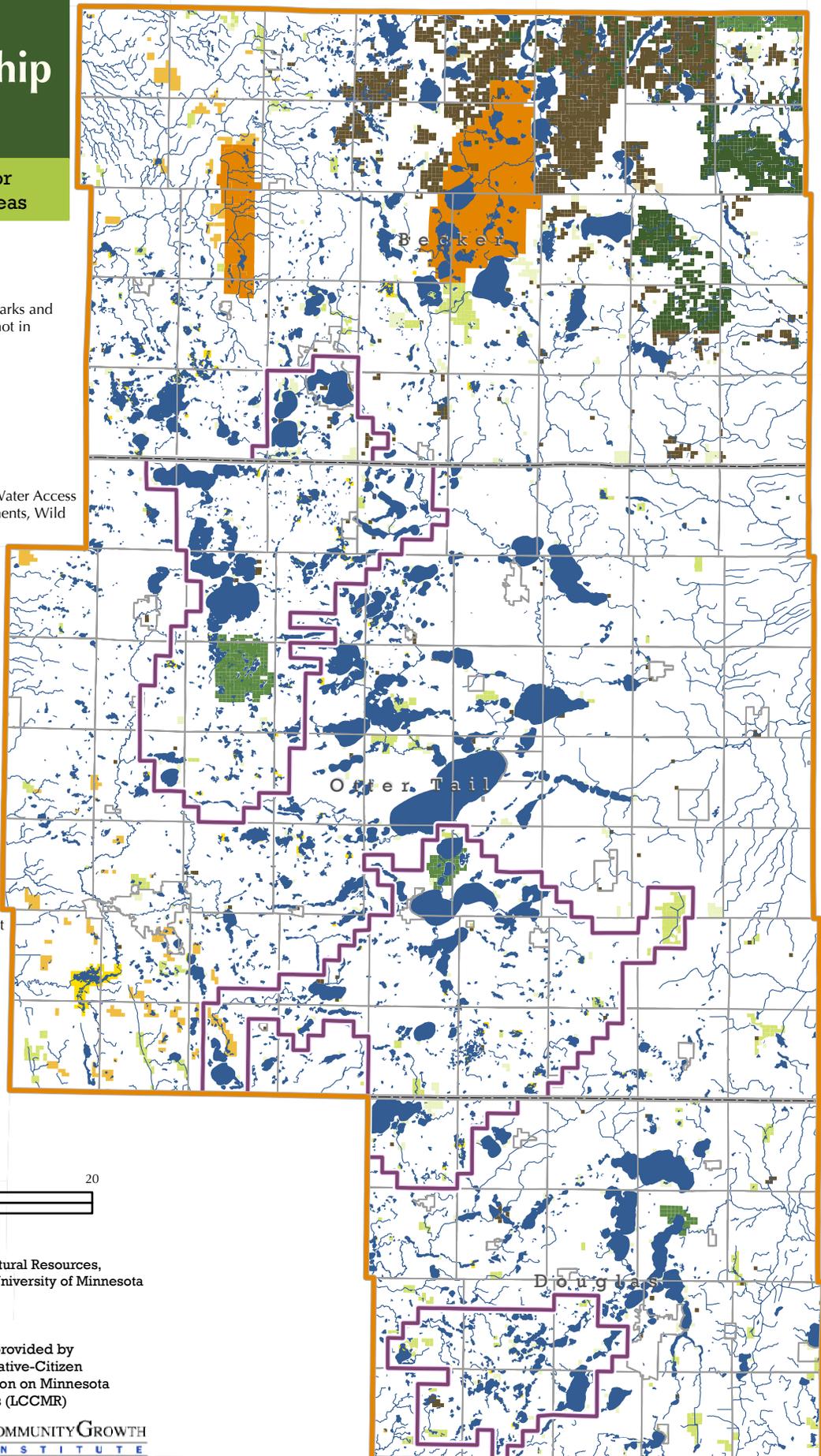
State Forest
 State Park
 State Recreation Area
 Wildlife Management Area
 Other State Owned Land Including Water Access Sites, Fish Management Areas, Easements, Wild and Scenic Rivers, and Other Lands

Federal Ownership

National Forest
 National Parks and Monuments
 National Wildlife Refuges
 Waterfowl Production Area
 Other Lands Including Scientific and Natural Area Peatlands, Bureau of Land Management Lands, Trust Lands, and others

Reservation Lands
 Wild and Scenic River District
 Water Bodies

Proposed Regional Recreation District
 Study Area
 County Boundary
 MCD Boundary



MAP 11 OF 20



Prepared April 2007
 Data Sources: Minnesota Department of Natural Resources,
 Minnesota Department of Transportation, University of Minnesota
 Borchert Map Library



Funding provided by the Legislative-Citizen Commission on Minnesota Resources (LCCMR)



Scenic Amenities

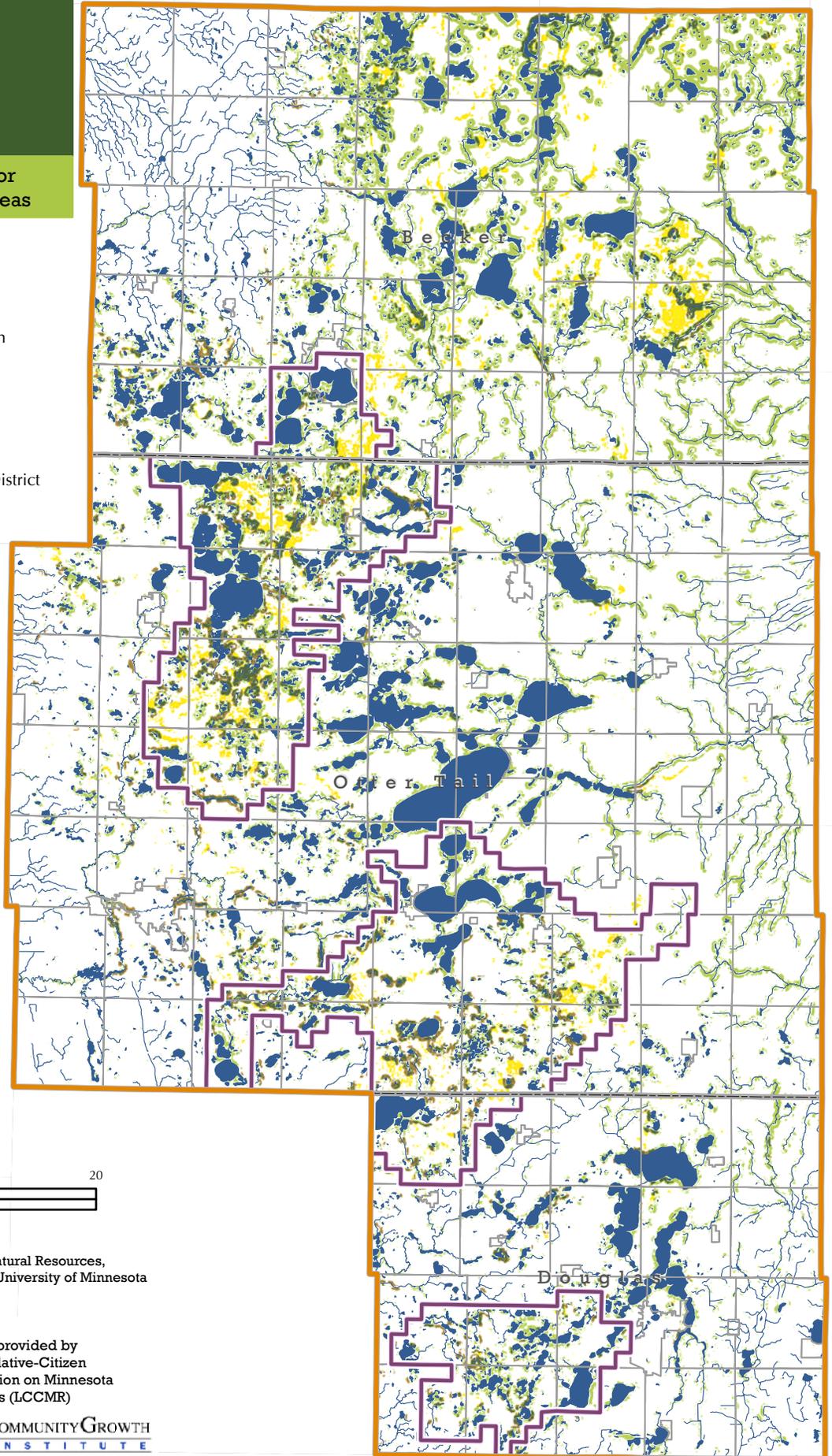
Western Lakes

A Regional Park System for Minnesota's New Urban Areas

Legend

Scenic Amenity Value

-  Near water, Non-forested, Rough
-  Near water, Forested, Flat
-  Near water, Forested, Rough
-  Forested, Rough, Dry
-  Study Area
-  Proposed Regional Recreation District
-  County Boundary
-  MCD Boundary
-  Water Bodies



MAP 12 OF 20



Prepared April 2007
Data Sources: Minnesota Department of Natural Resources,
Minnesota Department of Transportation, University of Minnesota
Borchert Map Library

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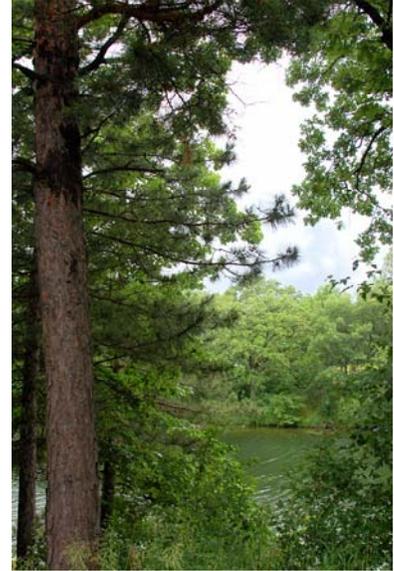
Funding provided by
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Micropolitan Areas

Several working meetings were conducted in the undertaking of this project, and during those meetings comments and suggestions were made about this project. An effort was made to incorporate those comments and suggestions into this document and the inclusion of Bemidji and Willmar micropolitan areas is one example of such inclusion. As commercial centers surrounded by high amenity areas, these locations are experiencing, and will continue to experience, regionalized population growth.

This section includes an abbreviated discussion, but contains all information necessary to determine existing and projected land assets and related needs for each region.



Bemidji

Bemidji Micropolitan Region includes the high amenity areas found in Hubbard and Beltrami Counties as well as the growing regional center of Bemidji. This area is benefiting from its wealth of natural resources. This wealth is fueling, and will continue to fuel, rapid population growth. The area is defined by its natural resource heritage from the lumber industry to fishing and hunting, from dog sledding to “Curling Capital USA.”

The Bemidji Micropolitan Region is a summer tourist destination, and has a significant number of summer cabins and resorts which boost the seasonal population. Because of this seasonal influx, a function was applied to the state demographer’s data to get an estimate of summer population. This function was also applied to estimate the seasonal population of the Western Lakes and is based on information that was gathered regarding the seasonal population of the Central Lakes.

Population of the Bemidji Micropolitan Region

The Bemidji Micropolitan Region is expected to house 83,040 permanent residents by 2030 and an estimated 124,560 seasonal residents during the tourist season, this reflects a 43% increase in population from the 2000 census.

Table 6.1

Bemidji Micropolitan Region Population*			
County	2000 Census	2030 Projection	Percent Change
Beltrami	39,650	54,450	37%
Hubbard	18,376	28,590	56%
Bemidji Micropolitan Total Population	58,026	83,040	43%

* From Minnesota Population Projections 2000-2030, Minnesota Planning State Demographic Center, Martha McMurry, 2002.

Table 6.1a

Bemidji Micropolitan Region Population With Seasonal Adjustment*			
County	2000 Census	2030 Projection	Percent Change
Beltrami	59,475	81,675	37%
Hubbard	27,564	42,885	56%
Bemidji Micropolitan Total Population	87,039	124,560	43%

*An adjustment factor of 50% is utilized as a conservative estimate of the increase in seasonal residents. This number is roughly based on the estimates of seasonal residents in the Central Lakes Region. The census population was subtracted from the adjusted total population of the central lakes and the resulting number was divided by the census population for 2000 to give the percent increase in seasonal residents. In 2000 the increase was approximately 90% and in 2030 the projected increase is estimated at 75%. We are therefore comfortable using 50% as a conservative estimate of the increase in seasonal population for the Bemidji Micropolitan Region.

Existing Potential Regional Parklands - Bemidji Micropolitan Region

Bemidji is served by one significant park asset with Regional Park potential. The Three Island Lake County Park is comprised of an estimated 3,000 acres, and has miles of developed skiing and hiking trails as well as access to the Turtle River and Three Islands Lake. This existing park is a perfect candidate for integration into the Outstate Regional Park System. While Beltrami County and the residents of Bemidji are well served by Three Islands Park, Hubbard County's growing population has no acreage of potential Regional Parkland.

Table 6.2

Existing Park Space for Bemidji Micropolitan*					
County	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Beltrami	Three Island Lake County Park	3,000	1,2	76	55
Hubbard		0	1,2	0	0
	Total Acreage	3,000		52	36

*Criteria for regional parks explained in: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

Reference 1: "Examples of Regional Parks Outside the Twin Cities Metro Area," Wayne Sames, MN DNR, 2003.

Reference 2: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005

Table 6.2a

Existing Park Space for Bemidji Micropolitan With Adjustment					
County	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Beltrami	Three Island Lake County Park	3,000	1,2	50	37
Hubbard		0	1,2	0	0
	Total Acreage	3000		34	2

Regional Parkland Needs for the Bemidji Metropolitan Region

Because of the size of Three Islands Park there is little need for additional acreage in the region in terms of population. For equitable reasons there is a need for additional acreage in Hubbard County. When the seasonal population is included there is also a small need for additional lands to be acquired by 2030 to adequately provide for the estimated needs of the region.

Table 6.3

Acreage Needed to Meet 25 acres per 1000 Guideline for Bemidji Metropolitan Region		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	1451	2076
Extra Acreage Necessary (Total)	0	0

Table 6.3a

Acreage Needed to Meet 25 acres per 1000 Guideline for Bemidji Metropolitan Region With Adjustment		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	2176	3114
Extra Acreage Necessary (Total)	0	114

The List of Tables (Appendix A) includes a breakdown of estimated Regional Parkland needs by county.

Proposed Regional Park Search Locations

The following map (15) identifies the areas of highest amenity value in the Bemidji Metropolitan Region as determined by proximity to hills, trees, and water. Such features provide for recreational opportunities and are important in determining locations of the new Regional Parks. The second map (16) identifies existing public land ownership, which is important in building large hubs of protected open space. Both maps are marked with a purple line, this purple line signifies a proposed Regional Recreational Resource District (RRRD) which will be further discussed in Part B.

Lands in Public Ownership

Bemidji Micropolitan

A Regional Park System for Minnesota's New Urban Areas

Legend

County Ownership

Includes Memorial Forests, County Parks and Recreation Lands, and Other Lands not in Management Units

State Ownership

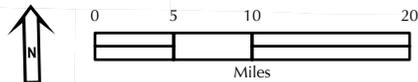
State Forest
 State Park
 State Recreation Area
 Wildlife Management Area
 Other State Owned Land Including Water Access Sites, Fish Management Areas, Easements, Wild and Scenic Rivers, and Other Lands

Federal Ownership

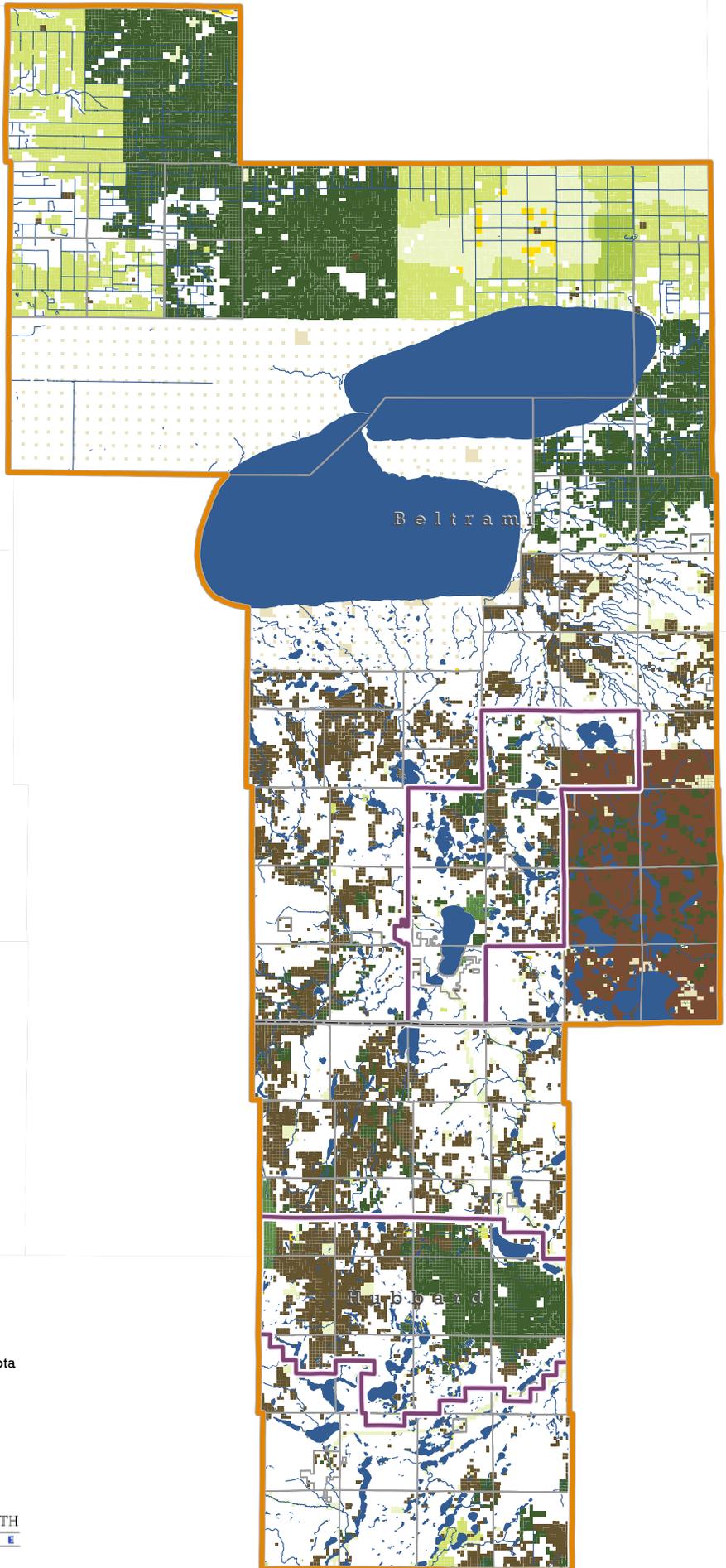
National Forest
 National Parks and Monuments
 National Wildlife Refuges
 Waterfowl Production Area
 Other Lands Including Scientific and Natural Area Peatlands, Bureau of Land Management Lands, Trust Lands, and others.

Reservation Lands
 Wild and Scenic River District
 Water Bodies
 Proposed Regional Recreation District
 Study Area
 County Boundary
 MCD Boundary

MAP 17 OF 20



Prepared April 2007
 Data Sources: Minnesota Department of Natural Resources,
 Minnesota Department of Transportation, University of Minnesota
 Borchert Map Library



Scenic Amenities

Bemidji Micropolitan

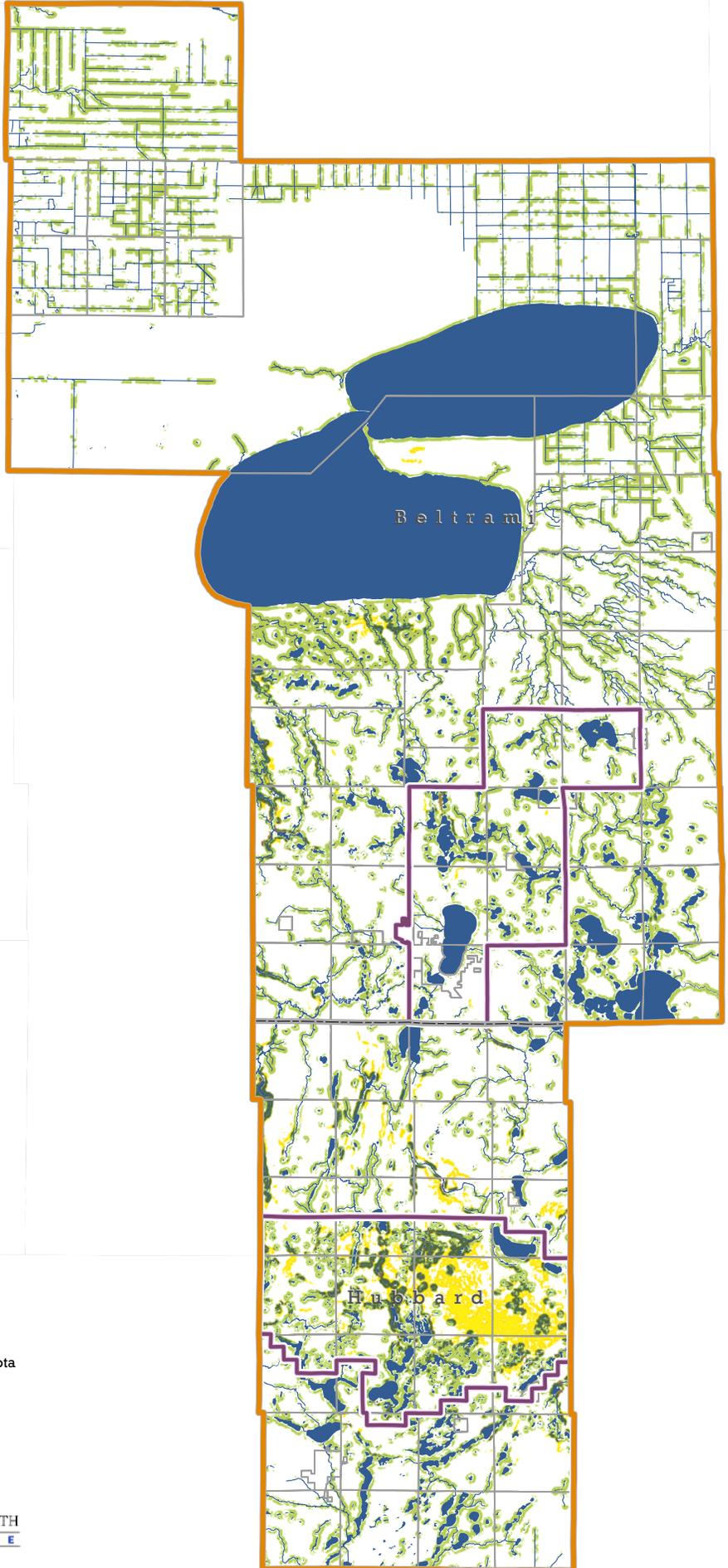
A Regional Park System for
Minnesota's New Urban Areas

Legend

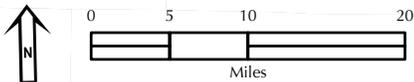
Scenic Amenity Value

-  Near water, Non-forested, Rough
-  Near water, Forested, Flat
-  Near water, Forested, Rough
-  Forested, Rough, Dry

-  Study Area
-  Proposed Regional Recreation District
-  County Boundary
-  MCD Boundary
-  Water Bodies



MAP 18 OF 20



Prepared April 2007
Data Sources: Minnesota Department of Natural Resources,
Minnesota Department of Transportation, University of Minnesota
Borchert Map Library

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Willmar

Willmar is one of the fastest growing non-metropolitan cities in Minnesota due to its diverse economy, wealth of recreational lakes, and function as a commercial hub for West Central Minnesota. Kandiyohi County comprises the Willmar Micropolitan Region, and the countywide population is expected to increase by 16% between 2000 and 2030. This 16% figure is misleading as it is a county-wide population increase. There is significant intra-county migration within Kandiyohi, from the agricultural areas to the higher amenity areas as farmers retire and agricultural labor needs decrease.



Table 7.1

Willmar Micropolitan Region Population			
County	2000 Census	2030 Projection	Percent Change
Kandiyohi	41,203	47,680	16%

Existing Potential Regional Parklands - Willmar Micropolitan Region

Willmar does not have any parks that meet the criteria of Regional Parks or Parks with Regional Park Potential.²⁷ Although there is no acreage that meets the criteria Willmar Micropolitan Region does have some significant recreational assets. Assets such as public beaches on several large recreational lakes or the Glacial Lakes Trail can be incorporated into the regional park system.

Table 7.2

Existing Park Space for Willmar Micropolitan Region*					
County	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Kandiyohi		0	1,2	0	0
	Total Acreage	0		0	0

*Criteria for regional parks explained in: Legislative Commission on Minnesota Resources [Greater Minnesota Regional Park Criteria](#), Final Report, 2005.

Reference 1: "Examples of Regional Parks Outside the Twin Cities Metro Area," Wayne Sames, MN DNR, 2003.

Reference 2: Legislative Commission on Minnesota Resources [Greater Minnesota Regional Park Criteria](#), Final Report, 2005.

Regional Parkland Needs for Willmar Micropolitan Region

Since there is no existing parkland in the region that meets the criteria, Willmar needs to remedy a large current deficiency and acquire lands to ensure adequate assets as the region grows.

²⁷ See Table 7.1.

Table 7.3

Acreage Needed to Meet 25 acres per 1000 Guideline for Willmar Micropolitan Region		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	1,030	1,192
Extra Acreage Necessary (Total)	1,030	1,192

The List of Tables (Appendix A) includes a breakdown of estimated Regional Parkland needs by county.

Proposed Regional Park Search Locations

The following map (17) identifies the areas of highest amenity value in the Willmar Micropolitan Region as determined by proximity to hills, trees, and water. Such features provide for recreational opportunities and are important in determining locations of the new Regional Parks. The second map (18) identifies existing public land ownership, which is important in building large hubs of protected open space. Both maps are marked with a purple line, this purple line signifies a proposed Regional Recreational Resource District (RRRD) which will be further discussed in Part B. This proposal suggests development of at least one Regional Recreation Park within the boundaries of each proposed Regional Recreation Resource District, therefore the boundary of the RRRD also serves as the search area for the Regional Park.



Lands in Public Ownership

Willmar Micropolitan Area

A Regional Park System for Minnesota's New Urban Areas

Legend

County Ownership

Includes Memorial Forests, County Parks and Recreation Lands, and Other Lands not in Management Units

State Ownership

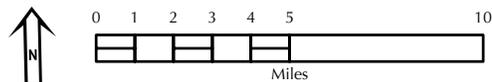
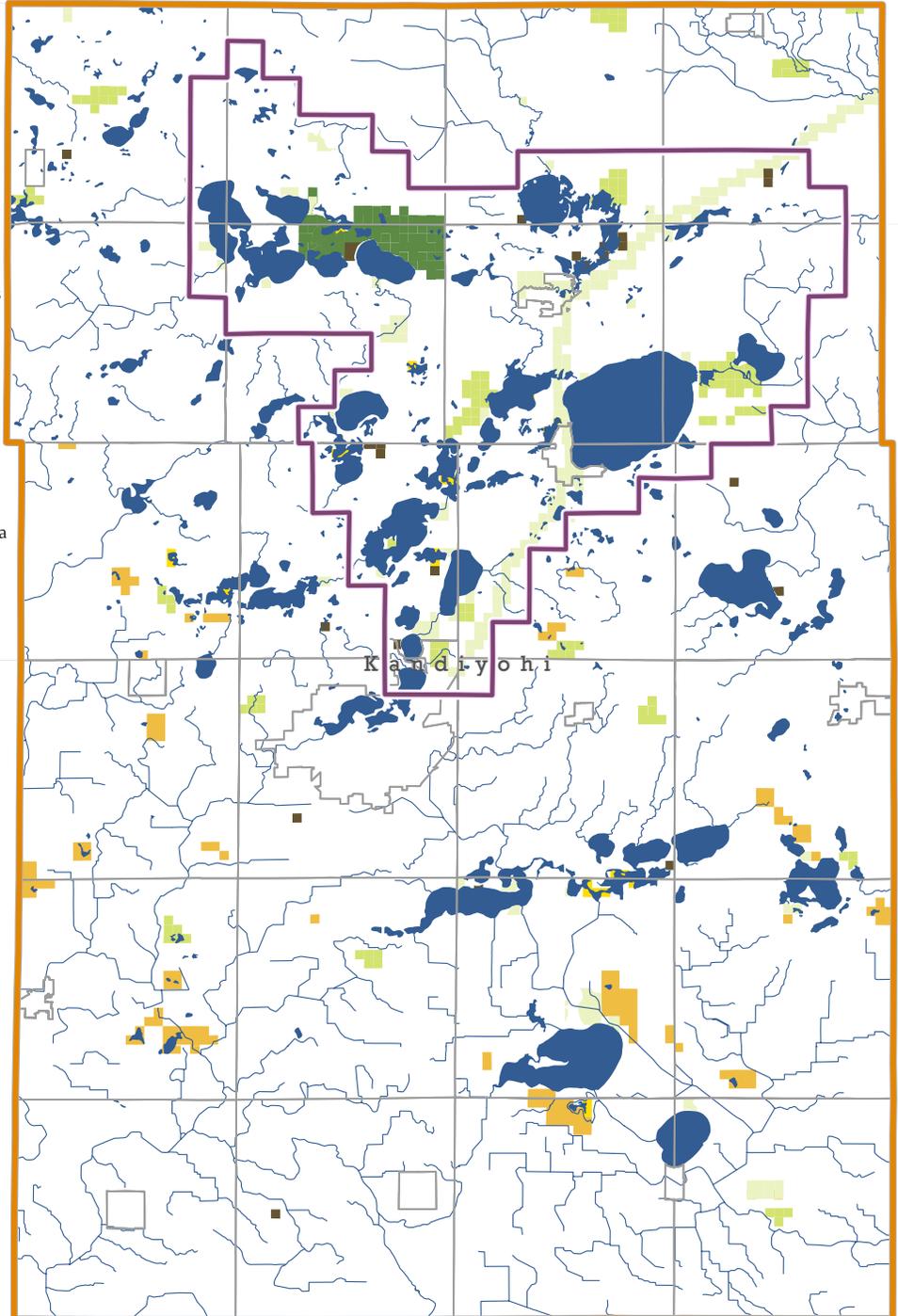
State Forest
 State Park
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 Wildlife Management Area
 Other State Owned Land Including Water Access Sites, Fish Management Areas, Easements, Wild and Scenic Rivers, and Other Lands

Federal Ownership

National Forest
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 National Wildlife Refuges
 Waterfowl Production Area
 Other Lands Including Scientific and Natural Area Peatlands, Bureau of Land Management Lands, Trust Lands, and others.

Reservation Lands
 Wild and Scenic River District
 Water Bodies

Proposed Regional Recreation District
 Study Area
 County Boundary
 MCD Boundary



Prepared April 2007
 Data Sources: Minnesota Department of Natural Resources,
 Minnesota Department of Transportation, University of Minnesota
 Borchert Map Library

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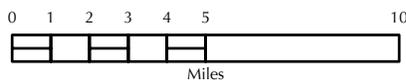
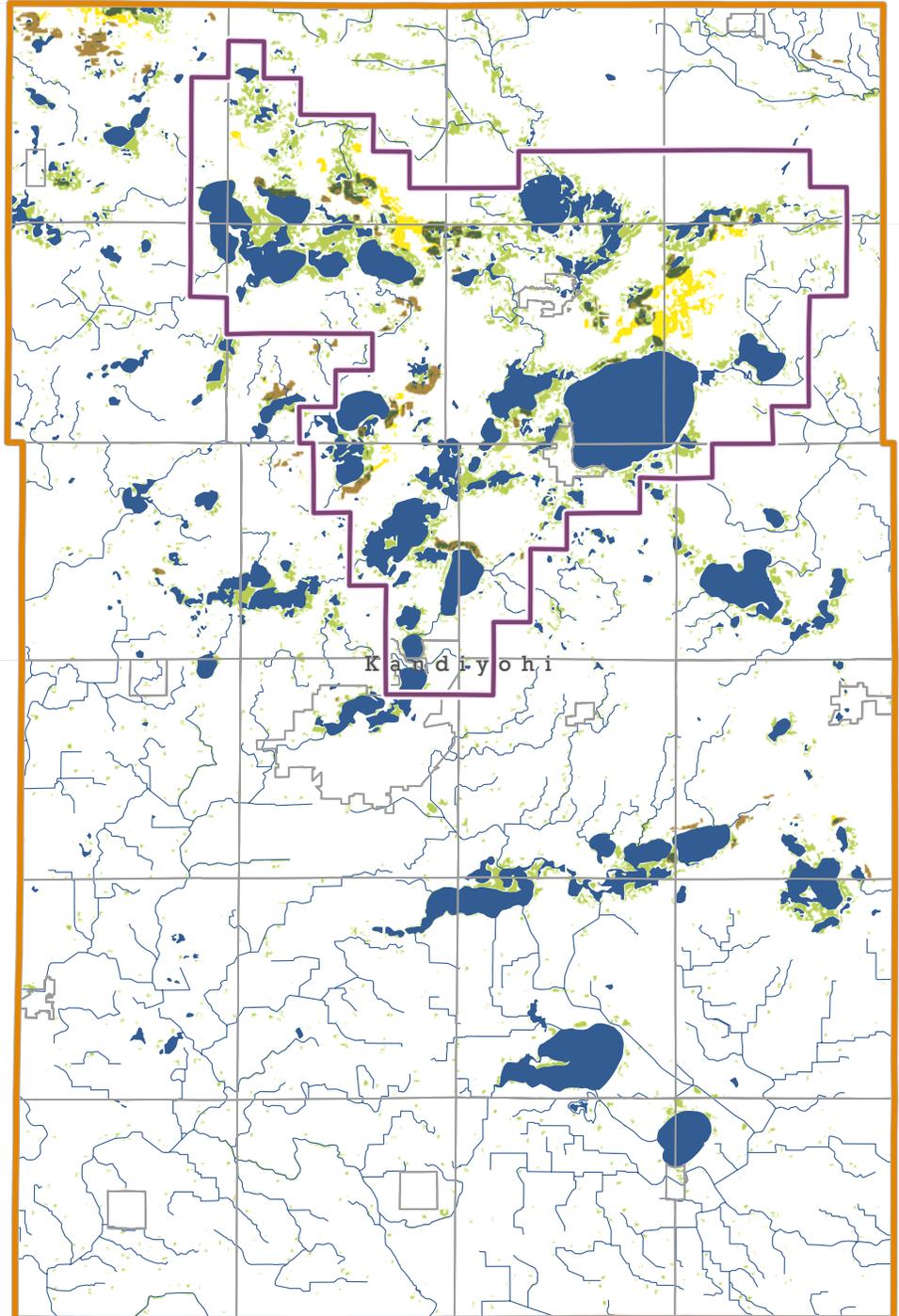
Scenic Amenities Willmar Micropolitan Area

A Regional Park System for Minnesota's New Urban Areas

Legend

Scenic Amenity Value

-  Near water, Non-forested, Rough
-  Near water, Forested, Flat
-  Near water, Forested, Rough
-  Forested, Rough, Dry
-  Study Area
-  Proposed Regional Recreation District
-  County Boundary
-  MCD Boundary
-  Water Bodies



Prepared April 2007
 Data Sources: Minnesota Department of Natural Resources,
 Minnesota Department of Transportation, University of Minnesota
 Borchert Map Library

Funding provided by
 the Legislative-Citizen
 Commission on Minnesota
 Resources (LCCMR)



Regional Parks

What Does it Take to Be a Regional Park?

This section of the report discusses the criteria used by the Minnesota DNR and an LCCMR funded study to identify potential regional park assets which were used to identify lands that were included in this study as existing or potential Regional Parks. This section also describes the proposed standards and guidelines used in this study to determine needed acreage and size of Regional Park units. Once the acreage needs were determined it became necessary to locate key candidate sites which are of sufficient size and location to provide for the desired experience.

To ensure that these Regional Parks provide the desired experience and benefit their local host economy uniform guidelines are necessary. Those guidelines are based of the Minnesota Outdoor Recreation Act.

Non-Metropolitan Regional Parks

Definition

Over the past few years the LCMR has invested significant resources studying Regional Parks in the outstate areas of Minnesota. That investment has provided several valuable outcomes: First, the DNR's Regional Park Grant criteria have been accepted as the criteria for identifying potential outstate regional parks. The LCMR's and DNR's criteria are identical except that the DNR's "Special Features" and "Statewide Significance" criteria were combined in a 2005 study presented to the LCMR.²⁸ Second, an LCMR funded study inventoried lands that have the potential to become regional parks.²⁹ While the five criteria listed below form the guidelines for identifying a regional park, the judgment of the Advisory Committee³⁰ was also informed by the Metropolitan Council's "*The Regional Recreation Open Space Policy Plan*," and the legal definition used by the Metropolitan Council to define regional recreational open space, both of which follow the five regional park criteria below.

²⁸ Greater Minnesota Park Inventory Regional Park Criteria, Final Report to the Legislative Commission on Minnesota Resources, p. 4-5, (January 2005).

²⁹ See 'List of Tables' in Appendix A for lands within this project's study areas that are identified by the LCMR as potential regional parks.

³⁰ Greater Minnesota Park Inventory Regional Park Criteria, Final Report to the Legislative Commission on Minnesota Resources, p. 4-5, (January 2005).

Regional Park Criteria³¹

1. Size: 100+ acres (with exceptions based on use characteristics, special features, etc.)
Discussion: Large tracts of land are often necessary to provide natural resource based recreation opportunities and protect the natural resources for long-term use for outdoor recreation. This criterion will not be exclusively used to determine that a park is not regional. Parks of less than 100 acres may still be determined regional in nature based on other criteria.
2. Use: Evidence that the park serves a regional clientele (as opposed to mostly local). Other factors may include evidence that the facility draws tourists from outside the local area. Discussion: The origination of people who use a park (residents of the jurisdiction that owns/operates the park vs. residents of other jurisdictions) is an indication of whether a park is regional or not. The exact percentage cannot be specified at this time, although the metro area regional park system has a 40% non-local visitation. Evaluation of this criteria will depend on the current methods used to collect origination data and how representative this is of all the people who use the park.
3. Recreation Activities Offered: the park should provide outdoor recreation facilities and activities that are primarily natural resource based (camping, picnicking, hiking, swimming, boating, canoeing, fishing, nature study). A related measure is the range of these activities accommodated within the park (e.g., a park with a beach, campground and boat launch facilities is more likely to attract regional clientele than a park with only one of these facilities).
4. Special Features: Unique or unusual geologic features, historically significant sites, zoos, or parks containing characteristics which are of statewide significance.
Discussion: This criterion could have particular importance for a park that is smaller than 100 acres, yet includes a special feature. A park with one or more special features will be likely to draw clientele from a broader area.
5. Scarcity of Recreational Resources: The park provides public natural resource based recreational opportunities that are not otherwise available within a reasonable distance. These might include water-based activities, such as swimming, fishing, boating, interpretive nature trails, and public campgrounds, etc.
Discussion: This criterion provides a measure of reasonable access to outdoor recreational opportunities.

Metropolitan Council's "The Regional Recreation Open Space Policy Plan"

- Regional parks (RP) should contain diverse natural resources...and the ability to provide for a wide range of natural resource related recreational opportunities. Access to water bodies suitable for recreation is particularly important. A regional park should be large enough to accommodate a variety of activities, preserve a pleasant natural aspect

³¹ Legislative commission on Minnesota Resources Greater Minnesota Park Inventory Regional Park Criteria, Final Report, p. 5, (January 2005).

and buffer activity areas from each other. Regional parks are 200 to 500 acres. Occasionally, because of the quality of the resource an exception may be made and a RP may be as small as 100 acres.

- Park reserves are expected to provide a diversity of outdoor recreational activities. A reserve is also intended to provide, protect and manage representative areas of the original major landscape types in the metro area. Optimal size exceeds 2,000 acres, while the minimum size is 1,000 acres.
- Regional trails are intended to provide recreational travel along linear pathways. They are selected to pass through, or provide access to, elements in the regional park system and to intersect with local trail systems.
- Special recreation features (SRF), which are called for in MS 473.121, are defined as regional park system opportunities not generally found in the parks, park reserves or regional trails. SRF often require a unique managing and programming effort on the part of the regional park implementing agency.

Criteria used by the LCMR Project Advisory Committee:

Metropolitan Council's legal definition of Regional Recreation Open Space:

“Regional recreation open space” means land and water areas, or interests therein, and facilities determined by the metropolitan council to be of regional importance in providing for a balanced system of public outdoor recreation for the metropolitan area including but not limited to park reserves, major linear parks and trails, large recreation parks, and conservatories, zoos, and other special use facilities. (Minn. Stat. 473.121 Subd. 14)

For this project the parks identified both in; “Examples of Regional Parks Outside the Twin Cities Metro Area,” Wayne Sames, MN DNR, 2003; and the Greater Minnesota Regional Park Criteria, Final Report to the Legislative Commission on Minnesota Resources, 2005; were used in calculating the total acreage of Potential Regional Parks within each study region.

Many of the parks included in this report exhibit the potential to be regional parks but without additions to many of them they would not necessarily meet the above guidelines.

Outstate Regional Recreation Parks Current Standards / Guidelines

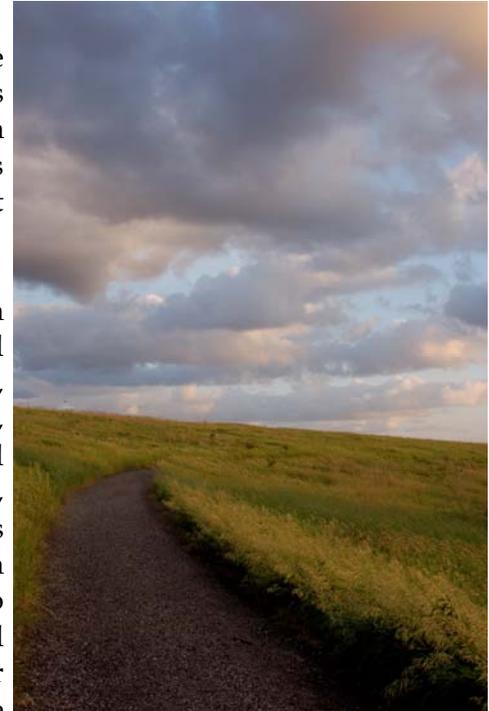
Size of Units

There is no set or standard size for the Regional Recreation Park units. The ideal size of each unit is in the vicinity of 1000 acres, but depending on the features and activities to be provided that size is flexible.

Instead the necessary size depends on several factors including the area needed to; provide the desired visitor experience, provide the desired recreational opportunities, attract visitors from throughout the region, protect the resource in question, and the acreage necessary to sustaina-

bly provide for the outdoor recreation values of Minnesotans. In determining what the preferred sizes for the park units are the uses for the particular unit must be understood. Possible uses may be derived from several sources of information which identified the changing recreation preferences of Minnesotans and the perceived need of recreation managers for different facility types.

By definition, Regional Parks and Regional Recreation Open Space provide a diverse set of recreational opportunities and assets. Specific types of activities provided include camping, picnicking, hiking, swimming, boating, canoeing, fishing, nature study, etc.³² Other facilities include; trails (motorized and non-motorized), horse trails, mountain biking trails, skiing trails, unpaved and paved trails, interpretative centers or areas for nature study, and swimming areas.³³ Before an effective park system can be developed it is imperative to have an idea of what the region needs in terms of recreational opportunities. While the participation trend in outdoor recreation is generally to decreasing participation there are



specific activities that are increasing, such as camping, jogging, and running (ATV use is increasing, but this is not relevant as regional parks have traditionally not provided for access) and due to the large population increase in the study regions, overall participation in outdoor recreation will increase.³⁴ That increase demands new facilities, and to get an idea of the needed facilities the DNR completed a survey asking recreation providers what type of facilities are needed.³⁵ The survey targeted counties, cities, and school districts. All three survey levels ranked trail facilities as the highest need.

- These needs for different facilities, as provided in the survey, can be used to give a general idea of the necessary size for each unit. As the Facility Adequacy Survey targeted different regions, which broadly correspond with the study regions of this project, the identified facilities can roughly be used to illustrate the size of units within each study region.
- In general terms a Regional Recreation Park where hunting is one of the available opportunities will likely have to be larger than a unit which is designed for experiencing an outstanding historical feature.
- It is of greater importance to accept that one very plausible reason why outdoor recreational participation is decreasing per capita is that the type of recreation Minnesotans want to partake in is not adequately provided. Major complaints of outdoor recreation participants include; overcrowding of popular sites, lack of proximal opportunities, and loss of open space that was traditionally used for recreation.
- Without high-value, attractive, and convenient recreational open space Minnesotans will increasingly forgo outdoor activity to more sedentary and unhealthy forms of recreation.

³² See. LCMR parks Study Group Report, Approved as Amended by the full LCMR on February 4, 2004. page 7.

³³ Legislative Commission on Minnesota Resources, Greater Minnesota Park Inventory Regional Park Criteria. January 2005. Page 8 and Table 2.

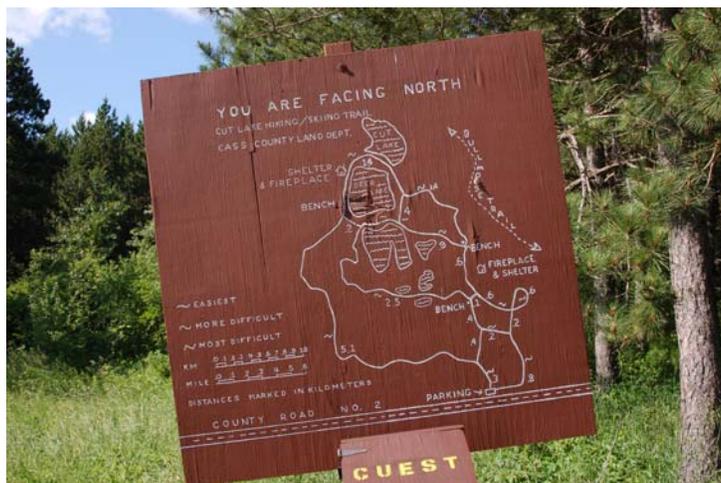
³⁴ See part A for discussion on trend. See Metropolitan Council Regional Parks Policy Plan for discussion on ATV access.

³⁵ The 2004 Outdoor Recreation Facility Survey of Minnesota Cities, Counties, and School Districts was funded by the Legislative Commission on Minnesota Resources with an allocation of Land and Water Conservation Funds. Prepared by Ron Sushak. March 2005. See infra Table 47 for a summary of perceived facility needs.

Acres per Resident

This project operates on a guideline of 25 acres of regional park per 1000 people to *roughly* determine the amount of acreage necessary to make the outstate regional park system equitable with the lauded regional park system of the seven-county metropolitan region. This guideline is a straight forward and simple way to gauge the equitable nature of investment in the outstate regional park system when compared to the Metro regional park system. Unfortunately, the guideline is not relevant to determine if the acreage will meet the desired values or provide the necessary experiences the region's citizens desire.

This guideline has a firm basis in history. The Metropolitan Council employed the 25 acre per 1,000 residents guideline to determine if the early metro park system was acquiring adequate infrastructure. In 1974 the Metropolitan Council published a minimum goal of 25 acres per 1,000 residents for regional recreation open space.³⁶ The 25 acre per



1,000 ratio was successful during the early years of Met Council's regional park system but has largely been abandoned as the system reaches maturity. The guideline is eminently useful for the virtually nonexistent Greater Minnesota Regional Park System as it gives an idea of what level of acquisition is needed in the next few decades for creation of successful systems in Minnesota's new urban areas. This ratio of about 25 acres of Regional Recreational Open Space per 1,000 people must be a guiding principle in developing a regional park system in Minnesota's new urban areas in order to ensure equitable distribution of recreational opportunities for the public. The 25 acres per 1,000 people estimate also coincides with other estimates from literature.³⁷

Currently the Regional Park system operated by the Metropolitan Council includes more than 52,000 acres and 170 miles of regional trails.³⁸ The population of the seven county Metropolitan area is 2.64 million thus the Metropolitan Council operates parks at a ratio of slightly less than 20 acres per 1,000 people. The Council also indicates that it will work to expand the Metropolitan Regional Park System to 69,716 acres by 2030³⁹ when the population of the Metro area is estimated to be 3.41 million. This will give the Metropolitan area more than 20 acres of regional park land per 1,000, which is impressive for a mature system.

It is necessary to have a guideline that allows for a measure of equity between the mature Metro

³⁶ Technical Appendices 2030 Regional Parks Policy Plan, Metropolitan Council, April 2005. Appendix D: Recreation needs analysis.

³⁷ Recreation, Park and Open Space Standards and Guidelines, National Recreation and Park Association. Edited by, Roger A. Lancaster. 1983. p. 66: Kansas City Metropolitan Region. Total public park per 1000 = 55 acres, regional park (service area entire metro region) 20 acres per 1000, minimum size of regional park is 500 acres.

³⁸ 2030 Regional Parks Policy Plan, Metropolitan Council, June 29, 2005. Executive Summary page i.

³⁹ Id at Executive summary page iv.

system and the nascent outstate regional park system. This 25 acre per 1,000 residents ratio is a simple, and functional, guideline that can illustrate the lack of equity, and identify areas in need of regional park investment.

Current Policies / New Modified Recreation State Park Policy (Appendix B)

Currently there is no unifying policy that guides the development and operation of the Outstate Regional Park System. Having such a policy is important to ensure that assets within the Outstate Regional Park System are meeting the role that they were created for. That role includes providing the desired experiences and values that regional parks are able to provide as opposed to those that City Parks, State Parks, or Wildlife Management Areas provide.

In drafting a unifying policy to ensure that these experiences and values are accounted the 1981 *Minnesota Department of Natural Resources Recreational State Park Policy* was utilized. This document was made effective 3/11/1981 to guide the development and acquisition of Recreational State Parks. It was adopted in accordance with the *Outdoor Recreation Act of 1975*.⁴⁰ Although the original document was adopted, the Recreational State Park System component of it was never implemented.

This plan was adapted into the current policy “Minnesota’s Outstate Regional Recreation Parks” (See Appendix B for proposed policy document) to fill the piece of the outdoor system left vacant by the failure to implement the “Recreational State Park” plan. This new policy document will function to *accommodate recreational needs of outstate citizens, preserve open space, form social and ecological connections between urban areas and existing open space, create buffers for sensitive habitat, and to generally provide access to outdoor resources for the public’s benefit.* \

Facility Adequacy Survey

Minnesota’s most recent SCORP identified the need to better understand the changing nature of outdoor recreation in the state.⁴¹ As part of that effort the LCMR funded a 2004 survey of Minnesota Cities, Counties, and School Districts asking recreation providers what their current facility needs are, and what those needs will be within five years.⁴² Forty-six types of facilities were included within the survey, many of which can be provided by Regional Recreation Parks. The facility adequacy survey is being use to show the broadly perceived need, throughout the state for the type of recreational facilities that regional parks can provide.

For this report, the facilities that are more relevant to the type of opportunities Regional Parks provide are discussed. Since Regional Parks can provide very diverse opportunities there are

⁴⁰ Minn. Stat. 86A.01-.11 (1975)

⁴¹ Minnesota’s 2003-2008 State Comprehensive Outdoor Recreation Plan, Minnesota Department of Natural Resources, (2002) (Available at www.dnr.mn.gov/aboutdnr/reports/scorp.html) accessed June 3, 2007.)

⁴² The 2004 Outdoor Recreation Facility Survey of Minnesota Cities, Counties, and School Districts was funded by the Legislative Commission on Minnesota Resources with an allocation of Land and Water Conservation Funds. Prepared by Ron Sushak. March 2005.

quite a few facilities are relevant. Of the more than one hundred tables included in the Facility Adequacy Survey Report, ‘Table 47’ (below) is the most appropriate. Table 47 includes the “Facilities Needed Now Plus Facilities Needed Within Five Years” as indicated by counties. The need is illustrated as a percentage of respondents that indicated a need now or within the next five years for each facility.

Table 47

Facilities Needed Now Plus Facilities Needed Within Five Years by County (Total of all regions in percent indicating need)	
Facility	Percent Indicating Need
Paved Trails for walking, hiking, skating, biking	70.3
Modern campgrounds with electric hookups	59.4
Unpaved trails for walking, hiking, biking	57.8
Mountain bike trails	53.1
Nature/interpretive trails	53.1
Horseback trails	50
Cross-country ski trails	50
Fishing Piers	46.9
Natural park areas/open space	45.3
Dispersed camping sites	45.3
Primitive campgrounds	43.8
Swimming beaches	39.1
Nature/interpretive centers	39.1
Wildlife/nature observation areas	39.1
Big game hunting areas	31.3
Small game hunting areas	29.7
Hunter walking trails	26.6
Waterfowl hunting areas	25

From this table it is apparent that County leadership is expressing a perceived need for many of the recreational resources that Regional Parks can provide. This identification of facility need is an unambiguous expression that investment in recreational assets such as regional parks is urgently needed.

Key Candidate Sites

Many different factors were considered in building the maps of prime candidate sites including: existing land uses, land type and cover, needed recreational opportunities, acreage needs, topography, etc.

The general locations of the broad study areas are based on outstate population growth hot-spots. These areas are in need of immediate investment to insure that the current and future residents have equitable recreation opportunities when compared to the Metro. These new out-

state urban complexes also have an opportunity to create an open space system as one of their first pieces of infrastructure. Regional Recreation Parks can act not only as a recreational and social hub, but also as an ecological hub to provide a framework for the development of the region. Just as the designers and policy makers of the time had the foresight to invest in and create the Minneapolis park system before that city matured, now is the time to invest in our outstate areas to ensure that they maintain quality open space resources as they mature.

Part B: Regional Recreation Resource Districts



Regional Recreation Resource Districts

Introduction

Part A of this project outlined the need for Regional Recreation Parks, the amount of total acreage needed, and prospective locations for parkland acquisition. If all the acreage recommended is incorporated into an Outstate Regional Recreational Park System, then that park system has reached equity with the Metropolitan Region Parks. But, the pattern of development in outstate urban complexes is very different from development in the Metropolitan area. The outstate pattern is low-density amenity based development, thus locating growth on landscapes that are naturally scenic, hilly, and near water. This assertion is simply illustrated by visualizing where you see subdivision names like; Pheasant Run, Nature's Ridge, Hidden Meadow, Trout Brook, Oak Hill, etc. Development is also drawn to existing public lands, whether it is a wildlife area, state forest, or park. These public open space amenities are ringed by development, which inevitably diminishes the recreational, scenic, and natural resource value of these areas. Evidence of this can be observed at Carlos Avery Wildlife Management Area, where every year there is a story of conflict between hunters within the area and residents who abut the WMA.

It is inevitable that development will quickly be drawn to the new Outstate Regional Recreation Parks or other public facilities of the state outdoor recreation system. This development will increase property tax collection in the area and bring other benefits. But if the development is unplanned it has the potential to reduce the value of the Park in terms of recreational opportunities, natural and scenic worth, wildlife production and even reduce the long-term property tax generating potential of the region. Further, people are drawn to these outstate urban complexes by the natural amenities they offer, but these amenities are similarly threatened by unplanned development. Such unplanned development can threaten the immense value of high amenity areas such as the Central Lakes, and can inadvertently diminished its natural wealth if the outstanding resources are not sustained. To prevent the new Outstate Regional Recreation Parks from becoming islands-of-green ringed by development, and the character of the "North Woods and Lake Woebegone Country" from being diminished, it is necessary to comprehensively plan for development in these high amenity areas.



At Sibley State Park in Kandiyohi County development is now directly abutting the Park. This particular development maintains open space between the homes and the Park which act as a buffer reducing impact on the Park.

Such comprehensive planning could be facilitated within Regional Recreation Resource Districts, which encompass public and private lands of *outstanding* natural value and guide development to maximize the economic, natural, and social health of the region. Acquired Regional Parklands, while essential as a recreational hub, are insufficient to maintain the, natural integrity, scenic beauty, open space character, historic flavor and traditions, value as an amenity destination, competitiveness on the global market, and long-term economic significance of Minnesota's highest amenity areas. The Regional Recreation Resource District will enhance the Outstate Regional Parkland investment and the long-term economic health of Minnesota's new outstate urban complexes.

This is not an attempt to completely reinvent the conservation wheel. Rather, it is a comprehensive integration of tools, resources, and programs to achieve natural resource enhancement in the areas that are quintessentially Minnesota.

This section discusses why these Regional Recreation Resource Districts are needed, what they are, and presents several options as to how the goal of the Districts could be accomplished.

Why?

Mere acquisition of more Regional Parklands may not be sufficient to make Minnesota competitive in the global market for recreation dollars and amenity based investment. It is inevitable that development will quickly be drawn to the new Outstate Regional Recreation Parks, which will increase property tax collection in the area and bring other benefits. But if the development is unplanned it has the potential to reduce the value of the Park in terms of recreational opportunities, natural and scenic worth, wildlife production and even reduce the long-term property tax generating potential of the region. Further, people are drawn to these outstate urban complexes by the natural amenities they offer, but these amenities are similarly threatened by unplanned development.

There is immense stored wealth in the character of high amenity areas such as the Central Lakes that can inadvertently be diminished if these particular regions with outstanding resources are not sustained. To prevent these new Outstate Regional Recreation Parks from becoming islands-of-green ringed by development, and the character of the "North Woods and Lake Wobegone Country" from being diminished it is necessary to comprehensively plan for development in the park and surrounding areas.

While Minnesota has a wealth of recreational resources and open space, that investment is not comprehensively managed or vertically integrated to ensure efficient, and uniform provision of high quality recreational opportunities, and effective conservation of high amenity landscapes.

Global Competition

With the advent of the information age people are increasingly able to live where they historically vacationed, and those high amenity areas are attracting investment as individuals and firms locate to areas of scenic beauty and recreational opportunities. Locations like Fort Collins, CO, the Flathead Valley, MT, and Lake Tahoe, CA are currently attracting this investment. A major factor for the attractiveness of these areas is the vast expanse of high-quality public open space within very close proximity to the population. Minnesota does not have the federal land

base of these areas, but Minnesota does have equally attractive natural assets that could be maintained in their current open space character to draw long-term economic investment.

Recreation experiences themselves compete on the global market. Thanks to the low cost of transportation, people are able to travel to distant locations to ensure that their recreational experience meets their expectations. For example, many Minnesota waterfowl hunters travel to North Dakota or Canada to ensure a good shoot because the wetland they used to hunt is now ringed by development, or the cornfield they used to enjoy in is now a subdivision.

In order to continue to bring in tourism dollars from outside the state, Minnesota must ensure that the recreational opportunities it provides are of a reliable high quality and meet the expectations of participants.

Provision of High Quality

What is high quality? High quality experiences meet the expectations of the participants, and one way to know if the experience is of a high enough quality is to



look at participation in the activity. Dr. Tim Kelly of the MDNR prepared a report in 2005 on the Outdoor Recreation Participation of Minnesotans⁴³ which generally shows that rates of participation in certain outdoor recreational activities are declining per capita. Dr. Kelly identified declining participation per capita for activities such as; fishing, hunting, wildlife watching and boating. A few simple hypothetical questions may illustrate possible reasons for the observed decline: If you go hunting in Minnesota and you routinely see no game then how long to you continue going? Now that your “secret” fishing lake is ringed by homes, is the experience sufficient to keep you coming back? Will you continue to paddle around the lake looking for herons if you are worried that your canoe will be swamped by wakes from large boats?

To keep people investing in Minnesota’s outdoor recreation, it is essential to provide an experience that is reliably high-quality. There are too many distractions and competition for time and dollars for people to invest in recreation practice that does not meet expectations. Unfortunately, setting aside acquired tracts of land will not guarantee the high-quality experience that keeps people coming back. That experience is a compilation of numerous factors; from driving down that familiar country road past the farmhouse to the same pull off where you have flushed grouse for the last decade, it is knowing that when you get to the “secret lake” the trees are still there and that a trophy walleye is lurking, it is the little bait shop that always has the right fly for the season, it is vista that you know you will be able to share with your grandchildren.

Minnesota has invaluable natural resources that if managed properly can provide the high quality experience that people desire, while creating jobs for the community, and preserving the

⁴³ See supra note 25.

last best places for future generations.

Vertical Integration

This provision of high quality can be accomplished within Minnesota's existing natural resource management systems, but those systems must be effectively integrated under a single authority and focused on specific geographic areas. In Minnesota natural resource management, provision of outdoor recreation, and conservation is accomplished through a decentralized approach. The declining use numbers illustrate that this approach may not be the most effective or efficient way outdoor recreation opportunities that attract use and participation.

To effectively address the myriad of issues that natural resource managers face it is essential to focus the many different, but compatible, players toward a specific goal within discrete regions. As the last remaining high amenity areas come under increasingly strong population growth pressures, a single authority must be charged with ensuring that all the resources at hand are cooperatively implemented to provide a high quality recreational resource, to maintain and enhance the unique character, and preserve the natural wealth of Minnesota's outstate urban complexes.

What?

This vertical integration, provision of high quality, and enhancement of global competitive position can be achieved within the Regional Recreation Resource District. These Districts will encompass high amenity areas within close proximity to regions of high population growth. Inspired by successful models such as; the Adirondack Park District, the English Lakes District National Park, and Deep Portage Environmental Learning Center, the Regional Recreation Resource District (District) is a comprehensively managed collection of private and public lands, with a primary goal of maintaining natural wealth and regional character in order to provide a high-quality resident, tourist, and recreational experience. The proposed Districts are sited according to several factors including; topography of the area, land roughness, land cover, proximity to waterways, character of existing development, existing public lands, projected population growth, etc.

It is not possible, nor is it wise to stop development of Minnesota's high amenity areas, development means that more Minnesotans will be able to enjoy these areas. However, it is imperative to ensure that development does not detract from the recreational, scenic, and natural wealth that makes these such desirable locations to experience.

The Districts will ensure that development is managed in a way that not only preserves the natural value of the area, but further enhances the desirability of the region.

How?

This is not something untested or absolutely new, rather it is a stitching together of programs, ideas, and practices that have been implemented elsewhere and are shown to be effective. In one sentence the District is: A public/private partnership governed by the Regional Recreation Resource District Board, to enhance the natural, recreational, historic, and scenic value of Minnesota's highest amenity landscapes in the areas of greatest population growth by comprehensively planning for land use.

The Adirondack Park in New York can serve as one model to accomplish the overarching goal of maintaining Minnesota's most special places special as they experience tremendous population pressure. The Adirondack Model is laid out below and is followed by brief options for consideration. Other possible models include: the Metropolitan Council with its taxing authority, the Deep Portage Conservation Reserve with its nonprofit status and governing board, the Land Exchange Review Board with its statewide oversight, or through expansion of the MDNR's powers to include regional planning.

While there are several options to accomplish the goal stated above there is a limited number of tools available to whatever the governing authority is to accomplish that goal. The authority/entity must have at least some of these tools to be effective. (See Table 9, next page)



General Structure⁴⁴

In general terms the RRRD's will begin by implementing a Land Use Plan which is designed to channel much of the future growth in the District around existing communities, where roads, utilities, services, and supplies already exist. Under the Land Use Plan, all private lands in the District could be classified into one of six categories that are drawn directly from the Adirondack Park Land Use Plan: Hamlet, Moderate Intensity, Low Intensity, Rural Use, Industrial Use, and Resource Management.

This Land Use Plan could be managed by a hypothetical Regional Recreation Resource District Board (Board). The Board would be charged with protecting the public and private resources within the Districts, ensuring provision of high-quality recreational resource, and maintaining the integrity of the natural environment. The Board needs to be a multi-jurisdictional governing body that has authority over all land use regulations and public activities within the District. The board does not manage the resource or recreational activities, rather the



Inspiration Peak in Otter Tail County is the type of natural feature where its value as a recreation and scenic asset can be enhanced through comprehensive planning that makes it part of a larger regional recreation system. Such a system could include bed-and-breakfasts, game farms, active recreation opportunities, agricultural and other outdoors attractions.

⁴⁴ This Structure is mainly based off the operation of the Adirondack Park Agency, and the New York Act (Adirondack Park Agency Act NYS Executive Law, Article 27, §§801-820) that created these policies. (Attached as Appendix C.)

Board is charged with creating and maintaining a Master Plan to ensure preservation and utilization of the resource.

As the primary land use authority within the District, other governmental entities are subject to the Plan it creates. A major portion of the Board's responsibilities will be to integrate management of the public lands with the boundaries of the Districts. By vertically integrating management of these lands, efficiencies can be attained by reducing competing or duplicative management practices, creating complimentary practices, utilizing landscape and ecosystem connections that were previously separated by management goals, comprehensively planning to integrate development with the natural environment, while maintaining and enhancing the ability of the open space resource and the region to respond to the projected population estimates.

Table 9⁴⁵

POTENTIAL TOOLS UNDER THE AUTHORITY OF THE REGIONAL RECREATION RESOURCE DISTRICTS GOVERNING ENTITY			
	Local	State	Private
LAND ACQUISITION	<ul style="list-style-type: none"> • Fee-Simple • Conservation and/or agricultural easements • Purchase of Development Rights • Transfer of Development Rights 	<ul style="list-style-type: none"> • Conservation Easements • Fee-Simple Acquisition • Forest Legacy • Historic preservation • Smart Growth Initiatives 	<ul style="list-style-type: none"> • Conservation Easements • Conservation and Wetland Banking • Fee-Simple Acquisition • Land Trusts • Riparian Easements
REGULATION	<ul style="list-style-type: none"> • Buffer or Landscaping Ordinances • Building Permitting • Comprehensive Plans • Conservation Banks • Development Impact Fees • Environment Impact Regulations • Mitigation Banking • Special Assessment Districts • Storm Water Regulations • Subdivision Ordinances • Zoning: Downzoning, Cluster, Open Space, Performance Zoning 	<ul style="list-style-type: none"> • Scenic Highway or Byway Legislation • Scenic Rivers or Lakes • Shoreland Zoning/Permitting/Setbacks • Conservation/Mitigation Banking • Species Permitting • Recreation Planning • Heritage Designation • Outdoor Recreation Act 	<ul style="list-style-type: none"> • Mitigation Banking • Remediation Programs
INCENTIVES	<ul style="list-style-type: none"> • Management Agreements • Notification and Education Recognition and Awards • Tax Incentives; Estate Management Strategies • Technical Assistance and Government Support • Grant Programs 	<ul style="list-style-type: none"> • Best Management Practices • Smart Growth Initiatives • Tax Benefits • Resource Development Grants (to <i>game farms, bed and breakfasts, ski areas, etc.</i>) 	<ul style="list-style-type: none"> • Conservation and Wetland Banking • Environmental Trading • Development Support (Ducks Unlimited support game farm development, Minnesota Off-Road Cyclists support development of mountain bike trails, etc)
FUNDING	<ul style="list-style-type: none"> • Developer Fees • Environmental Impact Fees • Environmental Mini-Bonds • Special Assessment Fees • Transfer Tax • Park Dedication Fees 	<ul style="list-style-type: none"> • Transfer Tax • Transportation Equity Funds • Transportation Enhancement Funds • Park Dedication Fees • LCCMR 	<ul style="list-style-type: none"> • The Conservation Fund • The Nature Conservancy • The Trust For Public Land • MN Land Trust

⁴⁵ This Table is adapted from: Mark A. Benedict & Edward T. McMahon, *Green Infrastructure Linking Landscapes and Communities* 153 Table 6.1 (Island Press 2006).

The following is a *Draft Statement of Findings and Purpose* which could conceivably be the purpose statement of new legislation to create the Districts and the Governing Board.

Statement of Findings and Purpose:

Minnesota is a state rich in natural resources, lakes, farms, and open space. But that wealth is increasingly under pressure by a growing population, advancing technologies, expanding economy, and less dense development patterns which combine to threaten our priceless natural resources. These open lands, forests, wildlife and aesthetic resources must be utilized to provide: an outdoor recreation experience of national and international significance; maintenance of invaluable ecosystem services; sustainable economic development opportunities; a conservation legacy that meets current needs while enhancing the natural wealth our children will inherit.

The increasingly vocal calls for action have recognized that Minnesota's resources are in a precarious position and something must be done to: (save vanishing habitats; become better stewards of our air, lakes and streams, forests, fish and wildlife, agricultural resources, and scenery; meet the recreation needs of an ever increasing and diverse population with the economic tools and resources that are available.

Continuing with "business-as-usual" in terms of our statewide natural resources strategy is not an option. The current scheme, while successful in the past, is no longer able to adequately address the current pressures on our priceless resources. A new strategy is needed, the State of Minnesota has an obligation to insure that the contemporary and future pressures on our natural resources are provided for in a comprehensive land use control framework which recognizes not only matters of local concern but also regional and state concerns.

Addressing the pressures on our resources can only be accomplished by balancing environmental concerns, economic interests and social issues. It is possible to balance these needs with currently available tools and financial resources. Unfortunately, in the past various agencies and departments have implemented these tool based on different and sometimes inconsistent conservation priorities. This practice, while effective at one-time, inefficiently utilizes resources resulting in an inability to meet sustainability the needs of today.

This report's basic purpose is to create a comprehensive framework to insure optimum overall conservation, protection, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, eco-

logical and natural resources of some of the last great places in Minnesota that are currently experiencing, and will experience, high population pressures. This goal is accomplished through creative exploitation of the tools and resources that Minnesota currently has.

This report directs the creation of a Board that has primary oversight over these tools within areas that are designated as Regional Recreation Resource Districts. Once the legislature designates these Regional Recreation Resource Districts the Board will assume responsibility for creating a comprehensive plan for each District which recognizes the needs of all Minnesotans for the preservation of the District's resources and open space character, and of the District's permanent, seasonal and transient population for growth and service areas, employment, agricultural and forest products, and a strong economic base.

In meeting these goals the Board will have authority to vertically integrate other agencies, departments, programs and expenditures to ensure consistent and efficient use of resources in furtherance of the priorities that are developed for each District and for the state.

The Board is also directed to designate at least one Regional Recreation Park within each District and direct its management in accordance with the "Minnesota's New Outstate Regional Recreation Park" policy document.

A further purpose of this report is to direct the Board to develop a long-range park policy, recognizing the major state interest in conservation, use and development of the District's resources and the preservation of its open space character, and at the same time, provide a continuing role for local government. This policy must provide for the plan's maintenance, administration and enforcement in a continuing planning process that recognizes matters of local concern and those of regional and state concern, provides appropriate regulatory responsibilities for the Board and the local governments of the District and seeks to achieve sound local land use planning.

Mechanics of the New Regional Recreational Resource District

Governance

As discussed above, the Board governs the District and has the responsibility of developing land use classifications and development maps for the Districts. It is the duty of the Board to ensure that all policies that affect other governmental entities are developed cooperatively to advance the goals of the Districts. To better understand the structure and responsibilities of the Board please refer to the “Citizens Guide to Adirondack Park Agency Land Use Regulations.”⁴⁶ This Guide is relevant in discussing the primary function of the Board and its land use planning responsibilities.

There are options for the structure of the Board; it could exist as a multi-jurisdictional agency similar to the Metropolitan Council, it could be an independent board that operates as a 501(c) foundation similar to the governance of Deep Portage Conservation Reserve, or the Districts could be governed by a combination of the two where the Foundation has control over the master and comprehensive planning, and the agency has authority over ensuring adherence with the master plan through permitting.

When contemplating the controlling authority it is essential to build an institution that will have the ability to resist influences that could corrupt the goal and vision of the District.

Land Use

Private Land

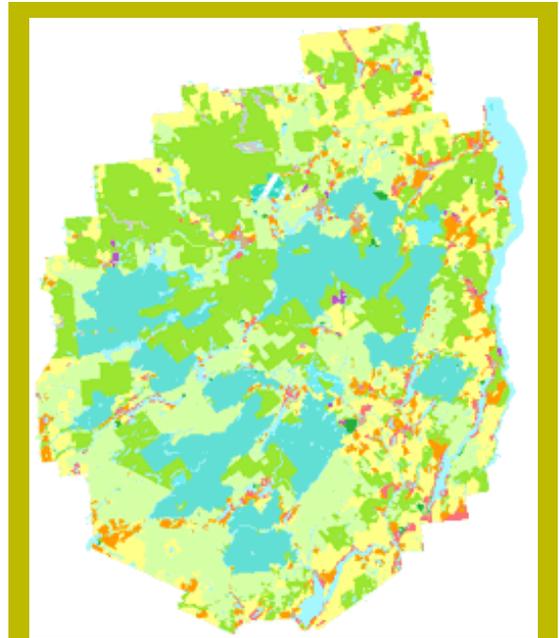
Like Adirondack Park, Districts could employ six classifications of private land use: hamlet, moderate intensity use, low intensity use, rural use, resource management, and industrial use. These classifications depend on such factors as: 1) existing land use and population growth patterns; 2) physical limitations related to soils, slopes and elevations; 3) unique features such as hill, streams, waterfalls, rock outcroppings, waterfalls, lakes, etc; 4) public considerations; 5) biological considerations.

The six land use classifications are based on Adirondack Park Land Use and Development Plan (APLUDP), but are updated using more recent concepts of land-use planning and are defined as follows:

- **HAMLET** -- These are the growth and service centers of the District where the Board encourages development. Intentionally, the Board has very limited permit requirements in hamlet areas. Activities requiring a Board permit are; erecting buildings or structures over 50 feet in height, projects involving more than 100 lots, sites or units, projects involving wetlands, airports, watershed management projects, and certain expansions of buildings and uses. Hamlet boundaries usually go beyond established settlements to provide room for future expansion. Development within hamlets shall be undertaken to facilitate pedestrian and alternative modes of transport, ensure a positive street level experience, encourage participation in available activities, create a sense of place, and highlight the character of the region.

⁴⁶ Citizens Guide to Adirondack Park Agency Land Use Regulation. (Attached as ‘Appendix D.’)

- MODERATE INTENSITY USE -- Most uses are permitted; concentrated, clustered and, planned unit residential developments are most appropriate. Developments should maintain the character of the region and be based on existing infrastructure.
- LOW INTENSITY USE -- Most uses are permitted; residential development at a lower intensity than hamlet or moderate intensity is appropriate. Clustered, concentrated, and planned unit residential developments are preferred and require significantly more open space than that is required in moderated intensity use. Developments should maintain the rural character of the area and be based on existing infrastructure.
- RURAL USE -- Most uses are permitted; uses that maintain the land as working are strongly preferred. Residential uses and reduced intensity development is suitable, but must be undertaken so that the landscape is maintained in a rural character. Development of new public infrastructure is not permitted unless it is shown to be essential to enhance the character of the landscape.
- RESOURCE MANAGEMENT -- Most development activities in resource management areas will require a Board permit; preferred uses include recreational uses, agricultural, forestry and limited compatible residential vacation. Special care is taken to protect the natural open space character and recreational value of these lands.
- INDUSTRIAL USE -- This is where industrial uses exist or have existed, and areas which may be suitable for future industrial development. Industrial and commercial uses are also allowed in other land use area classifications.



The Adirondack Park is represented here by its zoning map. Each color identifies a different land use, and the map is maintained by the Adirondack Park Agency. This type of map could be created for each of the RRRDs and be used to comprehensive plan for development and enhance the recreational value of the District's outdoor assets.

District planning is also informed by the experience in the English Lake District National Park. In the Lake District it is well understood and accepted that “road and housing schemes have immediate, and permanent visual impact on the landscape. Without careful design they can introduce a suburban element inappropriate a rural setting. Excessive lighting associated with development has the same effect and denies us views of the night sky. Other changes are gradual and, although insignificant in isolation, can seriously damage landscape quality...”⁴⁷ To maintain the character of value of Minnesota’s most scenic places, it is essential to use the tools and practices that have worked for other landscapes, and to comprehensively plan and manage for the development of our last best places.

Public Lands

Public lands within the District could utilize the state land classifications as codified in Minn. Stat. §86A.05, and will be the responsibility of the Board. The Board will ensure that lands are properly classified, and units are administered to accomplish the purpose and objectives of the classification. This can be accomplished through creation and maintenance of a Master Plan for each District. The new Regional Recreation Park⁴⁸ and Heritage Lakes are additional classifica-

⁴⁷ Lake District National Park Management Plan, Ch. 5 p.17.

⁴⁸ See Appendix B for the Proposed Regional Recreation Park Policy document.

tions for public lands within the Districts. With the addition of the Regional Recreation Park and Heritage Lakes, the Board can classify public land units as any one of fourteen different classifications. With the exception of the two new classifications all of the unit classifications can be found at Minn. Stat. 86A.05 2006. The existing classifications are briefly summarized below.

- STATE PARK -- A state park shall be established to protect and perpetuate extensive areas of the state possessing those resources which illustrate and exemplify Minnesota's natural phenomena and to provide for the use, enjoyment, and understanding of such resources without impairment for the enjoyment and recreation of future generations.
- STATE RECREATION AREA -- A state recreation area shall be established to provide a broad selection of outdoor recreation opportunities in a natural setting which may be used by large numbers of people.
- STATE TRAIL -- A state trail shall be established to provide a recreational travel route which connects units of the outdoor recreation system or the national trail system, provides access to or passage through other areas which have significant scenic, historic, scientific, or recreational qualities or reestablishes or permits travel along an historically prominent travel route or which provides commuter transportation.
- STATE SCIENTIFIC AND NATURAL AREAS -- A state scientific and natural area shall be established to protect and perpetuate in an undisturbed natural state those natural features which possess exceptional scientific or educational value.
- STATE WILDERNESS AREA -- A state wilderness area shall be established to preserve, in a natural wild and undeveloped condition, areas which offer outstanding opportunities for solitude and primitive types of outdoor recreation.
- STATE FOREST
- STATE WILDLIFE MANAGEMENT AREAS -- A state wildlife management area shall be established to protect those lands and waters which have a high potential for wildlife production and to develop and manage these lands and waters for the production of wildlife, for public hunting, fishing, and trapping, and for other compatible outdoor recreational uses.
- STATE WATER ACCESS SITE -- A state water access site shall be established to provide public access to rivers and lakes which are suitable for outdoor water recreation and where the access is necessary to permit public use.
- STATE WILD, SCENIC AND RECREATIONAL RIVERS -- State wild, scenic, and recreational rivers shall be established to protect and maintain the natural characteristics of all or a portion of a river or stream, or its tributaries, or lake through which the river or stream flows which together with adjacent lands possesses outstanding scenic, scientific, historical, or recreational value...
- STATE HISTORIC SITES -- A state historic site shall be established to preserve, restore, and interpret buildings and other structures, locales, sites, antiquities, and related lands which aptly illustrate significant events, personalities, and features of the history and archaeology of the state or nation.
- STATE REST AREAS -- A state rest area shall be established to promote a safe, pleasurable, and informative travel experience along Minnesota highways by providing areas and facilities at reasonable intervals for information, emergencies, or the rest and comfort of travelers.
- AQUATIC MANAGEMENT AREAS -- Aquatic management areas may be established to protect, develop, and manage lakes, rivers, streams, and adjacent wetlands and lands that are critical for fish and other aquatic life, for water quality, and for their intrinsic biological value, public fishing, or other compatible outdoor recreational uses.



The additional classifications, Heritage Lakes and Regional Recreation Parks, are based directly off existing programs. The Regional Recreation Parks, as discussed earlier, are based on the 1985 Recreational State Park Policy Plan, and the Heritage Lake is based off of Glendalough State Park's "Heritage Fishery" on Annie Battle Lake as well as other lakes with creative regulation.

Heritage Lakes can be designated by the Board to ensure the serenity of the most special lakes are maintained, and to give anglers an opportunity to catch sizable fish. Special regulations will, in effect, allow visitors to experience fishing and the idyllic setting of a Minnesota lake as it was 100 years ago. For illustrative purposes current Glendalough regulations include: No motors, this includes electric trolling motors. No electronic fish-finding devices, this includes depth finders, graphs, GPS, underwater video equipment. Fishing is catch-and-release only for large-mouth bass and northern pike, these species must be returned to the water immediately. Sun-fish are limited at 5 per person for all sunfish species in combination. Crappie limit is also 5 per person with a minimum size limit of 11 inches. Normal Minnesota inland water limits apply to walleyes and other species not designated. No gas augers are allowed during winter fishing. These limits can be adapted depending on the Board's goals for the fishing resource.

As a subset of Heritage Lakes are "Heritage Fisheries" which will employ similar experimental catch limits and equipment limitations, but provide for surface water uses that employ motors.

Options

When evaluating other options to accomplish the concept of the Regional Recreation Resource District it is essential to remember that the underlying goal is to: maintain the natural wealth and regional character of Minnesota's highest amenity areas and to provide a high quality resident and tourist recreational experience while enhancing the long term economic vitality of the region.

The aforementioned options include; the Metropolitan Council, Deep Portage Conservation Reserve Area, and the Land Exchange Review Board. Each option presents different tools that can be incorporated into the managing entity. These options are briefly outlined below.

Metropolitan Council

The Metropolitan Council (Council) is the regional planning agency serving the Twin Cities seven-county metropolitan area. Among many other responsibilities the Council "engages communities and the public in planning for future growth, and provides planning, acquisitions and funding for a regional system of parks and trails."⁴⁹

The Council is made up of 17 members 16 of which represent a geographic location, and a chairman. The members are appointed by the Governor and the State Senate confirms the appointments. Such governance structure is a viable option for the RRRD. The Council is funded in several ways with the largest source as state and federal funds. The Council also collects user

⁴⁹ Metropolitan Council, *About the Metropolitan Council* <<http://metro council.org/about/about.htm>> (accessed June 1,2007).

fees from wastewater and transit fares which account for about 40% of its revenue. The remainder of the Council's revenue is from property taxes and other sources.⁵⁰

The parks within the Council's jurisdiction are operated by cities and counties. The cities and counties partner with the Council to acquire and develop these parks. They also work together "to develop regional park policies that protect the region's water quality, promote best management practices, and help integrate the park systems with housing, transportation, and other regional priorities."⁵¹

Deep Portage Conservation Reserve Area

Deep Portage is operated by the Deep Portage Foundation, a 501(c)(3) non-profit corporation that provides recreational, educational, and environmental programs for people of all ages.⁵² While a non-profit managing board may not be a prudent option to managed private land use, each of the Regional Recreation Parks within the RRRDs could be individually operated by this type of foundation, or the Regional Recreation Parks could be collectively operated by such a board. This foundation-type governance structure gives flexibility to the operation of the parks and may enhance the ability of the governing body to engage for profit business in provision of recreational and tourism opportunities. This non-profit status also requires that the parks maintain their attractiveness to both users and supporters for financial support. Deep Portage Foundation does not own the land land that it is located on, instead Cass County owns the 6,000 plus acres and the Foundation provides the programs, services and infrastructure that make it such an attractive facility.

Land Exchange Board

The Land Exchange Board (LEB) is an example of a board that has state-wide oversight of certain land management decisions. LEB is offered as an example as the members have the ability to make decisions regarding the protection, use, or management of Minnesota's natural resources, and it works to increase the public benefit for present and future generations.⁵³ The LEB does this by approving, or withholding approval for, exchanges of state-owned land for privately-owned land. The LEB consists of three members, the Governor, the Attorney General, and the State Auditor, and all three members must approve an exchange of public lands. The LEB also has authority to approve acquisition by the U.S. Department of the Interior of any lands involved in the Waterfowl Production Areas program.

The LEB could serve as a model of a board with authority over management decisions within the RRRDs. Such authority could extend to zoning, acquisition, funding, etc. while leaving routine management decision to individual units.

⁵⁰ *Id.*

⁵¹ Metropolitan Council, *Regional Parks* <<http://metrocouncil.org/about/about.htm>> (accessed June 1, 2007).

⁵² Deep Portage Conservation Reserve, *Our History* <<http://www.deep-portage.org/history.html>> (accessed June, 1 2007).

⁵³ Minnesota Department of Natural Resources, *Land exchange* <http://www.dnr.state.mn.us/lands_minerals/landexchange.html> (accessed June 1, 2007).

Conclusion

This report is a blueprint of what is needed to provide the same access to Regional Parks for outstate Minnesotans that residents in the Metropolitan area enjoy. By identifying the need for and the locations of Outstate Regional Parks, decision makers are now able to prioritize land acquisition expenditures and adopt plan on how the needed facilities will be developed.

Parks are a lasting infrastructure investment that provide recreational opportunities, environmental services like clean water and clean air, human health benefits, improve quality of life, enhance the desirability of an area, create economic opportunity, attract investment, protect the viability of working lands, maintain habitat, etc. Parks are essential to our well-being and the acreage recommendations in this report will provide the necessary park lands to protect that well-being in Minnesota's new urban complexes.

There is something special about the developing outstate urban complexes that is uniquely Minnesotan. Whether it is the lakes dotting the landscape, the majestic pines, the undulating vistas of different colored crops, or the winding rivers, people are migrating to these areas of scenic value in unprecedented numbers. Unless we plan how these areas are to be developed and take steps to ensure that their scenic value is not degraded, these unique Minnesotan gems will be lost. Regional Recreation Resources Districts are a concept of how these areas can be developed while maintaining and enhancing the natural assets that make them such attractive places.

Next Steps

Now is the time to begin prioritizing how and what lands will be maintained as open space in the outstate urban complexes. The populations projections call for rapid growth in the study areas, and this growth will inevitably make parkland acquisition and green infrastructure planning more expensive and difficult. To provide for the needs of present, and future Minnesotans, progress must be made in the following areas:

- Prioritize land acquisition expenditures to focus on the highest amenity areas in the most rapidly growing outstate urban complexes as identified in this report.
- Acquire the needed acreage.
- Develop and enact an agency/council/board that has authority over Regional Recreation Resource Districts.
- Identify Regional Recreation Resource District boundaries.
- Develop and enact policy that governs land use within the Regional Recreation Resource Districts.
- Periodically review to ensure that the open space needs of Minnesotan's are being met and adapt to meet changing needs.



Appendices

Appendix A: Tables

Appendix B: Proposed Regional Recreation Park Policy

Appendix C: Adirondack Park Agency Act

Appendix D: Citizens Guide to Adirondack Park Agency Land Use Regulations

Appendix A:

Tables

Table 1.1

Metropolitan Ring Counties Population			
Area	2000 Census	2030 Projection	Percent Change
Chisago	41,101	69,540	69%
Goodhue	44,127	52,890	20%
Isanti	31,287	42,350	35%
Kanabec	14,996	21,520	44%
LeSueur	25,426	30,100	18%
McLeod	34,898	41,580	19%
Rice	56,665	80,010	41%
Wright	89,986	139,010	54%
East Sherburne [^]	44,268	83,700	89%
Metropolitan Ring Total Population	382,754	560,700	46%

[^]East Sherburne population was derived from Minnesota Department of Administration / Office of Geographic and Demographic Analysis / Land Management Information Center, 2000 Census data. East Sherburne includes: Blue Hills Township, Orrock Township, Big Lake City, Big Lake Township, Baldwin Township, Livonia Township, Elk River City, Princeton City (part), and Zimmerman City.

Table 1.1a

Metropolitan Ring Counties (North) Population*			
Area	2000 Census	2030 Projection	Percent Change
Chisago	41,101	69,540	69%
Isanti	31,287	42,350	35%
Kanabec	14,996	21,520	44%
McLeod	34,898	41,580	19%
Wright	89,986	139,010	54%
East Sherburne [^]	44,268	83,700	89%
Metropolitan Ring (North) Total Population	256,536	397,700	55%

Table 1.1b

Metropolitan Ring Counties (South) Population			
Area	2000 Census	2030 Projection	Percent Change
Goodhue	44,127	52,890	20%
LeSueur	25,426	30,100	18%
Rice	56,665	80,010	41%
Metropolitan Ring (South) Total Population	126,218	163,000	29%

Table 1.2

Existing Park Space For Metropolitan Ring Counties *					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Chisago County	Dennis Frandsen County Park	117	1, 2	7	4
	Fish Lake County Park	152	1, 2		
Goodhue County	Cannon Valley Wilderness Area	780	1	18	15
Isanti	Springvale County Park	172	1	10	7
	Becklin Homestead Park/WMA	140	2		
Kanabec County		0	1,2	0	0
LeSueur County	Lake Washington Park	162	2	20	17
	Ney Environmental Learning Center	340	2		
McLeod County	Lake Marion Regional	86	2	11	9
	Pioepenber Regional	156	2		
	Stalhs Lake Park	127	2		
Rice County	Cannon River Wilderness Area	850	2	15	11
Wright County	Beebe Lake Regional Park	70	1, 2	25	16
	Clearwater/Pleasant County Park	210	1, 2		
	Collinwood County Park	308	1, 2		
	Otsego	70	1		
	Robert Ney Memorial County Park	600	1, 2		
	Schroeder Regional Park		1		
	Harry Larson Park	170	1, 2		
	Stanley Eddy Memorial Park Reserve	660	1, 2		
Montissippi County Park	170	1, 2			
East Sherburne County	Grams Regional Park	108	2	5	3
	Fremont Park (in planning)	114	1		
	Total Acres Reference 1	3593		9	6
	Total Acres Reference 2	4118		11	7
	Total Acreage	5562		15	10

* Criteria for regional parks explained in: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

Reference 1: "Examples of Regional Parks Outside the Twin Cities Metro Area," Wayne Sames, MN DNR, 2003.

Reference 2: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

Table 1.2a

Existing Park Space For Metropolitan Ring Counties (North)					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Chisago County	Dennis Frandsen County Park	117	1, 2	7	4
	Fish Lake County Park	152	1, 2		
Isanti	Springvale County Park	172	1	10	7
	Becklin Homestead Park/WMA	140	2		
Kanabec County		0	1,2	0	0
McLeod County	Lake Marion Regional	86	2	11	9
	Pioepenberg Regional	156	2		
	Stalhs Lake Park	127	2		
Wright County	Beebe Lake Regional Park	70	1, 2	25	16
	Clearwater/Pleasant County Park	210	1, 2		
	Collinwood County Park	308	1, 2		
	Otsego	70	1		
	Robert Ney Memorial County Park	600	1, 2		
	Schroeder Regional Park		1		
	Harry Larson Park	170	1, 2		
	Stanley Eddy Memorial Park Reserve	660	1, 2		
	Montissippi County Park	170	1, 2		
East Sherburne County	Grams Regional Park	108	2	5	3
	Fremont Park (in planning)	114	1		
	Total Acres Reference 1	2813		11	7
	Total Acres Reference 2	3074		12	8
	Total Acreage	3430		13	9

Table 1.2b

Existing Park Space For Metropolitan Ring Counties (South)					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Goodhue County	Cannon Valley Wilderness Area	780	1	18	2
LeSueur County	Lake Washington Park	162	2	20	17
	Ney Environmental Learning Center	340	2		
Rice County	Cannon River Wilderness Area	850	2	15	11
	Total Acres Reference 1	780		6	5
	Total Acres Reference 2	1352		11	8
	Total Acreage	2132		17	13

Table 1.3

Acreage Needed to Meet 25 acres per 1000 Guideline for Metropolitan Ring Counties Study Region		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	9569	14018
Extra acreage necessary (Ref. 1)	5976	10425
Extra acreage necessary (Ref. 2)	5451	9900
Extra Acreage Necessary (Total)	4007	8456

Table 1.3a

Acreage Needed to Meet 25 acres per 1000 Guideline for Metropolitan Ring Counties Study Region (North)		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	6413	9943
Extra acreage necessary (Ref. 1)	3600	7130
Extra acreage necessary (Ref. 2)	3339	6869
Extra Acreage Necessary (Total)	2983	6513

Table 1.3b

Acreage Needed to Meet 25 acres per 1000 Guideline for Metropolitan Ring Counties Study Region (South)		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	3155	4075
Extra acreage necessary (Ref. 1)	2375	3295
Extra acreage necessary (Ref. 2)	1803	2723
Extra Acreage Necessary (Total)	1023	1943

Table 1.4a

Acreage Needed per Metro Ring County to Meet 25 Acre per 1000 (North)					
County	Acreage	2000 Census	2030 Projection	Extra Acreage needed 2000	Extra Acreage Needed 2030
Chisago	269	41,101	69,540	759	1,470
Isanti	312	31,287	42,350	470	747
Kanabec	0	14,996	21,520	375	538
McLeod	369	34,898	41,580	503	671
Wright	2,258	89,986	139,010	0	1,217
East Sherburne	222	44,268	83,700	885	1,871

Table 1.4b

Acreage Needed per Metro Ring County to Meet 25 Acre per 1000 (South)					
County	Acreage	2000 Census	2030 Projection	Extra Acreage needed 2000	Extra Acreage Needed 2030
Goodhue	780	44,127	52,890	323	542
LeSueur	502	25,426	30,100	134	251
Rice	850	56,665	80,010	567	1,150

Table 2.1

St. Cloud Region Population			
Area	2000 Census	2030 Projection	Percent Change
Metropolitan Area Population	167,392	222,330	33%
Stearns	133,166	177,370	33%
Benton	34,226	44,960	31%
West Sherburne [^]	20,149	38,100	89%
Total St. Cloud Region Population	187,541	260,430	39%

[^]West Sherburne was derived from Minnesota Department of Administration / Office of Geographic and Demographic Analysis / Land Management Information Center, 2000 Census data. West Sherburne includes: Haven Township, Palmer Township, St. Cloud City (part), Santiago, Township, Clear Lake City, Clear Lake Township, Becker City, Becker Township.

Table 2.2

Existing Park Space For St. Cloud Study Region*					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Stearns	Quarry Park and Nature Preserve	643	1, 2	7	5
	Mississippi River County Park	230	2		
	Warner Lake County Park	241	1, 2		
	Lake Koronis Park	67	1, 2		
Benton	Bend in the River Regional Park	286	2	8	6
West Sherburne	Oak Savanna Land Preserve	140	2	7	4
City of St. Cloud	Neenah Creek Regional Park	213	2		
	Plum Creek Regional Park	139	2		
	Riverside Regional Park	56	2		
	Total acreage: Reference 1	951		5	4
	Total acreage: Reference 2	2015		11	8
	Total Acreage	2015		11	8

* Criteria for regional parks explained in: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

Reference 1: "Examples of Regional Parks Outside the Twin Cities Metro Area," Wayne Sames, MN DNR, 2003.

Reference 2: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

Table 2.3

Acreage Needed to Meet 25 acres per 1000 Guideline for St. Cloud Study Region		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	4689	6511
Extra acreage necessary (Ref. 1)	3738	5560
Extra acreage necessary (Total)	2674	4496

Table 2.4

Acreage Needed per County in St. Cloud Study Region to Meet 25 Acre per 1000					
County	Acreage	2000 Census	2030 Projection	Extra Acreage needed 2000	Extra Acreage Needed 2030
Stearns	1,181	133,166	177,370	2,148	3,253
Benton	286	34,226	44,960	570	838
West Sherburne	140	20,149	38,100	364	813

Table 3.1

Rochester and Winona Region Population**			
Area	2000 Census	2030 Projections	Percent Change
Rochester Metropolitan Area	124,277	170,500	37%
Olmsted	124,277	170,530	37%
Winona	49,985	56,090	12%
Rochester Metropolitan Area Totals	174,262	226,620	23%

Table 3.2

Existing Park Space For Rochester/Winona Study Region**					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Olmstead County*	Chester Woods Park	1,380	1,2	16	12
	Oxbow Park	624	1,2		
Winona County		0	1,2	0	0
Rochester	Eastwood	188	2		
	Essex	160	2		
	Foster Arend Park	200	2		
	Gamehaven Reservoir	230	2		
	Quarry Hill	302	2		
	Willow Creek Reservoir	195	2		
	Total Acreage	3,279		19	14

* Acreage for Olmstead County Regional Parks is not consistent between the two references used. Acreage figures are taken from reference "2" data as the reference 2 is more recent and since the figures are larger than reference 1.

** Criteria for regional parks explained in: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

Reference 1: "Examples of Regional Parks Outside the Twin Cities Metro Area," Wayne Sames, MN DNR, 2003.

Reference 2: Legislative Commission on Minnesota Resources Greater Minnesota Regional Park Criteria, Final Report, 2005.

Table 3.3

Acres Needed to Meet 25 acres per 1000 Guideline for Rochester/Winona Study Region		
	2000 Census	2030 Projection
Total Acres of Regional Recreation Open Space Needed	4357	5666
Extra acres necessary (Total)	1078	2387

Table 3.4

Acres Needed per Rochester/Winona to Meet 25 Acre per 1000					
County	Acres	2000 Census	2030 Projection	Extra Acres needed 2000	Extra Acres Needed 2030
Olmsted	2,004	124,277	170,530	1,103	2,259
Winona	0	49,985	56,090	1,250	1,402

Table 4.1

Central Lakes Region Population: No Seasonal Adjustment*			
Area	2000 Census	2030 Projection	Percent Change
Aitkin County	15,301	25,270	65%
Cass County	27,150	45,280	67%
Crow Wing County	55,099	90,240	64%
Central Lakes Region Total Population	97,550	160,790	65%

* from Minnesota Population Projections 2000-2030, Minnesota Planning State Demographic Center, Martha McMurry, 2002.

Table 4.2

Central Lakes Population with Adjustment								
County	2000 Census	2000 Seasonal Homes*	2000 Lodging estimate **	2000 Adjusted Total	2030 Projection	2030 Seasonal Homes Projection ***	2030 Lodging Estimate ****	2030 Adjusted Total
Aitkin	15,301	16,806	1,770	33,877	25,270	25,309	2,089	52,668
Cass	27,150	24,147	11,750	63,047	45,280	36,363	13,865	95,508
Crow Wing	55,099	25,848	7,133	88,080	90,240	38,925	8,416	137,581
Total Population with Adjustment		185,004			285,757			

*2000 Seasonal Homes: This number was arrived at by multiplying the number of seasonal homes in the 2000 census by Minnesota's household size of 2.52 also from the 2000 census. State Demographer Tom Gillaspay assisted in generating these numbers.

**2000 Lodging Estimate: This number was generated with assistance from Explore Minnesota Tourism's Patrick Simmons and Peggy Nasby. These individuals compiled the total number of lodging units in each county. Lodging units includes indoor units and camping units. Those units were then multiplied by Minnesota's average household size of 2.52 to arrive at a population estimate.

***2030 Seasonal Homes Projection: 2000 Seasonal Homes population estimate multiplied by the 65% regional growth rate multiplied by the State Demographer's projected household size of 2.3.

****2030 Lodging Estimate: The 2000 Lodging Estimate was multiplied by the regional growth rate of 65% then multiplied by the State Demographer's projected household size of 2.3.

Table 4.3

Existing Park Space for Central Lakes Region: No Seasonal Adjustment					
County	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Aitkin County	Jacobson Campground and Wayside Rest	762	2	50	30
	Snake River Campground	1,753	2		
	Long Lake ELC	760	2		
Cass County	Deep Portage ELC	6,103	2	225	135
Crow Wing County	Paul Bunyan Arboretum	200	2	4	2
Total Acreage		9,578		98	60
Not including the ELCs		2,715		28	17

Table 4.4

Existing Park Space for Central Lakes Region: With Adjustment					
County	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Aitkin	Jacobson Campground and Wayside Rest	762	2	22	14
	Snake River Campground	1,753	2		
	Long Lake ELC	760	2		
Cass	Deep Portage ELC	6,103	2	97	64
Crow Wing	Paul Bunyan Arboretum	200	2	2	1
	Total Acreage	9,578		52	34
	Not Including ELCs	2,715		15	10

Table 4.5

Acreage Needed to Meet 25 acres per 1000 Guideline for Central Lakes Region		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed With Seasonal Adjustment	4625	7144
Total Acreage of Regional Recreation Open Space Needed Without Seasonal Adjustment	2439	4020
Extra acreage necessary with adjustment	1910	4429
Extra acreage necessary without seasonal adjustment	None	1305

Table 4.6

Acreage Needed per Central Lakes County to Meet 25 Acre per 1000: With Adjustment (not including ELC's)					
County	Acreage	2000 Census	2030 Projection	Extra Acreage needed 2000	Extra Acreage Needed 2030
Aitkin	2,515	33,877	52,668	0	0
Cass	0	63,047	95,508	1,576	2,388
Crow Wing	200	88,080	137,581	2,002	3,240

Table 5.1

Western Lakes Population			
Area	2000 Census	2030 Projection	Percent Change
Becker	30,000	37,190	24%
Otter Tail	57,159	78,250	37%
Douglas	32,821	46,180	41%
Western Lakes Total Population	119,980	161,620	35%

Table 5.1a

Western Lakes Population With Seasonal Adjustment*			
Area	2000 Census	2030 Projection	Percent Change
Becker	45,000	55,785	24%
Otter Tail	85,739	117,375	37%
Douglas	49,232	69,270	41%
Western Lakes Total Population	179,970	242,430	35%

*An adjustment factor of 50% is utilized as a conservative estimate of the increase in seasonal residents. This number is roughly based on the estimates of seasonal residents in the Central Lakes Region. The census population was subtracted from the adjusted total population of the central lakes and the resulting number was divided by the census population for 2000 to give the percent increase in seasonal residents. In 2000 the increase was approximately 90% and in 2030 the projected increase is estimated at 75%. We are therefore comfortable using 50% as a conservative estimate of the increase in seasonal population for the Western Lakes Region.

Table 5.2

Existing Park Space for Western Lakes Region					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Becker County	Chilton County Park	205	1,2	7	6
Otter Tail County		0	1,2	0	0
Douglas County	Runestone County Park	180	1,2	5	4
	Total Acreage	385		3	2

Table 5.2a

Existing Park Space for Western Lakes Region With Adjustment					
Area	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Becker County	Chilton County Park	205	1,2	5	4
Otter Tail County		0	1,2	0	0
Douglas County	Runestone County Park	180	1,2	4	3
	Total Acreage	385		2.1	1.6

Table 5.3

Acreage Needed to Meet 25 acres per 1000 Guideline for Western Lakes Study Region		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	3000	4041
Extra Acreage Necessary (Total)	2615	3656

Table 5.3a

Acreage Needed to Meet 25 acres per 1000 Guideline for Western Lakes Study Region With Adjustment		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	4499	6061
Extra Acreage Necessary (Total)	4114	5676

Table 5.4

Acreage Needed per Western Lakes County to Meet 25 Acre per 1000					
County	Acreage	2000 Census	2030 Projection	Extra Acreage needed 2000	Extra Acreage Needed 2030
Becker	205	30,000	37,190	545	725
Otter Tail	0	57,159	78,250	1,429	1,956
Douglas	180	32,821	46,180	641	975

Table 5.4a

Acres Needed per Western Lakes County to Meet 25 Acre per 1000 With Adjustment					
County	Acres	2000 Census	2030 Projection	Extra Acres needed 2000	Extra Acres Needed 2030
Becker	205	45,000	55,785	920	1,190
Otter Tail	0	85,739	117,375	2,143	2,934
Douglas	180	49,232	69,270	1,051	1,552

Table 6.1

Bemidji Micropolitan Region Population*			
County	2000 Census	2030 Projection	Percent Change
Beltrami	39,650	54,450	37%
Hubbard	18,376	28,590	56%
Bemidji Micropolitan Total Population	58,026	83,040	43%

* From Minnesota Population Projections 2000-2030, Minnesota Planning State Demographic Center, Martha McMurry, 2002.

Table 6.1a

Bemidji Micropolitan Region Population With Seasonal Adjustment*			
County	2000 Census	2030 Projection	Percent Change
Beltrami	59,475	81,675	37%
Hubbard	27,564	42,885	56%
Bemidji Micropolitan Total Population	87,039	124,560	43%

*An adjustment factor of 50% is utilized as a conservative estimate of the increase in seasonal residents. This number is roughly based on the estimates of seasonal residents in the Central Lakes Region. The census population was subtracted from the adjusted total population of the central lakes and the resulting number was divided by the census population for 2000 to give the percent increase in seasonal residents. In 2000 the increase was approximately 90% and in 2030 the projected increase is estimated at 75%. We are therefore comfortable using 50% as a conservative estimate of the increase in seasonal population for the Bemidji Mircopolitan Region.

Table 6.2

Existing Park Space for Bemidji Micropolitan					
County	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Beltrami	Three Island Lake County Park	3,000	1,2	76	55
Hubbard		0	1,2	0	0
	Total Acreage	3,000		52	36

Table 6.2a

Existing Park Space for Bemidji Micropolitan With Adjustment					
County	Park Name	Acreage	Reference	2000: Acres per 1000	2030: Acres per 1000
Beltrami	Three Island Lake County Park	3,000	1,2	50	37
Hubbard		0	1,2	0	0
	Total Acreage	3000		34	24

Table 6.3

Acreage Needed to Meet 25 acres per 1000 Guideline for Bemidji Micropolitan Region		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	1451	2076
Extra Acreage Necessary (Total)	0	0

Table 6.3a

Acreage Needed to Meet 25 acres per 1000 Guideline for Bemidji Micropolitan Region With Adjustment		
	2000 Census	2030 Projection
Total Acreage of Regional Recreation Open Space Needed	2176	3114
Extra Acreage Necessary (Total)	0	114

Table 6.4

Acreeage Needed per Bemidji Micropolitan Region County to Meet 25 Acre per 1000					
County	Acreeage	2000 Census	2030 Projection	Extra Acreeage needed 2000	Extra Acreeage Needed 2030
Beltrami	3,000	39,650	54,450	0	0
Hubbard	0	18,376	28,590	459	715

Table 6.4a

Acreeage Needed per Bemidji Micropolitan Region County to Meet 25 Acre per 1000 With Adjustment					
County	Acreeage	2000 Census	2030 Projection	Extra Acreeage needed 2000	Extra Acreeage Needed 2030
Beltrami	3,000	59,475	81,675	0	0
Hubbard	0	27,564	42,885	689	1,072

Table 7.1

Willmar Micropolitan Region Population			
County	2000 Census	2030 Projection	Percent Change
Kandiyohi	41,203	47,680	16%

Table 7.2

Existing Park Space for Willmar Micropolitan Region					
County	Park Name	Acreeage	Reference	2000: Acres per 1000	2030: Acres per 1000
Kandiyohi		0	1,2	0	0
	Total Acreeage	0		0	0

Table 7.3

Acreeage Needed to Meet 25 acres per 1000 Guideline for Willmar Micropolitan Region		
	2000 Census	2030 Projection
Total Acreeage of Regional Recreation Open Space Needed	1,030	1,192
Extra Acreeage Necessary (Total)	1,030	1,192

Table 8

Percent of Minnesota's Projected Growth (2000-2030) Within the Study Areas					
	2000 Population	2030 Projected	Total Population Change	Overall Percent Change in Population size	
Study Areas	1,061,316	1,500,880	439,564	41%	
Minnesota	4,919,479	6,268,300	1,348,821	27%	
Percent of Minnesota's population growth within this project's study area.					33%

Table A

Current Regional Park Acquisition and Development Investment Needs for Outstate Minnesota Urban Complexes (LOW estimate)*						
Study Area	Total Acreage Needed to Meet Standard	New Acreage Needed to Meet Standard	Land Acquisition Costs (\$4000 per acre)	Development Cost of Acquired Land (\$2000 per acre)	Total Investment per Study Area	Percent of Total Investment per Study Area
Metro Ring North	6,413	2,983	\$11,932,000	\$5,966,000	\$17,898,000	20%
Metro Ring South	3,155	1,023	\$4,092,000	\$2,046,000	\$6,138,000	7%
St. Cloud Region	4,689	2,674	\$10,696,000	\$5,348,000	\$16,044,000	18%
Rochester / Winona	4,357	1,078	\$4,312,000	\$2,156,000	\$6,468,000	7%
Central Lakes**	4,625	1,910	\$7,640,000	\$3,820,000	\$11,460,000	13%
Western Lakes**	4,499	4,114	\$16,456,000	\$8,228,000	\$24,684,000	28%
Bemidji Micropolitan**	2,176	0	\$0	\$0	\$0	0%
Willmar Micropolitan	1,030	1,030	\$4,120,000	\$2,060,000	\$6,180,000	7%
TOTALS	30,944	14,812	\$59,248,000	\$29,624,000	\$88,872,000	100%

*This Estimate DOES NOT INCLUDE the cost to bring existing potential regional parklands up to the Outstate Regional Recreation Park standard. **The acreage needs for these areas are based on a seasonally adjusted population, as explained in the report.

Table B

Current Regional Park Acquisition and Development Investment Needs for Outstate Minnesota Urban Complexes (HIGH estimate)*						
Study Area	Total Acreage Needed to Meet Standard	New Acreage Needed to Meet Standard	Land Acquisition Costs (\$6000 per acre)	Development Cost of Acquired Land (\$3000 per acre)	Total Investment per Study Area	Percent of Total Investment per Study Area
Metro Ring North	6,413	2,983	\$17,898,000	\$8,949,000	\$26,847,000	20%
Metro Ring South	3,155	1,023	\$6,138,000	\$3,069,000	\$9,207,000	7%
St. Cloud Region	4,689	2,674	\$16,044,000	\$8,022,000	\$24,066,000	18%
Rochester / Winona	4,357	1,078	\$6,468,000	\$3,234,000	\$9,702,000	7%
Central Lakes**	4,625	1,910	\$11,460,000	\$5,730,000	\$17,190,000	13%
Western Lakes**	4,499	4,114	\$24,684,000	\$12,342,000	\$37,026,000	28%
Bemidji Micropolitan**	2,176	0	\$0	\$0	\$0	0%
Willmar Micropolitan	1,030	1,030	\$6,180,000	\$3,090,000	\$9,270,000	7%
TOTALS	30,944	14,812	\$88,872,000	\$44,436,000	\$133,308,000	100%

*This Estimate DOES NOT INCLUDE the cost to bring existing potential regional parklands up to the Outstate Regional Recreation Park standard. **The acreage needs for these areas are based on a seasonally adjusted population, as explained in the report.

Table C

Projected 2030 Regional Park Acquisition and Development Investment Needs for Outstate Minnesota Urban Complexes (LOW estimate)*						
Study Area	Total Acreage Needed to Meet Standard	New Acreage Needed to Meet Standard	Land Acquisition Costs (\$4000 per acre)	Development Cost of Acquired Land (\$2000 per acre)	Total Investment per Study Area	Percent of Total Investment per Study Area
Metro Ring North	9,943	6,513	\$26,052,000	\$13,026,000	\$39,078,000	24%
Metro Ring South	4,075	1,943	\$7,772,000	\$3,886,000	\$11,658,000	7%
St. Cloud Region	6,511	4,496	\$17,984,000	\$8,992,000	\$26,976,000	17%
Rochester / Winona	5,666	2,387	\$9,548,000	\$4,774,000	\$14,322,000	9%
Central Lakes**	7,144	4,429	\$17,716,000	\$8,858,000	\$26,574,000	17%
Western Lakes**	6,061	5,676	\$22,704,000	\$11,352,000	\$34,056,000	21%
Bemidji Micropolitan**	3,114	114	\$456,000	\$228,000	\$684,000	0%
Willmar Micropolitan	1,192	1,192	\$4,768,000	\$2,384,000	\$7,152,000	4%
TOTALS	43,706	26,750	\$107,000,000	\$53,500,000	\$160,500,000	100%

*This Estimate DOES NOT INCLUDE the cost to bring existing potential regional parklands up to the Outstate Regional Recreation Park standard. **The acreage needs for these areas are based on a seasonally adjusted population, as explained in the report.

Table D

Projected 2030 Regional Park Acquisition and Development Investment Needs for Outstate Minnesota Urban Complexes (HIGH estimate)*						
Study Area	Total Acreage Needed to Meet Standard	New Acreage Needed to Meet Standard	Land Acquisition Costs (\$6000 per acre)	Development Cost of Acquired Land (\$3000 per acre)	Total Investment per Study Area	Percent of Total Investment per Study Area
Metro Ring North	9,943	6,513	\$39,078,000	\$19,539,000	\$58,617,000	24%
Metro Ring South	4,075	1,943	\$11,658,000	\$5,829,000	\$17,487,000	7%
St. Cloud Region	6,511	4,496	\$26,976,000	\$13,488,000	\$40,464,000	17%
Rochester / Winona	5,666	2,387	\$14,322,000	\$7,161,000	\$21,483,000	9%
Central Lakes**	7,144	4,429	\$26,574,000	\$13,287,000	\$39,861,000	17%
Western Lakes**	6,061	5,676	\$34,056,000	\$17,028,000	\$51,084,000	21%
Bemidji Micropolitan**	3,114	114	\$684,000	\$342,000	\$1,026,000	0%
Willmar Micropolitan	1,192	1,192	\$7,152,000	\$3,576,000	\$10,728,000	4%
TOTALS	43,706	26,750	\$160,500,000	\$80,250,000	\$240,750,000	100%

*This Estimate DOES NOT INCLUDE the cost to bring existing potential regional parklands up to the Outstate Regional Recreation Park standard. **The acreage needs for these areas are based on a seasonally adjusted population, as explained in the report.

Appendix B:

Proposed Regional Recreation Park Policy

This Policy guidance document is adapted from a 1981 Minnesota Department of Natural Resources Policy document that became effective 3/11/81 to guide the development and acquisition of Recreational State Parks in accordance with the Outdoor Recreation Act of 1975. The original document Recreational State Park plan was never implemented.

This current policy document is intended to guide the development of Outstate Regional Recreation areas. Not to be confused with a separate entity; "Outstate Regional Park Districts," these Regional Recreational parks will form the a missing part of the outdoor system by accommodating recreational needs of outstate citizens, preserving open space, forming social and ecological connections between urban areas and preserved open space, creating buffers for sensitive habitat, and through provision of outdoor resources for overall benefit the public.

Adapted from: Minnesota Department of Natural Resources Policy

Effective Date: 3/11/81
Revised: 11/25/81

Subject: Recreational State Parks 0368B

MINNESOTA'S NEW Outstate Regional Recreation Parks

Preamble

The Outdoor Recreation Act of 1975 (Minnesota Statute 86A.01 to 86A.11) mandated the creation of an outdoor recreational system which would (1) preserve an accurate representation of Minnesota's natural and historical heritage for public understanding and enjoyment, and (2) provide an adequate supply of scenic, accessible, and usable lands and waters to accommodate the outdoor recreational needs of Minnesota's citizens.

The Minnesota Department of Natural Resources adopted a policy in 1981 (Recreational State Parks, Effective 3/11/81, Approved 11/25/81) to effectuate that mandate. That policy was abandoned, and Minnesotans have not been provided with an adequate inventory of parks to meet the need as observed by the legislature in 1975.

In keeping with the legislative mandate of the Outdoor Recreation Act of 1975, the 1981 policy has been revisited to establish goals, objectives, and policies for Outstate Regional Recreation Parks. It is the goal of the *Legislative Commission*

on Natural Resources (LCMR) to:

PROVIDE LANDS AND WATERS WHICH OFFER A BROAD SELECTION OF OUTDOOR RECREATIONAL OPPORTUNITIES IN A NATURAL SETTING AND WHICH MAY BE USED BY LARGE NUMBERS OF PEOPLE, TO SET ASIDE URBAN AND AGRICULTURAL AREAS WHICH COMPLEMENT THE RECREATIONAL ACTIVITIES AND EMBODY MINNESOTA'S HISTORICAL IDENTITY, AND TO CREATE AN INTERCONNECTED NETWORK OF GREEN SPACE THAT CONSERVES NATURAL ECOSYSTEM VALUES AND FUNCTIONS, AND PROVIDES ASSOCIATED VALUES TO MINNESOTANS.

To facilitate meeting this goal, objectives and policies have been described for the following areas:

Classification

I. Classification Criteria

Management

- II. General Administration
- III. Resource Management
- IV. Development
- V. Interpretation and Education

Any differences in judgment in interpreting these policies or procedures or in making a decision about any particular management project or program which cannot be resolved by the manager of the Regional Recreation Park shall be referred to the *Regional Park District manager, if irresolvable at that level the disagreement shall be immediately referred to the Regional Park Council.*

CLASSIFICATION

1. CLASSIFICATION CRITERIA

General Policy

It is the objective of the LCMR to ensure that proposed Outstate Regional Recreation Parks meet, or have the potential to meet, the following criteria:

- A. Possess natural resources, or artificial resources in a natural setting, with outstanding outdoor recreation

potential.

- B. Provide outstanding outdoor recreational opportunities that will attract visitors from beyond the local area.
- C. Contain resources which permit intensive recreational use by large numbers of people and be of a size sufficient to provide for effective management and protection of the natural and/or artificial outdoor recreational resources, so that they will be available for both present and future generations.
- D. Be located in areas where they appropriately accommodate the outdoor recreational needs of the state population.
- E. Preserve opportunities for agricultural utilization of land in areas of rapid urbanization in a manner that compliments the recreational potential of the district.
- F. Include urban areas of historical, aesthetic, or cultural significance for integration into the landscape to strengthen the local character.
- G. Be of sufficient quality to attract national and international interest, for tourism and as amenities to stimulate selection of the region for economic investment.
- H. Enhance the existing network of green infrastructure by creating recreational hubs with the capacity to link other natural assets.

Specific Policy

Each proposed or existing Outstate Regional Recreation Park be evaluated using the following procedures and/or criteria:

1. The unit should offer adequate topographic relief, water resources, soils, and vegetation to provide for sufficient buffers and a variety of recreational opportunities.
2. Recreational opportunities offered by the unit should be diverse enough to attract visitors with a variety of recreation goals from beyond the local area. Regional Recreation Parks may offer high-density use activities. Social interaction may play a significant part in

activities offered.

3. Recreational opportunities offered by the unit should be of high quality, judged by the natural and cultural setting in which they will take place and the length of the activity experience desired by the users.
4. Recreational demand, carrying capacity, and resource capability shall be assessed to determine an appropriate size for the park and the type of recreational facilities to be provided in it.
5. When determining park designation, consideration shall be given to deficiencies in outdoor recreational opportunities within the region and local area.
Said Parks Should:
 - A. Be located adjacent to or within Regional Park Districts,
 - B. Where there is, or will be, a need based on population projections and the twenty-five acres of regional park land per thousand persons minimum as utilized in developing the Metropolitan Council's Regional Park System,
 - C. When possible be located proximate to regions that are experiencing development pressures that have the potential to eliminate existing outdoor recreation opportunities.
6. Agricultural reserves to support recreational opportunities and provide the agricultural landowner with new economic prospects, while employing sustainable land use and conservation practices.
7. Recreational opportunities may include, but are not limited to: hunting, fishing, skiing (water, downhill, cross-country), hiking, camping, bicycling, mountain biking, canoeing, boating, walking, nature viewing, etc.
8. Urban areas that highlight the landscape, historical and cultural character of the district, and enhances the uniqueness of the area by its value as an "individual place."

General Procedural Policy

- A. The Outstate Regional Recreation Parks shall be classified based on compliance with the Outstate Regional Recreation Park classification criteria stated above.
- B. Parks and other areas (state forests, county forests, tax forfeit, private land, DNR land, etc) found to possess the necessary characteristics for Outstate Regional Recreation Parks will be recommended to the Minnesota Legislature for designation.
- C. A historic site; scientific and natural area; wild, scenic, or recreational river; state trail; rest area; or water access site may be designated wholly or partially within the boundaries of an Outstate Regional Recreation Park when the designation is consistent with the purposes, goals, objectives, and policies of the respective units.

MANAGEMENT

The Regional Park Council shall develop, in consultation with the regional park district manager a comprehensive management plan for each park, detailing the way in which management policies will be implemented.

II. GENERAL ADMINISTRATION

General Policy

When evaluating the management plan, the Regional Park Council and the LCMR shall rely on the following administrative objectives:

- A. To conduct management techniques and carry out procedures in a manner that has minimum impact on current park users but which complies with the long-range objectives of the park as established in the unit management plan.
- B. To encourage appropriate use of Outstate Regional Recreation Parks by all segments of the public.
- C. To encourage and facilitate user access by energy-efficient forms of transportation to and within a park.

- D. To coordinate park development with nearby private enterprise for the mutual benefit of the public, the department, and the private sector.
- E. To utilize partnerships with the private sector in providing recreational opportunities within the park whenever economically feasible.
- E. To coordinate park development with the Regional Park District, existing and proposed nearby facilities, and resource management efforts in the general vicinity of the park.
- F. To allow for special events and projects in Outstate Regional Recreation Parks, providing they conform to the management objectives of the park.
- G. To establish land acquisition priorities on the basis of need for (1) perpetuation of existing recreational resources, (2) development of additional recreational facilities and/or (3) protection of the quality of the unit's natural setting.
- H. To regulate motor vehicles and motorized watercraft and to prohibit them when necessary to minimize conflict with other park users and to preserve the quality of the park environment.
- I. To enhance the interconnectedness of Minnesota's natural assets by creating physical connections between waterways, wetlands, woodlands, wildlife habitats and other natural areas; greenways, parks and other conservation lands; working farms, ranches and forests; and wilderness and other open spaces that support native species, maintain natural and ecological processes, sustain air and water resources, and contribute to the health and quality of life for Minnesota's communities and people. (From: The Conservation Fund and USDA Forest Service Green Infrastructure Working Group, 1999.)
- J. To maintain park resources for the benefit of current generations while reserving equal or greater benefit for future generations.
- K. Encourage gradual landscape change integrating the built

environment into the natural landscape by resisting inappropriate, intrusive built structures, excessive lighting and clutter associated with development.

Specific Policy

In administering and managing Outstate Regional Recreation Parks to meet these objectives, the Regional Park Council, subject to the LCMR, policy will be that:

1. The Regional Park Council will ensure that essential major facilities are barrier-free.
2. The Regional Park Council will make a concerted effort to interest and encourage special populations to make use of available barrier-free recreational opportunities.
3. The Regional Park Council will attempt to provide park users with access to the major natural features and recreational opportunities of the park or adjacent public lands when doing so does not unduly affect the aesthetic and natural characteristics of the area. Access to adjacent public lands will be provided only when approved by the managing agency and when consistent with the management objectives for the area.
4. All efforts shall be made to promote public transportation and work with suppliers of public transportation, other agencies, and the public to encourage public transportation to parks.
5. The Regional Park Council will seek to develop suitable trails or routes connecting public transportation stops and Outstate Regional Recreation Parks.
 - a. Every effort will be made to develop suitable trails and routes connecting the Regional Recreation Parks to urban areas, other recreation facilities, population centers, etc.
 - b. The Regional Park Council shall design pedestrian modes of transit as the primary means of transportation within the park, and between the urban, agricultural and natural areas.
 - c. Every effort shall be made to make non-automobile

dependant transportation the primary means of transportation within the Park and the Park District.

6. Management plans will identify the most desirable and energy-efficient long-term transportation alternatives to or within a park and present a strategy for their implementation.
7. Outstate Regional Recreation Parks will provide goods, services, and facilities necessary and appropriate for the use of a park's resources. The Regional Park Council will develop specific guidelines regarding acceptable and appropriate items and services to provide within a park and will cooperate with private and other public facilities for mutual benefit.
8. Appropriate complementary or auxiliary services and facilities developed by the private sector on adjacent or nearby lands will be encouraged. Nearby developments which adversely impact or are inappropriate to the resources of the park will be discouraged through ongoing coordination with the private sector and local units of government.

Examples: production of game birds on neighboring farms for use in hunting, nearby Community Supported Agricultural programs may provide goods for use by the park food service, guide service, instruction services, timber harvesting, equipment rental, lodging, etc.

9. A recreational event, pageant, celebration, festival, or other similar activity may be allowed by permit, providing it meets all of the following criteria:
 - a. It is an appropriate cultural or social event or appropriate recreational activity for the area
 - b. The event can be staged without undue impact on the park's recreational resources and natural setting, or on other park visitors
 - c. The benefits of the event outweigh the additional expense to the state of allowing the event
10. Services or concessions connected with a special event may

be allowed, by permit, if related to or necessary for the event.

11. Scientific and educational research projects which have been determined by the Regional Park Council or LCMR to contribute to knowledge of a park's resources and environment may be allowed, by permit, provided that the studies will not interfere with other public uses and will not have a significant impact on a park's resources. The Regional Park Council will review all research proposals, with review emphasis on anticipated findings and proposed research methodology. If necessary, bonding of researchers will be used to guarantee cleanup following completion of projects.
12. Motorized watercraft use may be restricted if it conflicts with recreational activities or management goals or impairs water quality.
13. Motor vehicles, including trail bikes and all-terrain vehicles, shall be prohibited except where expressly prohibited.
14. Preference for development may be given to parks which are near major population centers, are accessible by public transportation, have traditionally high user volumes, or have particularly unique resource values, but only when doing so does not conflict with other objectives and policies.

III. RESOURCE MANAGEMENT

General Policy

The Regional Park Council will rely on the following administrative objectives to ensure maintenance of a park's natural resource character in order to enhance the park's ecological, aesthetic, recreational, interpretive, and educational values.

- A. To direct resource management programs consisting of, but not limited to, wildlife, vegetation, and fisheries, toward establishing and maintaining native species and natural ecological balance. Re-establishment of presettlement biotic communities will be preferable.

- B. To direct wildlife management programs toward establishing and controlling wildlife population by natural means while maximizing game species for harvest by hunting.
- C. To direct vegetation management programs toward increasing the ability of the area to accommodate intensive use by large numbers of people, aiding education and interpretation, and enhancing the aesthetic qualities of the park.
- D. To direct fish management programs toward establishing and maintaining native aquatic species or desirable non-native species for recreational use.
- E. To prohibit surface and subsurface mineral extraction for commercial purposes.
- F. To direct water resource management within a Outstate Regional Recreation Parks toward providing recreational opportunities while protecting and conserving the park's water resources.
- G. To maintain urban and agricultural areas of a unique nature in their historic identity as a cultural, historic and aesthetic resource.

Specific Policy

In administering and managing Outstate Regional Recreation Parks to meet these objectives, policy will be that:

1. Where economically feasible, native wildlife and vegetation may be reintroduced, provided that this does not disrupt the desired ecological balance of the park, and that the species, with proper management, does not pose a serious threat to the safety of park visitors, park resources, or to persons or property outside of the park boundaries.
2. Hunting and trapping may be used as a means of controlling wildlife population after the safety of park visitors and management effectiveness has been addressed.
3. A park shall be inventoried for state and federal rare,

threatened, or endangered species and communities. Management decisions and activities will be directed towards enhancing or preserving these resources.

4. Agricultural food plots or other artificial feeding programs will be provided when there are no other reasonable alternatives for the protection of park resources, adjacent lands, and/or the perpetuation of a wildlife population. Where possible, wildlife will be observable in a pleasing natural setting.
5. Handling of all fires will be in compliance with the park fire plan. Prescribed burns as a vegetation management tool may be used. A specific burn plan will be developed, in cooperation with the relevant governmental agencies or private organizations, for each prescribed burn.
6. Harvesting of timber will be allowed only for achieving the vegetation management objectives of the park, resource protection, or when necessary for the health and safety of park visitors.
7. The Regional Park Council and other appropriate private or public entities shall work cooperatively to achieve the vegetative management objectives of the park.
 - a. Cooperative vegetative management agreements shall be developed for implementing each approved park management plan.
 - b. Commercial methods will be used for vegetation management when natural methods are not ecologically or economically practical.
8. Agricultural use of land within the park will be allowed where it supports the recreational opportunities of the park. Such agricultural areas shall be operated under Food Alliance Certification.
9. Chemical pesticides shall not be used within Outstate Regional Recreation Parks, except where approved by the Regional Park Council under established state statutes, for the following reasons:
 - a. When natural means have proven ineffective

- b. For control of insect outbreaks that threaten the ecological system of the park, or that constitute a direct threat to other lands
 - c. For perpetuation of unique or scientifically valuable specimens or communities
 - d. For maintenance of shade trees in developed areas
 - e. For reasons of public health and welfare
 - f. For reasons of users' enjoyment, provided that the ecological system will not be threatened
 - g. For implementation of a park's natural resource management programs
10. All natural resource management will strive to replicate natural appearance and community structure in details such as form, line, and texture, while maintaining the recreation value of the area.
11. Fish management programs may be directed toward maximizing the recreational use of the resource.
- a. Where feasible such management programs will abide by heritage fishing principles (*GeIndano* etc...)
 - b. Principles will include: technology limitations (no motors, depth finders, electronic imaging devices, etc.), strict catch limits, single-hook barbless artificial bait.
12. Fishing will be allowed. It may be prohibited in certain waters or at certain times when necessary to protect spawning grounds or when the fish and other aquatic life have greater value to the public for scientific study, interpretation, or environmental education.
13. Extraction of sand, gravel, and fill may take place only for routine park operation, and maintenance, or minor park development, and then only if all of the following conditions are met:

- a. The pit is contained in a designated area away from public use areas
 - b. The operation does not impair the integrity of the park or disturb original vegetation
 - c. Reclamation takes place as soon as practicable
14. Areas within the park which meet scientific and natural area criteria or historic preservation criteria shall be recommended for designation. Archaeological sites will be addressed in the management plan to assure their perpetuation and proper management.
 15. Research on resource management may be conducted within Regional Recreation Parks. Efforts will be made to document research practices and results of research projects, to gather these materials, and to make them available.
 16. A water impoundment may provide the primary element of a park's resources or value.

IV. DEVELOPMENT

General Policy

The Regional Park Council will rely on the following administrative objectives relative to development to ensure maintenance of a park's resources and recreational opportunities:

- A. To locate and design development in such a way as to:
 1. Promote the use and enjoyment of the natural environment with minimum disruption to the natural setting
 2. Provide a variety of facilities to enhance users' recreational experiences
 3. Separate activities so that an individual user's recreational experience is enhanced, while allowing for higher-density use and social interaction within each activity

4. Separate large-group use from individual or small-group use and/or control use in such a way that large groups do not dominate use areas of the park.
- B. To ensure that development in an Outstate Regional Recreation Park results in no significant deterioration of the park's air or water quality and no significant increase in noise levels.
- C. To allow for management areas to be delineated in order to guide management and development programs. A development area may be outlined in park plans as a method for focusing and limiting future development in appropriate areas of the park. Development will be limited to twenty percent of the park.
- D. To design and locate facilities in a manner that will be compatible with the aesthetic qualities of the park.
- E. To establish an architectural design theme and appropriate color combination for each park.
- F. To site, design, and construct buildings in a manner which emphasizes energy efficiency and energy conservation.
- G. Development of agricultural and urban areas within the park will protect and enhance the landscape character and quality, which means:
 - a. Development shall maintain the historical character of landscape by recognizing locally significant features and patterns such as, field boundaries or construction types and materials.
 - b. Preserve historical farming practices where feasible, or produce agricultural goods that the surrounding community and park can utilize.
 - c. Pedestrian connectivity between the urban areas and the natural areas of the park so that visitors and residents may get to their recreational activity by foot from the urban area.
- H. To give prime consideration in facility design, location,

and construction to user health and safety. In particular, all potential natural hazards will be considered.

- I. To conduct general planning of park utilities during the management planning process.
- J. To strive for LEED certification of all relevant buildings and structures.

Specific Policy

In developing Outstate Regional Recreation Parks to meet these objectives, policy will be that:

Park Roads

- 1. Unless infeasible, only one public entrance road shall be provided for each park. The need for additional, non-public access roads for emergency purposes shall be evaluated during the development of the management plan.
 - a. It is preferable that the entrance road be as close as possible to an urban area or well-traveled area as possible.
 - b. The entrance road will highlight the recreational opportunities that the park offers by encouraging the private sector to establish business presence to serve visitor's interests along the road.
 - c. Where feasible the entrance road should terminate at the interpretive center for the park, and from that termination point visitors should be able to park their vehicles and walk, or be transported to their destinations throughout the park.
- 2. When a new entrance road is needed, it will be designed to introduce visitors to representative/recreational features of the park.
- 3. Internal park roads or "drives" shall, in general, be kept to a minimum. New internal road development, when necessary, shall be directed towards minimizing: conflict with non-motorized park use; intrusion upon the park's natural/historic character; and diminishment of the

natural, cultural, aesthetic, or recreational values of the park or the purposes for which it has been established.

4. Roads will be constructed with minimum clearing, ditching, and grading in order to fit them into the landscape.
5. In designing road corridors, considerable preference shall be given to pedestrians and to other modes of transportation such as bicycles or horses.

Visitor Contact and Orientation

6. A visitor contact facility along the entrance road between the entry point and all other park facilities shall be developed for the purposes of visitor access, control, and orientation.
 - a. The entrance road should gradually introduce visitors to the character of the park.
 - b. Design features that encourage visitors to get out of their vehicles and approach the visitor/interpretive center by foot should be employed.
 - c. Those features should also encourage visitors to explore the local private sector shops and businesses.

Utilities and Transportation Corridors

7. Park utilities shall be located in existing utility and transportation corridors whenever possible and adhere to the following guidelines:
 - a. Local distribution lines will be placed underground
 - b. When existing technology does not allow utility lines and related structures to be buried, they shall be located and screened to minimize their impact on park resources and the recreational experiences of park users
 - c. Other managing agencies' plans for vegetation management under utility lines will be reviewed by the Division of Parks and Recreation

8. Other new utility corridors and transportation corridors across Regional Recreation Park lands shall be prohibited. Existing corridors shall be phased out when feasible.
9. Efforts will be made to work cooperatively with agencies managing utility and transportation corridors to minimize the impact of these corridors on the park.

Day Use Areas

10. Picnic areas and associated facilities will be provided in Outstate Regional Recreation Parks. They may be designed to allow social and group interaction.
11. Picnic sites to accommodate larger groups may be developed within the development area as necessary and desirable, and in such a way as not to conflict with other park users.
12. Open areas with limited facilities may be maintained for spontaneous recreational activities as long as they do not detract from the park setting or affect other park users' experiences.
13. Swimming areas and associated facilities may be provided in the form of beaches or impoundments.
14. Impoundments or pools for swimming may be permitted if the design is in a natural form. A demonstrated need for such a facility must be present.
15. Facilities related to water access sites, such as docks, fishing piers, or fish cleaning houses, may be developed as needed to accommodate appropriate park uses.
16. Creative play equipment may be allowed, provided that only play equipment which is suitable to and enhances the natural setting is used. Traditional municipal playground equipment will not be provided.
17. Facilities such as tennis courts, golf courses, ski and sliding lifts, and organized play fields, are encouraged to be developed by the private sector near the district to diversify the recreational offerings.

Lodging

18. Lodging structures may be permitted if they are aesthetically pleasing in character and complement recreational activities of the park. A demand for such a facility must be demonstrated.

The private sector is encouraged to provide lodging within in close proximity that is developed in the character of the surrounding area.

Camping Areas

19. Outstate Regional Recreation Parks may include one or more of the following campground types, depending on user demand and park resources:
 - a. Semi-modern campgrounds may be developed to accommodate individual and family-sized groups. Each campsite shall include a picnic table, fire ring, tent site, and parking space, and may include electric outlets if there is a demonstrated need and they do not compete with the private sector. Semi-modern campgrounds shall be served by running water, showers, and appropriate toilet facilities. Some double sites may be provided. Visual separation of sites will be obtained by spacing (not less than 80 feet between sites) and/or by vegetation screening between sites.
 - b. Rustic campsites may be developed to accommodate individual and family-sized groups. Each campsite shall include a picnic table, a fire ring, a tent pad, and parking space. Areas containing rustic campsites shall be served by sanitary facilities and water supplied by hand pumps or pressurized systems. Visual separation of sites will be obtained by spacing (not less than 120 feet between sites) and/or by vegetation screening between sites.
 - c. Primitive campsites may be developed for land or water trail users and shall be located in less developed areas of the park. Campsites will be individual sites, well separated to provide for a private wilderness experience. Each campsite shall be served by a fire ring, appropriate tent site, and pit toilet. Water

supplied by hand pump may be provided. A pack-out litter philosophy will be enforced.

- d. Primitive group camps may be developed as necessary and desirable, and in such a way as not to conflict with other park uses. Facilities shall be limited to vault or pit toilets, picnic tables, tent sites, fire rings, water supplied by hand pump, and may include an open or enclosed shelter building. Primitive group campgrounds shall be flexibly designed and shall be simultaneously handle one or more groups of varying sizes.
- e. Modern group camps (those with barracks, dining halls, and related buildings) shall not be provided unless an intensive demand for such a facility exists. Modern group camps should not compete with the private sector.

Trails

- 20. Hiking, ski touring, and snowshoeing trails shall be developed as necessary and desirable, provided that they do not conflict with the natural or cultural resources or other environmental considerations.
- 21. Snowmobile and horseback riding trails may be permitted within an Outstate Regional Recreation Park provided that they can be designed to minimize conflict with other park users, natural and cultural resources and other environmental considerations.
- 22. Bicycle trails may be provided within Outstate Regional Recreation Park provided that they do not conflict with natural and cultural resources and other environmental considerations.
 - a. Off-road bicycle trails may be provided, so long as they do not conflict with natural and cultural resources and other environmental conditions.
- 23. When feasible, trails will be designed for year-around use and be capable of providing high-quality interpretive opportunities while fulfilling other trail functions.

24. Trail orientation/information shall be provided at major trail access points. Trail centers or shelters will be provided only where justified by need and will be incorporated with other buildings whenever possible. Pit toilets may be provided in conjunction with trails.
25. Reasonable efforts shall be made to form partnerships with the private sector for development and maintenance of trails.
26. Interpretive facilities may be provided in Outstate Regional Recreation Parks. Primary interpretive developments (e.g., interpretive centers and orientation/information stations) shall be conveniently located along major park corridors and combined with other facilities when possible to allow for efficient use of park staff and other resources. Interpretive centers requiring their own exclusive staffing will be limited to parks where a demonstrated need for such a facility exists. Site-specific interpretive developments (e.g., interpretive signs, outdoor displays, or self-guiding trails) may be provided for self-interpretation at the resource site.

V. INTERPRETATION AND EDUCATION

Interpreting the relationship of Minnesotans to their environment will be the guiding theme for Outstate Regional Recreation Park interpretive programs. The statewide objective will be to interpret the geology, biology, history, prehistory, and aesthetics of Minnesota, by landscape region. Priorities by region will be set according to a natural and cultural history interpretive analysis.

General Policy

The Regional Park Council will rely on the following objectives in developing interpretive programs for Outstate Regional Recreation Parks:

- A. To identify each park's prime resource stories and the park's role in interpreting the natural and cultural history of the landscape region.
- B. To provide programs of two general types: those based on

the park's role as a protector of the region's landscape, cultural, and historical assets and those based on presenting park visitors with an introduction to an aspect of a recreational activity.

- C. To provide visitors with park information and orientation.
- D. To provide programs which support park management objectives.

Specific Policy

In administering and managing Outstate Regional Recreation Parks to meet these objectives, the Regional Park Council's policy will be that:

1. The interpretive role of an Outstate Regional Recreation Park will be identified by an inventory and analysis of the resources within the park which portray the natural, historic, ecologic, and cultural components of the landscape region.
2. Each of a park's natural components will be prioritized for interpretation according to:
 - a. The degree to which it represents the characteristics of the landscape region
 - b. The recreational activities that such a landscape region provides
3. Interpretive programs will be based on the following precepts:
 - a. A park's role (as defined by the analysis set forth in policy 1) will be used as a framework to guide the program's scope, content, services, and activities
 - b. Programs will supply the essential information inter-relationship among selected natural and cultural features, the landscape region, and the broader fields of science or human history to which the features relate

- c. Programs will be formulated in a manner that appeals to the broadest possible spectrum of park visitors
 - d. Program information will be based on sound knowledge and research
 - e. Information shall be provided in a manner which stimulates the physical senses, kindles the imagination, sharpens awareness of beauty, encourages a sense of trusteeship and respect for the land, and helps people to more fully understand and appreciate the natural environment
 - f. Programs of a strictly recreational or informational nature will exemplify and create awareness of a park's recreational opportunities
 - g. Recreational or informational-type programs will deal with activities and subjects corresponding to the needs and desires of visitors and the local community. Programming will promote a greater understanding of the impact of humans on the resource
4. Park information and orientation will be made readily available to visitors. The content of such information should include, but not be limited to a description of:
- a. The Minnesota Outdoor Recreation System
 - b. Recreational and interpretive opportunities available in the park
 - c. The park's significant resources and outstanding features
 - d. Recreational and cultural opportunities or facilities in the surrounding region
 - e. Location and proper use of facilities
 - f. Rules and regulations governing park use
 - g. Resources, activities and services provided by the private sector within the park and surrounding Regional Park District

5. Information and programs will periodically include discussions of the Regional Park Council and the LCMR's responsibilities, goals, policy, and resource management programs, in order to engender better understanding by the public of the Regional Park Council, other Regional Recreation Parks, Regional Park Districts, the LCMR, and other relevant state and federal agencies.
6. The interpretive program will use appropriate, up-to-date techniques.
7. When possible, the Regional Park Council will cooperate with conservation and environmental educators and allow on-site use of park resources and existing facilities when such use is compatible with the park's goal, objectives, and resources, and when the program complements the goal and objectives of the park's interpretive program.
8. When possible, on-site assistance to educators in their environmental studies programs will be provided.

Appendix C:

Adirondack Park Agency Act

WAVERLY VERMONTVILLE ROGER'S ROCK INDIAN LAKE
JAY MOOSE RIVER FRIENDS LAKE THENDARA
TAHAWUS GRAY CARRY FALLS RESERVOIR OXBOW
LAKE CLEMONS WHALLONSBURG RAINBOW LAKE
PORT KENT WILMINGTON HIGGINS BAY LOWS LAKE
SAINT REGIS FALLS CAROGA LAKE OSWEGATCHIE
ADIRONDACK
PERU ALBANY CENTER BRANT LAKE
DANNEMORA SUGARBUSH GOODNOW FLOW MOUNTAIN
VIEW WASHINGTON HASM FENER LAKE NICHOLVILLE
PARK
UPPER ST. REGIS LAKE QUEENSBURRY BLOOMINGDALE
EAGLE LAKE GREAT CANDAGA RESERVOIR RAY
BROOK FARMWATER PAUL SMITHS SARANAC LAKE
AGENCY
AUSABLE FORKS BROADALBIN STAR LAKE
VANDERBILT NORTHAMPTON FERRIS LAKE
ACT
VALCOUR ISLAND WILLSBORO WATSON LAKE PLACID
JOHNSBURG FORT ANN DEER RIVER FLOW MAYFIELD
STRATFORD FOURTH LAKE PUTNAM GIANT MOUNTAIN
NEWCOMB WADHAMS KEENE VALLEY MOODY PIGEON
LAKE WOODGATE LAKE LUZERNE BLEECKER LOON
LAKE SANTA CLARA CLIFTON HOFFMEISTER
PEPPERBOX LONG POND RAQUETTE FALLS WAKLEY
MOUNTAIN LITTLE TUPPER LAKE CEDAR RIVER ARIETTA
CHESTERTOWN LINCOLN POND NORTH ELBA EAGLE
BAY TWITCHELL LAKE OWL'S HEAD EMMONSBURG
HEARTHSTONE POINT BAKER'S MILLS IRONVILLE LYON
MOUNTAIN TROUT LAKE SPLIT ROCK STANDISH BLUE
RIDGE MINERVA POTTERSVILLE THIRTEENTH LAKE
ELIZABETHTOWN IRELAND VLY WHITEFACE MOUNTAIN
COREYS CHILDWOLD REDFORD SILVER BAY LEWIS
RIPARIUS PHARADISE BIG MOOSE FINE
ROCKWOOD RIVERVIEW KUNJAMUK CREEK WITHERBEE
GREIG RUSSIA ONCHIOTA OK SLIP BROOK PARADOX
ESSEX BUTTERMILK FALLS GRIZZLE OCEAN STARK
NEWTON FALLS LOG CHAPEL LAKE PLEASANT SABATTIS
SABAEAL LAKE GEORGE LAKE LILA DEBAR MOUNTAIN

AS AMENDED THROUGH THE CLOSE OF THE 1998
LEGISLATIVE SESSION

TABLE OF CONTENTS

Sections	Page
801. Statement of Legislative Findings and Purposes	1
802. Definitions	2
803. Adirondack Park Agency	7
803a. Adirondack Park Local Government Review Board	8
804. General Powers and Duties of the Agency	9
805. Adirondack Park Land Use and Development Plan	10
1. Adoption	10
2. Adirondack Park Land Use and Development Plan Map	10
3. Land Use Areas	11
c. Hamlet	12
d. Moderate Intensity Use	12
e. Low Intensity Use	13
f. Rural Use	14
g. Resource Management	14
h. Industrial Use	15
4. Development Considerations	16
806. Shoreline Restrictions	17
807. Local Land Use Programs.	19
808. Administration and Enforcement of Approved Local Land Use Programs	22
809. Agency Administration and Enforcement of the Land Use and Development Plan	23
810. Class A and Class B Regional Projects	28
1. Class A Regional Projects	28
a. Hamlet	28
b. Moderate Intensity Use	28
c. Low Intensity Use	29
d. Rural Use	29
e. Resource Management	30
f. Industrial Use	31
2. Class B Regional Projects	31
a. Moderate Intensity Use	31
b. Low Intensity Use	31
c. Rural Use	32
d. Resource Management	33
e. Industrial Use	33
811. Special Provisions Relating to Agency Project Review Jurisdiction and Shoreline Restrictions	34
812. Public Hearings	36
813. Penalties and Enforcement	37
814. State Agency Projects	38
815. Interim Development Controls	39
816. Master Plan for Management of State Lands	41
817. Activities of the United States in the Adirondack Park	41
818. Judicial Review	41
819. Applicability.	42
820. Severability	42

This document includes amendments to the APA Act (NYS Executive Law, Article 27)
through the close of the 1998 Legislative Session.

There have been no subsequent amendments through May 17, 1999, when this document was printed.

§ 801. Statement of legislative findings and purposes

The Adirondack park is abundant in natural resources and open space unique to New York and the eastern United States. The wild forest, water, wildlife and aesthetic resources of the park, and its open space character, provide an outdoor recreational experience of national and international significance. Growing population, advancing technology and an expanding economy are focusing ever-increasing pressures on these priceless resources.

Our forefathers saw fit nearly a century ago to provide rigid constitutional safeguards for the public lands in the Adirondack park. Today forest preserve lands constitute approximately forty percent of the six million acres of land in the park. The people of the state of New York have consistently reiterated their support for this time-honored institution.

Continuing public concern, coupled with the vast acreages of forest preserve holdings, clearly establishes a substantial state interest in the preservation and development of the park area. The state of New York has an obligation to insure that contemporary and projected future pressures on the park resources are provided for within a land use control framework which recognizes not only matters of local concern but also those of regional and state concern.

In the past the Adirondack environment has been enhanced by the intermingling of public and private land. A unique pattern of private land use has developed which has not only complemented the forest preserve holdings but also has provided an outlet for development of supporting facilities necessary to the proper use and enjoyment of the unique wild forest atmosphere of the park. This fruitful relationship is now jeopardized by the threat of unregulated development on such private lands. Local governments in the Adirondack park find it increasingly difficult to cope with the unrelenting pressures for development being brought to bear on the area, and to exercise their discretionary powers to create an effective land use and development control framework.

The basic purpose of this article is to insure optimum overall conservation, protection, preservation, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack park.

A further purpose of this article is to focus the responsibility for developing long-range park policy in a forum reflecting statewide concern. This policy shall recognize the major state interest in the conservation, use and development of the park's resources and the preservation of its open space character, and at the same time, provide a continuing role for local government.

The Adirondack park land use and development plan set forth in this article recognizes the complementary needs of all the people of the state for the preservation of the park's resources and open space character and of the park's permanent, seasonal and transient populations for growth and service areas, employment, and a strong economic base, as well. In support of the essential interdependence of these needs, the plan represents a sensibly balanced apportionment of land to each. Adoption of the land use and development plan and authorization for its administration and enforcement will complement and assist in the administration of the Adirondack park master plan for management of state land. Together, they are essential to the achievement of the policies and purposes of this article and will benefit all of the people of the state.

Accordingly, it is the further purpose of this article to adopt and implement the land use and development plan and to provide for the plan's maintenance, administration and enforcement in a continuing planning process that recognizes matters of local concern and those of regional and state concern, provides appropriate regulatory responsibilities for the agency and the local governments of the park and seeks to achieve sound local land use planning throughout the park.

§ 802. Definitions

As used in this article, unless the context otherwise requires, the following words and terms shall have the meaning ascribed to them.

1. "**Adirondack park**" or "**park**" means land lying within the area described in subdivision one of section 9-0101 of the environmental conservation law including any future amendments thereto.

2. "**Adirondack Park local government review board**" or "**review board**" means the board established in section eight hundred three-a.

3. "**Agency**" means the Adirondack park agency created by section eight hundred three of this article.

4. "**Accessory use**" means any use of a structure, lot or portion thereof that is customarily incidental and subordinate to and does not change the character of a principal land use or development, including in the case of residential structures, professional, commercial and artisan activities carried on by the residents of such structures.

5. "**Accessory structure**" means any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or development and that customarily accompanies or is associated with such principal land use or development, including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single family dwelling.

6. "**Agricultural service use**" means any milk processing plant, feed storage supply facility, farm machinery or equipment sales and service facility; storage and processing facility for fruits, vegetables and other agricultural products or similar use directly and customarily related to the supply and service of an agricultural use.

7. "**Agricultural use**" means any management of any land for agriculture; raising of cows, horses, pigs, poultry and other livestock; horticulture or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

8. "**Agricultural use structure**" means any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agriculture use.

9. "**Approved local land use program**" means any local land use program approved by the agency under

section eight hundred seven.

10. "**Campground**" means any area designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter.

11. "**Character description, policies, purposes and objectives of a land use area**" means those land use area character descriptions, policies, purposes and objectives of the land use and development plan contained in subdivision three of section eight hundred five.

12. "**Chief elected officer**" means in the case of a city, the mayor thereof; in the case of a town, the supervisor thereof; and in the case of a village, the mayor thereof.

13. "**Class A regional project**" and "**Class B regional project**" means the land use and development and subdivisions of land listed and so characterized in section eight hundred ten.

14. "**Classification of compatible uses lists**" means the land use and development plan's lists of primary uses and secondary uses for the land use area contained in subdivision three of section eight hundred five.

15. "**Clearcutting**" means any cutting of all or substantially all trees over six inches in diameter at breast height over any ten-year cutting cycle.

16. "**Commercial sand and gravel extraction**" means any extraction from the land of more than fifty cubic yards in any two year period of sand, gravel or topsoil (1) for the purpose of sale or use by persons other than the owner of the land or (2) for the purpose of use by any municipality.

17. "**Commercial use**" means any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee other than any such uses specifically listed on any of the classification of compatible uses lists.

18. "**Development considerations**" means the development considerations of the land use and development plan contained in subdivision four of section eight hundred five.

19. "**Existing land use or development**" or "**existing use**" means any land use or development in existence at any given time.

20. "**Existing subdivision of land**" or "**existing subdivision**" means any subdivision in existence at any given time.

21. "**Forestry use**" means any management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings, fences and forest drainage systems.

22. "**Forestry use structure**" means any barn, shed, garage, research, educational or administrative building or cabin directly and customarily associated with forestry use.

23. "**Group camp**" means any land or facility for seasonal housing and recreational, educational or business related use by private groups or semi-public groups, such as a boy scout camp, fraternal lodge or university or college conference center.

24. "**Industrial use**" means any manufacturing, production or assembly of goods or materials, including any on site waste disposal area directly associated with an industrial use. This term does not include mineral extractions, private and commercial sand and gravel extractions, sawmills, chipping mills, pallet mills and similar wood using facilities.

25. "**In existence**" means (a) with respect to any land use or development, including any structure, that such use or development has been substantially commenced or completed, and (b) with respect to any subdivision or portion of a subdivision, that such subdivision or portion has been substantially commenced and that substantial expenditures have been made for structures or improvements directly related thereto.

26. "**Junkyard**" means any open lot or area for the dismantling, storage or sale, as parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials or other discarded material.

27. "**Land**" means the earth, on or below the surface of the ground, including water and air above, the flora and fauna.

28. "**Land use or development**" or "**use**" means any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. Land use and development shall not include any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structure or uses.

29. "**Land use and development plan**" or "**plan**" means the Adirondack park land use and development plan prepared by the Adirondack park agency as directed by law, approved by the agency on March three, nineteen hundred seventy-three, adopted in subdivision one of section eight hundred five, including the plan map, and any amendments thereto, the provisions of the plan as contained in subdivisions three and four of section eight hundred five and sometimes referred to as the "provisions of the plan", and any amendments thereto, and the shoreline restrictions contained in section eight hundred six, and any amendments thereto.

30. "**Land use areas**" means the six types of land use areas of the land use and development plan delineated on the plan map and provided for in subdivision three of section eight hundred five.

31. "**Local government**" means any city, town or village whose boundaries lie wholly or partly within the Adirondack park, except that such term shall not include in the case of a town that portion thereof within any incorporated village.

32. "**Local land use program**" means any comprehensive land use and development planning and control program undertaken by a local government that includes local land use controls, such as zoning and subdivision regulations and a sanitary code, and governs land use and development and subdivision of land within the entire jurisdiction of the local government.

33. "**Major public utility use**" means any electric power transmission or distribution line and associated equipment of a rating of more than fifteen kilovolts which is one mile or more in length; any telephone inter-exchange or trunk cable or feeder cable which is one mile or more in length; any telephone distribution facility containing twenty-five or more pairs of wire and designed to provide initial telephone service for new structures; any television, cable television, radio, telephone or other communication transmission tower; any pipe or conduit or other appurtenance used for the transmission of gas, oil or other fuel which is one mile or more in length; any electric substation, generating facility or maintenance building and any water or sewage pipes or conduits, including any water storage tanks, designed to service fifty or more principal buildings. Any use which is subject to the jurisdiction of the public service commission pursuant to article seven or article eight of the public service law or other prior approval by the public service commission under the provisions of the public service law is not a major public utility use or a use for the purposes of this article except for the shoreline restrictions in which case the bodies having jurisdiction over such uses under such article or other provisions shall have the

authority of the agency or a local government under this article.

34. "**Master plan for management of state lands**" means the master plan for management of state lands referred to in section eight hundred sixteen.

35. "**Mineral extraction**" means any extraction, other than specimens or samples, from the land of stone, coal, salt, ore, talc, granite, petroleum products or other materials, except for commercial sand, gravel or topsoil extraction; including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps and mine drainage.

36. "**Mineral extraction structure**" means any mine hoist; ore reduction, concentrating, sintering or similar facilities and equipment; administrative buildings; garages or other main buildings or structures.

37. "**Mobile home**" means any self-contained dwelling unit that is designed to be transported on its own wheels or those of another vehicle, may contain the same water supply, sewage disposal and electric system as immobile housing and is used for either permanent or seasonal occupancy. A dwelling unit that is constructed in sections and transported to and assembled on the site is not considered a mobile home.

37-a. "**Mean high water mark**" means the average annual high water level.

38. "**Mobile home court**" means a parcel of land under single ownership which is designed and improved for the placement of two or more mobile homes upon units thereof.

39. "**Multiple family dwelling**" means any apartment, town house, condominium or similar building, including the conversion of an existing single family dwelling, designed for occupancy in separate dwelling units therein by more than one family.

40. "**Municipality**" means any municipal corporation, district corporation or public benefit corporation as such terms are defined in section three of the general corporation law, and any agency or instrumentality of the foregoing, except that the term public benefit corporation shall not include any such corporation any member of which is appointed by the governor.

41. "**New land use or development**" or "**new land use**" means any land use or development that is not a preexisting use.

42. "**New subdivision of land**" or "**new subdivision**"

means any subdivision of land that is not a preexisting subdivision.

43. "**Official Adirondack park land use and development plan map**" or "**plan map**" means the map portion of the land use and development plan on file at the headquarters of the Adirondack park agency as required in subdivision one of section eight hundred five.

44. "**Open space recreation use**" means any recreation use particularly oriented to and utilizing the outdoor character of an area; including a snowmobile, trail bike, jeep or all-terrain vehicle trail; cross-country ski trail; hiking and backpacking trail; bicycle trail; horse trail; playground, picnic area, public park, public beach or similar use.

45. "**Optional shoreline clustering provisions**" means those provisions set forth as an alternative to the shoreline restrictions in section eight hundred six.

46. "**Overall intensity guidelines**" means the overall intensity guidelines for development for the various land use areas of the land use and development plan as contained in subdivision three of section eight hundred five.

47. "**Person**" means any individual, corporation, partnership, association, trustee, municipality or other legal entity, but shall not include the state or any state agency.

48. "**Preexisting land use or development**" or "**preexisting use**" means any land use or development, including any structure, lawfully in existence prior to August one, nineteen hundred seventy-three, provided, however, that with respect to any land use or development exempt from the agency's interim project review powers under subdivision thirteen of section eight hundred fifteen until June one, nineteen hundred seventy-three, such date shall be substituted herein for August one, nineteen hundred seventy-three. For the purposes hereof, "lawfully" means in full compliance with all applicable laws, rules and regulations, including, without limitation, possession of and compliance with any permit or other approval required under the public health law, the environmental conservation law, any local or other governmental regulation.

49. "**Preexisting subdivision of land**" or "**preexisting subdivision**" means any subdivision or portion of a subdivision lawfully in existence prior to August one, nineteen hundred seventy-three, provided, however, that with respect to any subdivision or portion of a subdivision exempt from the agency's interim project review powers under subdivision thirteen of section eight hundred fifteen until June one, nineteen hundred seventy-three, such date shall be substituted herein for August one, nineteen hundred

seventy-three. For the purposes hereof, "lawfully" means in full compliance with all applicable laws, rules and regulations, including, without limitation, possession of and compliance with any permit or other approval required under the public health law, the environmental conservation law, any local or other governmental regulation.

50. "**Principal building**" means any one of the following:

- a. a single family dwelling constitutes one principal building;
- b. a mobile home constitutes one principal building;
- c. a tourist cabin or similar structure for rent or hire involving three hundred square feet or more of floor space constitutes one principal building;
- d. each dwelling unit of a multiple family dwelling constitutes one principal building;
- e. each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than three hundred feet of floor space, constitutes one-tenth of a principal building.
- f. each commercial use structure and each industrial use structure in excess of three hundred square feet constitutes one principal building, except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities, each eleven thousand square feet of floor space, or portion thereof, of such commercial use structures constitutes one principal building.
- g. all agricultural use structures and single family dwellings or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as a single principal building;
- h. any other structure which exceeds twelve hundred fifty feet of floor space constitutes one principal building;
- i. a structure containing a commercial use which is also used as a single family dwelling constitutes one principal building.

An accessory structure does not constitute a principal building.

51. "**Private sand, gravel or topsoil extraction**" means

any extraction from the land of sand, gravel or topsoil for the purpose of use, but not sale, by the owner of the land or any extraction for the purpose of sale of less than fifty cubic yards in any two year period.

52. "**Project**" means any new land use and development or subdivision of land that is subject to the review jurisdiction of either the agency or local government under this article.

53. "**Project sponsor**" means any person making application to the agency, or a local government for the review of a project.

54. "**Public or semi-public building**" means any component building of a college, school, hospital, animal hospital, library, place of worship, museum, research center, rehabilitation center or similar facility, or a municipal building.

55. "**Public utility use**" means any public utility use, equipment or structure which is not a "major public utility use." A public utility use does not include any use which is subject to the jurisdiction of the public service commission pursuant to article seven or article eight of the public service law.

56. "**Shoreline**" means that line at which land adjoins the waters of lakes, ponds, rivers and streams within the Adirondack park at mean high water.

57. "**Shoreline restrictions**" means those restrictions upon land use and development or subdivisions of land as contained in section eight hundred six.

58. "**Single family dwelling**" means any detached building containing one dwelling unit, not including a mobile home.

59. "**Ski center**" means any trail or slope for alpine skiing; including lifts, terminals, base lodges, warming huts, sheds, garages and maintenance facilities, parking lots and other buildings and structures directly and customarily related thereto.

60. "**State**" means the state of New York.

61. "**State agency**" means any department, bureau, commission, board or other agency of the state, including any public benefit corporation any member of which is appointed by the governor.

62. "**Structure**" means any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, single family

dwellings, mobile homes, signs, tanks, fences and poles, and any fixtures, additions and alterations thereto.

63. "**Subdivision of land**" or "**subdivision**" means any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.

64. "**Tourist accommodation**" means any hotel, motel, resort, tourist cabin or similar facility designed to house the general public.

65. "**Tourist attraction**" means any man-made or natural place of interest open to the general public and for which an admittance fee is usually charged, including but not limited to animal farms, amusement parks, replicas of

real or fictional places, things or people and natural geological formations.

66. "**Waste disposal area**" means any area for the disposal of garbage, refuse and other wastes, including sanitary landfills and dumps, other than an on-site disposal area directly associated with an industrial use.

67. "**Watershed management or flood control project**" means any dam, impoundment, dike, rip rap or other structure or channelization or dredging activity designed to alter or regulate the natural flow or condition of rivers or streams or the natural level or condition of lakes or ponds. Any such project for which a permit or approval is required prior to commencement from the department of environmental conservation is not a watershed management or flood control project or a use for the purposes of this article.

68. "**Wetlands**" means any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh which are either (a) one acre or more in size or (b) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation.

§ 803. Adirondack Park Agency

There is hereby created in the executive department, the Adirondack park agency, which shall consist of the following members: the commissioner of environmental conservation, the secretary of state, the commissioner of commerce and eight members to be appointed by the governor by and with the advice and consent of the senate. The governor shall designate a chairman from among the members appointed to the agency, who shall serve at the governor's pleasure. None of the members appointed by the governor shall be officers or employees of any state department or agency.

Five members appointed by the governor shall be full-time residents within the Adirondack park provided, however, that no two such members shall be residents of the same county except for such members initially appointed before January first, nineteen hundred seventy-three, who may be reappointed for additional successive terms. Three members appointed by the governor shall be residents of the state outside the Adirondack park. Not more than five appointed members shall be of the same political party.

All appointments shall be made for terms of four years; provided that the first member appointed by the governor pursuant to the increase of members from seven to eight shall be appointed for a term expiring on the thirtieth day of June, nineteen hundred seventy-six. Each of such appointed members of the agency shall hold office for the term for which he was appointed and until his successor shall have been appointed and qualified or until he shall resign or be removed in the manner provided by law. In the case of any

vacancy other than one arising by expiration of term, an appointment to fill the vacancy shall be made for the remainder of the unexpired term.

The designated chairman shall receive an annual salary of thirty thousand dollars. The other members of the agency, except those who serve ex officio, shall receive one hundred dollars per diem, not to exceed five thousand dollars per annum compensation for their services as members of the agency. All members, except those who serve ex officio, shall be allowed the necessary and actual expenses incurred in the performance of duties under this article.

A majority of the members of the agency shall constitute a quorum for the transaction of any business or the exercise of any power or function of the agency and affirmative vote by a majority of the members of the agency, except as is otherwise specifically provided in this article, shall be required to exercise any power or function of the agency. Votes of any member shall be cast in person and not by proxy. The agency may delegate to one or more of its members, officers, agents and employees, such powers and duties as it deems proper.

The commissioner of environmental conservation, and the commissioner of commerce and the secretary of state may, by official authority filed in their respective agencies, and with the Adirondack park agency, designate a deputy or other officer to exercise his powers and perform his duties, including the right to vote, on the agency.

§ 803-a Adirondack Park Local Government Review Board

1. For the purpose of advising and assisting the Adirondack park agency in carrying out its functions, powers and duties, there is hereby established the Adirondack park local government review board. Such board shall consist of twelve members, each of whom shall be a resident of a county wholly or partly within the park. No more than one member shall be a resident of any single county. Each member shall be appointed by or in the manner determined by the legislative body of each such county.

2. The members of the review board shall serve for such terms as shall be determined by their respective appointing authorities. Any member of the board may, if authorized by his appointing authority, designate an alternate to serve in his absence.

3. The review board shall elect, for such term as it may determine, a chairman from among its membership and such other officers as it deems necessary.

4. The review board shall meet regularly at least four times each year. Special meetings may be called by the

chairman and shall be called by him at the request of a majority of the review board.

5. No member of the review board shall be disqualified from holding any other office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special or local law.

6. The members of the review board shall receive no compensation for their services but their respective appointing authorities may provide for payment of their actual and necessary expenses incurred in the performance of their duties hereunder.

7. In addition to any other functions or duties specifically required or authorized in this article, the review board shall monitor the administration and enforcement of the Adirondack park land use and development plan and periodically report thereon, and make recommendations in regard thereto, to the governor and the legislature, and to the county legislative body of each of the counties wholly or partly within the park.

§ 804. General powers and duties of the agency

The agency shall have the power:

1. To sue and be sued;
2. To make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this article;
3. To establish and maintain such facilities as may be necessary for the transacting of its business;
4. To appoint an executive officer, officers, agents, employees, and prescribe their duties and qualifications and fix their compensation;
5. To utilize to the extent feasible the staff and facilities of existing state agencies, pursuant to an allocation to be made by the director of the budget;
6. To hold hearings and subpoena witnesses in the exercise of its powers, functions and duties provided for by this article;
7. To contract for professional and technical assistance and advice;
8. To contract for and to accept any assistance, including but not limited to gifts, grants or loans of funds or of property from the federal government or any agency or instrumentality thereof, or from any agency or instrumentality of the state, or from any other public or private source and to comply, subject to the provisions of this article, with the terms and conditions thereof, subject to the approval of the director of the budget;
9. To adopt, amend and repeal, after public hearing (except in the case of rules and regulations that relate to the organization or internal management of the agency), such rules and regulations, consistent with this article, as it deems necessary to administer this article, and to do any and all things necessary or convenient to carry out the purposes and policies of this article and exercise powers granted by law; and
10. To report periodically to the governor and the legislature on the conduct of its activities but not less than once a year, furnishing a copy of each such report to the clerk of the county legislative body of each county wholly or partly within the park and to the review board.

§ 805. Adirondack Park Land Use and Development Plan

1. Adoption; status report.

a. The Adirondack park land use and development plan is hereby adopted and shall hereafter serve to guide land use planning and development throughout the entire area of the Adirondack park, except for those lands owned by the state.

b. The agency shall, in consultation with the Adirondack park local government review board, continually review and evaluate the land use and development plan as an ongoing planning process in the light of changing needs and conditions. The agency shall consult and work closely with local governments and local, county and regional planning agencies in this ongoing planning process, particularly as it pertains to their respective territorial areas and jurisdictions. In February, nineteen hundred seventy-six, the agency shall submit a comprehensive report to the governor and the legislature, furnishing a copy thereof to the clerk of the county legislative body of each county wholly or partly within the park and to the review board concerning the status of this planning process and the administration and enforcement of the land use and development plan, as provided for herein, by the agency and local governments.

2. Official Adirondack park land use and development plan map.

a. The official Adirondack park land use and development plan map shall have the land use planning and regulatory effect authorized under this article.

b. Within twenty days after the enactment of this section, the agency shall file the official Adirondack park land use and development plan map, as approved by the agency on March third, nineteen hundred seventy-three, and filed in the capitol, at its headquarters and a certified copy thereof with the secretary of state and reasonable facsimiles thereof with the review board and the clerk of each county and local government wholly or partially within the Adirondack park. Within twenty days after any amendment to the plan map, whether by law or by the agency, except an amendment granting in part a request by the legislative body of a local government pursuant to subparagraph three of paragraph c of this subdivision, the agency shall enter such amendment on the plan map filed at its headquarters and file a certified copy thereof with the review board and each of the state and local officers with whom a copy of the plan map is on file hereunder. The agency shall enter and file amendments granting in part a request by the legislative body of a local government pursuant to subparagraph three of paragraph c of this subdivision no sooner than sixty days and no later than ninety days after making such

amendments. Such state and local officers shall enter such amendment on the plan map on file with them upon receipt of such certified copy in accordance with procedures prescribed by the agency. Such amendments shall take effect upon conclusion of such twenty-day or ninety-day filing period.

c. The agency may make the following amendments to the plan map in the following manner:

(1) Any amendment to reclassify land from any land use area to any other land use area or areas, if the land involved is less than twenty-five hundred acres, after public hearing thereon and upon an affirmative vote of two-thirds of its members, at the request of any owner of record of the land involved or at the request of the legislative body of a local government.

(2) Any amendment to reclassify land from any land use area to any other land use area or areas for which a greater intensity of development is allowed under the overall intensity guidelines if the land involved is less than twenty-five hundred acres, after public hearing thereon and upon an affirmative vote of two-thirds of its members, on its own initiative.

(3) Any amendment to reclassify land from any land use area to any other land use area or areas, if the reclassification effects a comprehensive review and evaluation of the plan map, at the request of the legislative body of a local government which has (a) completed and submitted to the agency a current and comprehensive inventory and analysis of the natural resource, open space, public, economic and other land use factors as may reflect the relative development amenability and limitations of the lands within its entire jurisdiction, and (b) formally adopted after public hearing a comprehensive master plan prepared pursuant to section two hundred seventy-two-a of the town law or section 7-722 of the village law, after public hearing thereon and upon an affirmative vote of a majority of its members. If the agency grants the amendment request in part, it shall not enter or file the amendment or amendments for a period of sixty days thereafter, during which time the legislative body of the local government may withdraw its request.

(4) Any amendment to clarify the boundaries of the land use areas as shown on the plan map, to correct any errors on the map or effect other technical changes on the map, upon an affirmative vote of a majority of its members and without a public hearing thereon, unless the agency determines that a public hearing is appropriate, on its own motion or at the request of the legislative body of a local

government or at the request of any owner of record of the land involved.

(5) Before making any plan map amendment, except pursuant to subparagraph four of this paragraph, the agency must find that the reclassification would accurately reflect the legislative findings and purposes of section eight hundred one of this article and would be consistent with the land use and development plan, including the character description and purposes, policies and objectives of the land use area to which reclassification is proposed, taking into account such existing natural resource, open space, public, economic and other land use factors and any comprehensive master plans adopted pursuant to the town or village law, as may reflect the relative development amenability and limitations of the land in question. The agency's determination shall be consistent with and reflect the regional nature of the land use and development plan and the regional scale and approach used in its preparation.

d. The agency may, after consultation with the Adirondack park local government review board, recommend to the governor and legislature any other amendments to the plan map after public hearing thereon and upon an affirmative vote of a majority of its members.

e. Upon receipt of a request to amend the plan map or upon determining to amend the map on its own initiative, the agency shall provide notice of receipt of the request or notice of the determination and a brief description of the amendment requested or contemplated to the Adirondack park local government review board, the chairman of the county planning agency, if any, the chairman of the appropriate regional planning board, and to the chief elected officer, clerk and planning board chairman, if any, of the local government wherein the land is located, and shall invite their comments.

f. The public hearings required or authorized in this subdivision shall be held by the agency in each local government wherein such land is located after not less than fifteen days notice thereof by publication at least once in a newspaper of general circulation in such local government or local governments, by conspicuous posting of the land involved, and by individual notice served by certified mail upon each owner of such land to the extent discernible from the latest completed tax assessment roll and by mail upon the Adirondack park local government review board, the persons named in paragraph e of this subdivision, and the clerk of any local government within five hundred feet of the land involved.

g. The agency shall act upon requests for amendments to the plan map within one hundred twenty days of receipt of a request in such form and manner as it shall prescribe;

provided, however, that in the case of requests concerning which it determines to hold a public hearing, it shall, within ninety days of receipt of the request, schedule the hearing and shall act within sixty days of the close of the hearing. In the case of a request received when snow cover or ground conditions prevent such field investigation as is necessary to act with respect to the request, or in the case of a request or series of related requests exceeding five hundred acres, the time periods herein provided shall be extended an additional ninety days or until adequate field inspection is possible, whichever is the lesser period. Any of the time periods specified in this paragraph may be waived or extended for good cause by written request of the applicant and consent of the agency or by written request of the agency and consent by the applicant.

3. Land use areas: character descriptions, and purposes, policies and objectives; overall intensity guidelines; classification of compatible uses lists.

a. The primary uses on the classification of compatible uses list for each land use area except hamlet areas, as set forth in this subdivision, are those uses generally considered compatible with the character, purposes, policies and objectives of such land use area, so long as they are in keeping with the overall intensity guidelines for such area. The secondary uses on such list are those which are generally compatible with such area depending upon their particular location and impact upon nearby uses and conformity with the overall intensity guidelines for such area.

b. The classification of compatible uses lists shall also include any additions thereto by agency amendment pursuant to this section, and the agency may, after consultation with the Adirondack park local government review board, recommend subtractions thereto to the governor and legislature upon an affirmative vote of a majority of its members and after public hearing thereon. The agency may amend the classification of compatible uses lists to make additions thereto after public hearing thereon and upon an affirmative vote of two-thirds of its members. A certified copy of the agency's resolution adopting such amendment shall, within twenty days after adoption thereof, be filed by the agency with the Adirondack park local government review board and the same state and local officers with whom the plan map is required to be filed under paragraph b of subdivision two and with the legislature. Such amendments shall take effect upon conclusion of such twenty-day filing period. The public hearings authorized or required in this paragraph shall be held in any county wholly or partially within the Adirondack park after not less than fifteen days notice thereof by publication at least once in a newspaper of general circulation in each county wholly or partially within

the park and in at least three metropolitan areas of the state, and individual notice served by mail upon:

(1) the chairman of the planning board, if any, and the clerk of each local government, and the chairman of the county planning agency, if any, and the clerk of each county, wholly or partially within the park;

(2) the chairman of each regional planning agency whose jurisdiction is wholly or partially within the park; and

(3) the Adirondack park local government review board.

c. Hamlet areas.

(1) Character description. Hamlet areas, delineated in brown on the plan map, range from large, varied communities that contain a sizeable permanent, seasonal and transient populations with a great diversity of residential, commercial, tourist and industrial development and a high level of public services and facilities, to smaller, less varied communities with a lesser degree and diversity of development and a generally lower level of public services and facilities.

(2) Purposes, policies and objectives. Hamlet areas will serve as the service and growth centers in the park. They are intended to accommodate a large portion of the necessary and natural expansion of the park's housing, commercial and industrial activities. In these areas, a wide variety of housing, commercial, recreational, social and professional needs of the park's permanent, seasonal and transient populations will be met. The building intensities that may occur in such areas will allow a high and desirable level of public and institutional services to be economically feasible. Because a hamlet is concentrated in character and located in areas where existing development patterns indicate the demand for and viability of service and growth centers, these areas will discourage the haphazard location and dispersion of intense building development in the park's open space areas. These areas will continue to provide services to park residents and visitors and, in conjunction with other land use areas and activities on both private and public land, will provide a diversity of land uses that will satisfy the needs of a wide variety of people.

The delineation of hamlet areas on the plan map is designed to provide reasonable expansion areas for the existing hamlets, where the surrounding resources permit such expansion. Local government should take the initiative in suggesting appropriate expansions of the presently delineated hamlet boundaries, both prior to and at the time of enactment of local land use programs.

(3) All land uses and development are considered compatible with the character, purposes and objectives of hamlet areas.

(4) No overall intensity guideline is applicable to hamlet areas.

d. Moderate intensity use areas.

(1) Character description. Moderate intensity use areas, delineated in red on the plan map, are those areas where the capability of the natural resources and the anticipated need for future development indicate that relatively intense development, primarily residential in character, is possible, desirable and suitable.

These areas are primarily located near or adjacent to hamlets to provide for residential expansion. They are also located along highways or accessible shorelines where existing development has established the character of the area.

Those areas identified as moderate intensity use where relatively intense development does not already exist are generally characterized by deep soils on moderate slopes and are readily accessible to existing hamlets.

(2) Purposes, policies and objectives. Moderate intensity use areas will provide for development opportunities in areas where development will not significantly harm the relatively tolerant physical and biological resources. These areas are designed to provide for residential expansion and growth and to accommodate uses related to residential uses in the vicinity of hamlets where community services can most readily and economically be provided. Such growth and the services related to it will generally be at less intense levels than in hamlet areas.

(3) Guidelines for overall intensity of development. The overall intensity of development for land located in any moderate intensity use area should not exceed approximately five hundred principal buildings per square mile.

(4) Classification of compatible uses:

Primary uses in moderate intensity use areas:

1. Single family dwellings.
2. Individual mobile homes.
3. Open space recreation uses.
4. Agricultural uses.
5. Agricultural use structures.
6. Forestry uses
7. Forestry use structures.

8. Hunting and fishing cabins and hunting and fishing and other private club structures.
9. Game preserves and private parks.
10. Cemeteries.
11. Private roads.
12. Private sand and gravel extractions.
13. Public utility uses.
14. Accessory uses and structures to any use classified as a compatible use.

Secondary uses in moderate intensity use areas:

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Agricultural service uses.
6. Commercial uses.
7. Tourist accommodations.
8. Tourist attractions.
9. Marinas, boat yards and boat launching sites.
10. Campgrounds.
11. Group camps.
12. Golf courses.
13. Ski centers.
14. Commercial seaplane bases.
15. Commercial or private airports.
16. Sawmills, chipping mills, pallet mills and similar wood using facilities.
17. Commercial sand and gravel extractions.
18. Mineral extractions.
19. Mineral extraction structures.
20. Watershed management and flood control projects.
21. Sewage treatment plants.
22. Major public utility uses.
23. Industrial uses.

e. **Low intensity use areas.**

(1) Character description. Low intensity use areas, delineated in orange on the plan map, are those readily accessible areas, normally within reasonable proximity to a hamlet, where the physical and biological resources are fairly tolerant and can withstand development at an intensity somewhat lower than found in hamlets and moderate intensity use areas. While these areas often exhibit wide variability in the land's capability to support development, they are generally areas with fairly deep soils, moderate slopes and no large acreages of critical biological importance. Where these areas are adjacent to or near hamlets, clustering homes on the most developable portions of these areas makes possible a relatively high level of residential units and local services.

(2) Purposes, policies and objectives. The purpose of

low intensity use areas is to provide for development opportunities at levels that will protect the physical and biological resources, while still providing for orderly growth and development of the park. It is anticipated that these areas will primarily be used to provide housing development opportunities not only for park residents but also for the growing seasonal home market. In addition, services and uses related to residential uses may be located at a lower intensity than in hamlets or moderate intensity use areas.

(3) Guidelines for overall intensity of development. The overall intensity of development for land located in any low intensity use area should not exceed approximately two hundred principal buildings per square mile.

(4) Classification of compatible uses:

Primary uses in low intensity use areas:

1. Single family dwellings.
2. Individual mobile homes.
3. Open space recreation uses.
4. Agricultural uses.
5. Agricultural use structures.
6. Forestry uses.
7. Forestry use structures.
8. Hunting and fishing cabins and hunting and fishing and other private club structures.
9. Game preserves and private parks.
10. Private roads.
11. Cemeteries.
12. Private sand and gravel extractions.
13. Public utility uses.
14. Accessory uses and structures to any use classified as a compatible use.

Secondary uses in low intensity use areas:

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Agricultural service uses.
6. Commercial uses.
7. Tourist accommodations.
8. Tourist attractions.
9. Marinas, boat yards and boat launching sites.
10. Golf courses.
11. Campgrounds.
12. Group camps.
13. Ski centers.
14. Commercial seaplane bases.
15. Commercial or private airports.
16. Sawmills, chipping mills, pallet mills and similar wood using facilities.

17. Commercial sand and gravel extractions.
18. Mineral extractions.
19. Mineral extraction structures.
20. Watershed management and flood control projects.
21. Sewage treatment plants.
22. Waste disposal areas.
23. Junkyards.
24. Major public utility uses.
25. Industrial uses.

f. Rural use areas.

(1) Character description. Rural use areas, delineated in yellow on the plan map, are those areas where natural resource limitations and public considerations necessitate fairly stringent development constraints. These areas are characterized by substantial acreages of one or more of the following: fairly shallow soils, relatively severe slopes, significant ecotones, critical wildlife habitats, proximity to scenic vistas or key public lands. In addition, these areas are frequently remote from existing hamlet areas or are not readily accessible.

Consequently, these areas are characterized by a low level of development and variety of rural uses that are generally compatible with the protection of the relatively intolerant natural resources and the preservation of open space. These areas and the resource management areas provide the essential open space atmosphere that characterizes the park.

(2) Purposes, policies and objectives. The basic purpose and objective of rural use areas is to provide for and encourage those rural land uses that are consistent and compatible with the relatively low tolerance of the areas' natural resources and the preservation of the open spaces that are essential and basic to the unique character of the park. Another objective of rural use areas is to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefit derived from a park atmosphere along these corridors.

Residential development and related development and uses should occur on large lots or in relatively small clusters on carefully selected and well designed sites. This will provide for further diversity in residential and related development opportunities in the park.

(3) Guideline for overall intensity of development. The overall intensity of development for land located in any rural use area should not exceed approximately seventy-five principal buildings per square mile.

(4) Classification of compatible uses.

Primary uses in rural use areas:

1. Single family dwellings.
2. Individual mobile homes.
3. Open space recreation uses.
4. Agricultural uses.
5. Agricultural use structures.
6. Forestry uses.
7. Forestry use structures.
8. Hunting and fishing cabins and hunting and fishing and other private club structures.
9. Game preserves and private parks.
10. Cemeteries.
11. Private roads.
12. Private sand and gravel extractions.
13. Public utility uses.
14. Accessory uses and structures to any use classified as a compatible use.

Secondary uses in rural use areas:

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Agricultural service uses.
6. Commercial uses.
7. Tourist accommodations.
8. Marinas, boat yards and boat launching sites.
9. Golf courses.
10. Campgrounds.
11. Group camps.
12. Ski centers.
13. Commercial seaplane bases.
14. Commercial or private airports.
15. Sawmills, chipping mills, pallet mills and similar wood using facilities.
16. Commercial sand and gravel extractions.
17. Mineral extractions.
18. Mineral extraction structures.
19. Watershed management and flood control projects.
20. Sewage treatment plants.
21. Waste disposal areas.
22. Junkyards.
23. Major public utility uses.
24. Industrial uses.

g. Resource management areas.

(1) Character description. Resource management areas, delineated in green on the plan map, are those lands where the need to protect, manage and enhance forest, agricultural, recreational and open space resources is of paramount importance because of overriding natural resource and public considerations. Open space uses, including forest

management, agriculture and recreational activities, are found throughout these areas.

Many resource management areas are characterized by substantial acreages of one or more of the following: shallow soils, severe slopes, elevations of over twentyfive hundred feet, flood plains, proximity to designated or proposed wild or scenic rivers, wetlands, critical wildlife habitats or habitats of rare and endangered plant and animal species.

Other resource management areas include extensive tracts under active forest management that are vital to the wood using industry and necessary to insure its raw material needs.

Important and viable agricultural areas are included in resource management areas, with many farms exhibiting a high level of capital investment for agricultural buildings and equipment. These agricultural areas are of considerable economic importance to segments of the park and provide for a type of open space which is compatible with the park's character.

(2) Purposes, policies and objectives. The basic purposes and objectives of resource management areas are to protect the delicate physical and biological resources, encourage proper and economic management of forest, agricultural and recreational resources and preserve the open spaces that are essential and basic to the unique character of the park. Another objective of these areas is to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefits derived from a park atmosphere along these corridors.

Finally, resource management areas will allow for residential development on substantial acreages or in small clusters on carefully selected and well designed sites.

(3) Guidelines for overall intensity of development. The overall intensity of development for land located in any resource management area should not exceed approximately fifteen principal buildings per square mile.

(4) Classification of compatible uses.

Primary uses in resource management areas:

1. Agricultural uses.
2. Agricultural use structures.
3. Open space recreation uses.
4. Forestry uses.
5. Forestry use structures.
6. Game preserves and private parks.
7. Private roads.

8. Private sand and gravel extractions.
9. Public utility uses.
10. Hunting and fishing cabins and hunting and fishing and other private club structures involving less than five hundred square feet of floor space.
11. Accessory uses and structures to any use classified as a compatible use.

Secondary uses in resource management areas:

1. Single family dwellings.
2. Individual mobile homes.
3. Hunting and fishing cabins and hunting and fishing and other private club structures involving five hundred square feet or more of floor space.
4. Campgrounds.
5. Group camps.
6. Ski centers and related tourist accommodations.
7. Agricultural service uses.
8. Sawmills, chipping mills, pallet mills and similar wood using facilities.
9. Commercial sand and gravel extractions.
10. Mineral extractions.
11. Mineral extraction structures.
12. Watershed management and flood control projects.
13. Sewage treatment plants.
14. Major public utility uses.
15. Municipal roads.
16. Golf courses.

h. **Industrial use areas.**

(1) Character description. Industrial use areas, delineated in purple on the plan map, include those areas that are substantial in size and located outside of hamlet areas and are areas (1) where existing land uses are predominantly of an industrial or mineral extraction nature or (2) identified by local and state officials as having potential for new industrial development.

(2) Purposes, policies and objectives. Industrial use areas will encourage the continued operation of major existing industrial and mineral extraction uses important to the economy of the Adirondack region and will provide suitable locations for new industrial and mineral extraction activities that may contribute to the economic growth of the park without detracting from its character. Land uses that might conflict with existing or potential industrial or mineral extraction uses are discouraged in industrial use areas.

(3) Classification of compatible uses.

Primary uses in industrial use areas:

1. Industrial uses.
2. Mineral extractions.
3. Mineral extraction structures.
4. Private sand and gravel extractions.
5. Commercial sand and gravel extractions.
6. Sawmills, chipping mills, pallet mills and similar wood using facilities.
7. Forestry uses.
8. Forestry use structures.
9. Agricultural uses.
10. Agricultural use structures.
11. Private roads.
12. Open space recreation uses.
13. Hunting and fishing cabins and hunting and fishing and other private club structures.
14. Public utility uses.
15. Major public utility uses.
16. Accessory uses and structures to any use classified as a compatible use.

Secondary uses in industrial use areas:

1. Commercial uses.
2. Agricultural service uses.
3. Public and semi-public buildings.
4. Municipal roads.
5. Sewage treatment plants.
6. Waste disposal areas.
7. Junkyards.

(4) No overall intensity guideline is applicable to industrial use areas.

4. **Development Considerations.**

The following are those factors which relate to potential for adverse impact upon the park's natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources and which shall be considered, as provided in this article, before any significant new land use or development or subdivision of land is undertaken in the park. Any burden on the public in providing facilities and services made necessary by such land use and development or subdivision of land shall also be taken into account, as well as any commercial, industrial, residential, recreational or other benefits which might be derived therefrom:

a. **Natural resource considerations.**

(1) **Water**

- (a) Existing water quality.
- (b) Natural sedimentation or siltation.
- (c) Eutrophication.
- (c) Existing drainage and runoff patterns.

- (e) Existing flow characteristics.
- (f) Existing water table and rates of recharge.

(2) **Land**

- (a) Existing topography.
- (b) Erosion and slippage.
- (c) Floodplain and flood hazard.
- (d) Mineral resources
- (e) Viable agricultural soils.
- (f) Forest resources.
- (g) Open space resources.
- (h) Vegetative cover.
- (i) The quality and availability of lands for outdoor recreational purposes.

(3) **Air**

- (a) Air quality.

(4) **Noise**

- (a) Noise levels.

(5) **Critical resource areas**

- (a) Rivers and corridors of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law.
- (b) Rare plant communities.
- (c) Habitats of rare and endangered species and key wildlife habitats.
- (d) Alpine and sub-alpine life zones.
- (e) Wetlands.
- (f) Elevations of twenty-five hundred feet or more.
- (g) Unique features, including gorges, waterfalls, and geologic formations.

(6) **Wildlife**

- (a) Fish and wildlife.

(7) **Aesthetics**

- (a) Scenic vistas.
- (a) Natural and man-made travel corridors.

b. **Historic site considerations.**

(1) **Historic factors**

- (a) Historic sites or structures.

c. **Site development considerations.**

(1) **Natural site factors**

- (a) Geology.
- (b) Slopes.
- (c) Soil characteristics.
- (c) Depth to ground water and other hydrological factors.

(2) Other site factors

- (a) Adjoining and nearby land uses.
- (d) Adequacy of site facilities.

d. Governmental considerations.

(1) Governmental service and finance factors

- (a) Ability of government to provide facilities and

services.

- (e) Municipal, school or special district taxes or special district user charges.

e. Governmental review considerations

(1) Governmental control factors

- (a) Conformance with other governmental controls.

§ 806. Shoreline restrictions

1. In order to provide adequate protection of the quality of the lake, ponds, rivers and streams of the park and the qualities of their shorelines, no person shall undertake any new land use or development or subdivision of land that involves any shoreline within the park, except in compliance, at a minimum, with the following restrictions. In addition, compliance with these restrictions shall be required by the agency in its review of any project under section eight hundred nine and, at a minimum, by any local government in the adoption and enforcement of a local land use program. All distances contained in these restrictions shall be measured horizontally. For the purpose of this section, any lot, parcel or site that adjoins a shoreline, includes a shoreline or, in whole or in part, is located at or within the minimum set back requirement as provided in subparagraph two of paragraph a of this subdivision, and any land use or development on such a lot, parcel or site, shall be deemed to involve that shoreline.

a. In the case of the shorelines of all lakes and ponds and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the environmental conservation law or any river or stream navigable by boat, including canoe, the following restrictions shall apply:

(1) The minimum lot width measured along the shoreline for each one family residential structure shall be fifty feet in hamlet areas, one hundred feet in moderate intensity use areas, one hundred twenty-five feet in low intensity use areas, one hundred fifty feet in rural use areas, and two hundred feet in resource management areas; provided that the minimum lot width for a lot not adjoining or including shoreline which is deemed to involve shoreline for the purposes of this section may be measured lateral to the shoreline at any point on the lot. Nothing herein shall be deemed to preclude the application of appropriate shoreline restrictions to new uses other than one family residential structures subject to project review by the

agency or to an approved local land use program.

(2) The minimum setback of all principal buildings and accessory structures in excess of one hundred square feet, other than docks or boathouses, from the mean high-water mark shall be fifty feet in hamlet areas and moderate intensity use areas, seventy-five feet in low intensity and rural use areas, and one hundred feet in resource management areas.

(3) The removal of vegetation, including trees, shall be permitted on shorefront lots provided the following standards are met:

(a) Within thirty-five feet of the mean high-water mark not more than thirty percent of the trees in excess of six inches diameter at breast height existing at any time may be cut over any ten-year period.

(b) Within six feet of the mean high-water mark no vegetation may be removed, except that up to a maximum of thirty percent of the shorefront may be cleared of vegetation on any individual lot. This provision shall be adhered to in addition to (a) above.

(c) The above cutting standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards.

(4) The following minimum shoreline frontages shall be required in all land use areas for deeded or contractual access to all such lakes, ponds, rivers or streams for five or more lots, parcels or sites or multiple family dwelling units not having separate and distinct ownership of shore frontage:

(a) Where five to twenty lots or multiple family dwelling units are involved, a total of not less than one

hundred feet.

(b) Where more than twenty and not more than one hundred lots or multiple dwelling units are involved, a minimum of three feet for each additional lot or multiple dwelling unit in excess of twenty.

(c) Where more than one hundred and not more than one hundred fifty lots or multiple dwelling units are involved, a minimum of two feet for each additional lot or multiple dwelling unit in excess of one hundred.

(d) Where more than one hundred fifty lots or multiple dwelling units are involved, a minimum of one foot for each additional lot or multiple dwelling unit in excess of one hundred fifty.

b. In the case of all lakes, ponds, rivers and streams, the minimum setback of any on-site sewage drainage field or seepage pit shall be one hundred feet from the mean high-water mark in all land use areas.

2. In all of the above restrictions, the term "mean high-water mark" shall mean the spillway elevation contour, which is at seven hundred seventy-one feet elevation above mean sea level, whenever the Great Sacandaga Lake is involved.

3. a. Any person seeking a variance from the strict letter of the shoreline restrictions in connection with any new land use or development or subdivision of land proposed to be located in a land use area governed by an approved local land use program shall make application therefor to the local government as provided in such approved local land use program. If a person is seeking such a variance in a land use area not governed by an approved local land use program, he shall make application therefor to the agency whether or not the agency has project review jurisdiction over the new land use or development or subdivision of land involved. Upon such application, and after public hearing thereon, the local government or the agency shall, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the restrictions, have authority to vary or modify the application of such restrictions relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of such restrictions shall be observed, public safety and welfare secured and substantial justice done.

b. The local government shall act upon any application to it within the time provided for in its local land use program. The agency shall act upon any application to it which is associated with a project subject to its review jurisdiction within the period provided in section eight

hundred nine. In the case of any other application, the agency shall schedule a public hearing within fifteen days of receipt of an application in such form and manner as it shall prescribe. The public hearing shall be commenced within thirty days of the date it is scheduled. The agency shall act upon a variance application within forty-five days of the receipt by the agency of a complete record, as that term is defined in paragraphs (a) through (e) of subdivision one of section three hundred two of the state administrative procedure act.

4. The shoreline restrictions shall not apply to any emergency land use or development which is immediately necessary for the protection of life or property as defined by the agency in its rules and regulations governing its procedures to review projects as authorized in section eight hundred nine.

5. In order to encourage clustering of buildings and the maintenance of undeveloped shorelines, as an alternative to minimum lot widths of the shoreline restriction, shoreline development may take place in the following land use areas upon the following approximate overall intensities of principal buildings (other than boathouses) per linear mile of shoreline or proportionate fraction thereof:

Land Use Areas	Principal Buildings Per Linear Mile
Hamlet	106
Moderate Intensity	53
Low Intensity	42
Rural Use	36
Resource Management	26

This alternative method of cluster shoreline development shall only be employed where a single ownership or a group of two or more owners acting in concert is involved. In addition, approval of this method of development must carry with it provisions, whether by deed restriction, restrictive covenant or other similar appropriate means, to insure the retention in open space of the undeveloped portions of shoreline developed on a cluster basis. The agency, within its project review jurisdiction, or a local government under an approved local land use program, may apply these optional shoreline clustering provisions. Any person proposing to undertake new land use or development or subdivision of land in a land use area not governed by an approved local land use program and that is not subject to the agency's project review jurisdiction, may apply to the agency for a permit to employ such alternative method and the agency shall have authority to grant such a permit if the above required terms and conditions are met. The agency shall act upon such application within thirty days after receipt thereof.

§ 807. Local land use programs

1. The agency is authorized to review and approve any local land use program proposed by a local government and formally submitted by the legislative body of the local government to the agency for approval. Within a period of ninety days after such submission, or such longer period as may be agreed upon in writing by the agency and the local government, the agency shall review the local land use program and approve or disapprove it, or approve it subject to conditions. The agency shall approve the local land use program if the agency determines that such program meets all of the criteria set forth in subdivision two. If the agency fails to take final action on the local land use program within such ninety-day or longer period agreed upon by the agency and local government, the local land use program shall be deemed approved by the agency and the agency shall, upon the request of the legislative body of the local government, issue a certification to such effect to such chief elected official. Amendments to an approved local land use program that do not relate or pertain to the criteria for approval of a local land use program set forth in subdivision two of section eight hundred seven shall not be subject to approval by the agency. All amendments to an approved local land use program that do relate to such criteria shall be subject to approval by the agency as set forth in subdivision two of section eight hundred seven for approval of an initial local land use program.

2. The agency shall approve a local land use program if the agency determines that such program meets all of the following criteria:

a. It is in furtherance and supportive of the land use and development plan.

b. It is compatible with the character descriptions and purposes, policies and objectives of the land use areas, and, in regard to its map, compatible with the plan map.

c. It reasonably applies the overall intensity guidelines for the land use areas in the light of the particular needs and conditions of the local government. In applying the overall intensity guideline for a given land use area, the local land use program may provide for both greater and lesser intensity of development within such area provided that the overall intensity shall not exceed such guideline. In no event, however, shall bodies of water, such as lakes or ponds, located in a land use area be taken into account in the application of the overall intensity guideline for such area. The local land use program may disregard principal buildings in existence on August one, nineteen hundred seventy-three in applying the overall intensity guidelines for a land use area. If it does so, the land directly related to

such principal buildings shall not be used in the computation of the total land area available for new principal buildings. The local land use program may be more restrictive than the overall intensity guidelines.

d. It reasonably applies the classification of compatible uses lists in the light of the needs and conditions of the local government. Accordingly, the local land use program may include uses not on these lists or exclude those that are on them, reclassify those classified on such lists as primary uses to secondary uses and those classified on such lists as secondary uses to primary uses, or prohibit any of the uses on such lists.

e. It incorporates at a minimum the shoreline restrictions as they relate to any shoreline within the local government. As an alternative to minimum lot sizes on shorelines, the optional shoreline clustering provisions contained in subdivision five of section eight hundred six may be employed in regard to all or specified portions of a shoreline in single ownerships or in situations involving a group of two or more owners acting in concert.

f. It requires review of class B regional projects and provides that any such project shall not be approved unless the local government body or officer having jurisdiction under the program determines that the undertaking or continuance of such project will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making this determination, as to the impact of the project upon the resources of the park, the local government body or officer having jurisdiction shall be required under the local land use program to apply the development considerations. The local land use program may expand upon the development considerations, but shall not eliminate any of them. The local land use program shall include a provision to insure that no class B regional project shall be disapproved except after public hearing thereon.

g. It contains adequate authority and provision for its administration and enforcement, including, at the option of the legislative body of the local government, authority to regulate any pre-existing land use or development, or any prefiled subdivision plat. The source of such authority shall be the municipal home rule law or any other applicable state enabling law. Notwithstanding any general or special law to the contrary, a local government may provide in its

local land use program, if such program is approved by the agency, for planning board action without public hearings on subdivision plats of less than five lots, parcels or sites, provided that no such provision may authorize the planning board to disapprove any subdivision plat without having first conducted a public hearing, as required by law. In addition, the legislative body of a local government may include in its local land use program, if such program is approved by the agency, and to the extent permissible within the proper exercise of the police power, such procedures as may be necessary and appropriate for the review of class B regional projects as required in paragraph f of this subdivision, and, in connection with the granting of a permit for such projects:

(1) authority to require restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to ensure that the overall intensity guidelines as applied in the local land use program shall be respected; and

(2) authority, to the extent otherwise authorized by law, to impose reasonable requirements and conditions to insure that an approved class B regional project will be adequately supported by services and improvements made necessary by such project and to insure that such a project shall be completed in accordance with the terms and conditions of the approval.

3. The agency may separately review and approve, disapprove, or approve subject to conditions, significant components of a local land use program which relate or pertain to the entire territorial jurisdiction of a local government, if proposed by the local government and formally submitted by its legislative body. The agency shall approve such components if the agency determines that such criteria of subdivision two of this section as shall be relevant to each such component are met. Provided, however, that the separately approved components of a local land use program shall not be deemed an approved local land use program for the purposes of this section, section eight hundred eight or section eight hundred nine of this article, unless and until all of the components of the local land use program shall have been approved pursuant to the terms of this subdivision or subdivision four of this section. Each such component shall be reviewed and acted upon in accordance with the procedures and within the time periods specified in subdivision one of this section relative to review of local land use programs.

4. The agency may review and approve, disapprove, or approve subject to conditions, an industrial site plan review law or ordinance, whether or not submitted as a component of a local land use program, if proposed by a local government and formally submitted by its legislative body.

The agency shall approve such law or ordinance if the agency determines that such criteria of subdivision two of this section as shall be relevant to industrial uses and to sawmills, chipping mills, pallet mills and similar wood using facilities are met. Such law or ordinance shall provide for the review of such uses and facilities pursuant to the criteria and procedures set forth in paragraph f of subdivision two of this section. Notwithstanding any general or special law to the contrary, such law or ordinance shall relate and pertain to not more than two particular sites totalling one hundred acres or less, identified by the local government after a comprehensive study of the entire area within its jurisdiction, as appropriate for industrial uses and wood using facilities; provided, however, that no such site shall be located in a resource management area and no such site may be located in a rural use area remote from existing hamlet areas, or along major travel corridors where a park atmosphere prevails. Upon approval, or approval subject to conditions by the agency, and upon valid enactment or adoption of such law or ordinance, the authority of the agency over such uses and facilities pursuant to sections eight hundred six and eight hundred nine of this article shall be vested in the local government, whether or not such uses are class A regional projects. Such laws or ordinances shall be reviewed and acted upon in accordance with the procedures and within the time periods specified in subdivision one of this section relative to review of local land use programs. Section eight hundred eight of this article shall govern the administration and enforcement of such laws or ordinances.

5. The agency may review and approve, disapprove or approve subject to conditions, a local land use program insofar as it relates or pertains to one or more land use areas within the territorial jurisdiction of the local government which in the aggregate is a significant geographical portion of the territorial jurisdiction of the local government, if proposed by the local government and formally submitted by its legislative body. The agency shall approve such program if the agency determines that all criteria of subdivision two of this section are met with respect to such geographical portion. If approved, or approved subject to conditions by the agency, such validly enacted or adopted program, insofar as it pertains to such geographical portion, shall be deemed an approved local land use program with respect to such geographical portion in accordance with the terms and conditions of such approval, for the purposes of this section, section eight hundred eight and section eight hundred nine of this article. Provided, that nothing contained in this subdivision shall supercede or be construed in derogation of the provisions and requirements of the town law and village law otherwise applicable to the valid enactment or adoption of such program. The program, insofar as it pertains to such geographical portion, shall be reviewed and acted upon in accordance with the procedures

and within the time periods specified in subdivision one of this section relative to review of local land use programs.

6. The agency shall, in its review of local land use programs, consult with appropriate public agencies, and shall provide opportunity for the Adirondack park local government review board and the appropriate county and regional planning agencies to review and comment on such programs under review.

7. The agency shall encourage and assist local governments in the preparation of local land use programs, including the provision of data, technical assistance and model provisions. Such model provisions shall be made available by the agency as soon as possible after the effective date of the adoption of the land use and development plan.

§ 808. Administration and enforcement of approved local land use programs

1. Local land use programs that have been approved by the agency and validly enacted or adopted shall be administered and enforced as provided for in such approved programs.

2. Upon receipt of an application to undertake any class B regional project that is permissible under an approved local land use program, the local government body or officer having jurisdiction thereof shall give written notice thereof to the agency, together with such pertinent information as the agency may deem necessary. The agency shall have standing to participate as a party in the local review of such project, including any public hearing thereon, and to have the issuance of a permit therefor by such body or officer reviewed under article seventy-eight of the civil practice law and rules and to bring proceedings in any court of competent jurisdiction to have any undertaking pursuant to such permit restrained, enjoined, corrected or abated.

3. Upon receipt of an application for a variance from any provision of an approved local land use program involving land in any land use area other than a hamlet, including any shoreline restriction, the local government body or officer having jurisdiction thereof shall give written notice thereof to the agency together with such pertinent information as the agency may deem necessary. If such variance is granted, it shall not take effect for thirty days after the granting thereof. If, within such thirty day period, the agency determines that such variance involves the provisions of the land use and development plan as approved in the local land use program including any shoreline restriction and was not based upon the appropriate statutory basis of practical difficulties or unnecessary hardships, the agency may reverse the local determination to permit the variance. If the agency so acts, the appropriate local government officer or body, as well as any other person aggrieved by such action, shall have standing to have such action reviewed under article seventy-eight of the civil practice law and rules.

4. The agency, after consultation with the Adirondack park local government review board, shall have standing to

institute a proceeding in any court of competent jurisdiction to revoke its approval of a local land use program and reassert its review jurisdiction over class B regional projects under section eight hundred nine whenever the agency determines by a two-thirds affirmative vote of its members that the local government body or officer having jurisdiction has repeatedly or frequently failed or refused, after due notice and requests from the agency, and with such body or officer having had full opportunity to be heard on all issues involved, to administer or enforce the approved local land use program to adequately carry out the policies, purposes and objectives of the approved program or of the land use and development plan. Not earlier than one year after any such successful reassertion by the agency, or such earlier time as may be mutually agreed to, the legislative body of the local government involved may submit its local land use program, or any amended version thereof, or a newly proposed program to the agency for approval as provided for in section eight hundred seven for the initial approval of a local land use program.

5. The agency shall be a party who shall be joined, pursuant to the terms of subdivision a of section one thousand one of the civil practice law and rules, in any action initiated by or against a local government, or an instrumentality, agent or employee thereof, in which the issues to be adjudicated relate or pertain to the criteria for approval of a local land use program set forth in subdivision two of section eight hundred seven of this article. In any other action initiated by or against a local government, or an instrumentality, agent or employee thereof, joinder of the agency shall be governed by the terms of section one thousand two of the civil practice law and rules.

6. In any action where the agency is a party pursuant to the first sentence of subdivision five of this section, the attorney general shall, at the request of the local government and without cost to local government, also represent the local government as to those issues which are common to both the agency and the local government, and as to which both seek the same or substantially similar determination.

§ 809. Agency administration and enforcement of the land use and development plan

1. The agency shall have jurisdiction to review and approve all class A regional projects, including those proposed to be located in a land use area governed by an approved local land use program and all class B regional projects in any land use area not governed by an approved and validly enacted or adopted local land use program.

All projects shall be reviewed and acted upon as expeditiously as practical. In particular, to facilitate the review of minor project applications, the agency shall develop simplified application forms to deal with such projects, and will comply with the special procedures for such projects set forth in this section. For the purposes of this section, "minor project" shall mean any individual single family dwelling or mobile home or any subdivision involving two lots, parcels or sites.

2. a. Any person proposing to undertake a class A regional project in any land use area, or a class B regional project in any land use area not governed by an approved and validly enacted or adopted local land use program, shall make application to the agency for approval of such project and receive an agency permit therefore prior to undertaking the project. Such application shall be filed in such form and manner as the agency may prescribe. The agency shall, upon receipt of such application, provide notice of receipt of the application and a brief description of the project to the Adirondack park local government review board, the chairman of the county planning board, if any, of the county wherein the project is proposed to be located, to the chairman of the appropriate regional planning board, and to the chief elected officer, clerk and planning board chairman, if any, of the local government wherein such project is proposed to be located. The agency shall, upon request, furnish or make a copy of the application available to the review board or to the officials listed in this paragraph.

b. On or before fifteen calendar days after the receipt of such application the agency shall notify the project sponsor by certified mail whether or not the application is complete. For the purposes of this section, a "complete application" shall mean an application for a permit which is in an approved form and is determined by the agency to be complete for the purpose of commencing review of the application but which may need to be supplemented during the course of review as to matters contained in the application in order to enable the agency to make the findings and determinations required by this section. If the agency fails to mail such notice within such fifteen-day period, the application shall be deemed complete. If the

agency determines the application is not complete, the notice shall include a concise statement of the respects in which the application is incomplete. The submission by the project sponsor of the requested additional information shall commence a new fifteen calendar day period for agency review of the additional information for the purposes of determining completeness. If the agency determines the application is complete, the notice shall so state.

A notice of application completion shall not be required in the case of applications for minor projects which the agency determines to be complete when filed. Such applications shall be deemed complete for the purposes of this section upon the date of receipt.

c. The project sponsor shall not undertake the project for a period of ninety days, or in the case of a minor project, forty-five days, following the date of such notice of application completion, or the date the application is deemed complete pursuant to the provisions of this section, unless a permit is issued prior to the expiration of such periods.

d. Immediately upon determining that an application is complete, the agency shall, except in relation to minor projects, cause a notice of application to be published in the next available environmental notice bulletin published by the department of environmental conservation pursuant to section 3-0306 of the environmental conservation law, which publication shall be not later than ten calendar days after the date of such notice. The time period for public comment on a permit application shall be stated in the notice of application. The agency shall at the same time mail a copy of the notice of application completion to the Adirondack park local government review board and to the persons named in paragraph a of subdivision two of this section, and invite their comments.

3. a. Within the time periods specified in paragraphs b and c of this subdivision, the agency shall make a decision on a permit application by notifying the project sponsor by certified mail of its decision to approve the project, approve the project subject to conditions or disapprove the project.

b. In the case of an application for a permit for which no public hearing has been held, the agency decision shall be mailed on or before ninety calendar days or, in the case of a minor project, forty-five calendar days, after the agency notifies the project sponsor that the application is complete or after the application is deemed complete pursuant to the provisions of this section.

c. In the case of an application for a permit for which a public hearing has been held, the agency decision shall be mailed on or before sixty calendar days after receipt by the agency of a complete record, as that term is defined in paragraphs (a) through (e) of subdivision one of section three hundred two of the state administrative procedure act.

d. If the agency determines to hold a public hearing on an application for a permit, the agency shall notify the project sponsor of its determination by certified mail on or before sixty calendar days or, in the case of a minor project, forty-five calendar days after the agency notifies the project sponsor that the application is complete or after the application is deemed complete pursuant to the provisions of this section. The determination of whether or not to hold a public hearing on an application shall be based on whether the agency's evaluation or comments of the review board, local officials or the public on a project raise substantive and significant issues relating to any findings or determinations the agency is required to make pursuant to this section, including the reasonable likelihood that the project will be disapproved or can be approved only with major modifications because the project as proposed may not meet statutory or regulatory criteria or standards. The agency shall also consider the general level of public interest in a project. No project may be disapproved without a public hearing first being held thereon.

e. If the agency has notified the project sponsor of its determination to hold a public hearing, the sponsor shall not undertake the project during the time period specified in paragraph c of this subdivision. The notice of determination to hold a public hearing shall state that the project sponsor has the opportunity within fifteen days to withdraw his application or submit a new application. A public hearing shall commence on or before ninety calendar days, or in the case of a minor project, seventy-five days, after the agency notifies the project sponsor that the application is complete or after the application is deemed complete pursuant to the provisions of this section. In addition to notice of such hearing being mailed to the project sponsor, such notice shall also be given by publication at least once in the environmental notice bulletin and in a newspaper having general circulation in each local government wherein the project is proposed to be located, by conspicuous posting of the land involved, and by individual notice served by certified mail upon each owner of record of the land involved, and by mail upon: the Adirondack park local government review board, the persons named in paragraph a of subdivision two of this section, any adjoining landowner, to the extent reasonably discernible from the latest completed tax assessment roll, and the clerk of any local government within five hundred feet of the land involved. Public hearings held pursuant to this section shall be consolidated or held jointly with other

state or local agencies whenever practicable.

4. The agency shall make provision in its rules and regulations adopted pursuant to subdivision fourteen of this section for the Adirondack park local government review board and county and regional planning agencies receiving notice under subdivision two to have opportunity to review and render advisory comments on the project under review by the agency.

5. Notice of an agency decision shall be given by mail to those entitled to individual notice of application under subdivision two and notice of hearing under subdivision three, if a hearing is held. If the decision is approval, the agency shall within ten days of issuance of its notification of approval grant a permit to the project sponsor to undertake the project. If the decision is approval subject to conditions, the agency shall grant a permit only upon satisfactory fulfillment of such conditions. Approval subject to conditions shall expire six months from the date of such approval, or such longer time as is specified in the notification or approval, unless a permit has been granted. An agency permit shall serve as authorization for the project sponsor to undertake the project in accordance with the terms and conditions thereof.

6. a. If the agency fails to mail a decision on an application for a permit within the time periods specified in paragraphs b and c of subdivision three of this section, the project sponsor may cause notice of such failure to be made to the agency by means of certified mail, return receipt requested, addressed to the agency at its headquarters office. If, within five working days after the receipt of such notice the agency fails to mail a decision, the application shall be deemed approved and a permit deemed granted subject to any standard terms or conditions applicable to such a permit and the agency shall provide the project sponsor with a written certification to this effect.

b. Any time period specified in this section may be waived and extended for good cause by written request of the project sponsor and consent of the agency, or by written request of the agency and consent of the project sponsor.

c. At any time during the review of an application for a permit or a request by a permit holder for the renewal, reissuance, or modification of an existing permit pursuant to subdivision eight of this section, the agency may request additional information from the project sponsor or permit holder with regard to any matter contained in the application or request when such additional information is necessary for the agency to make any findings or determinations required by law. Such a request shall not extend any time period for agency action contained in this section. Failure by the project sponsor or permit holder to

provide such information may be grounds for denial by the agency of the application or request.

7. a. A permit or certificate issued by the agency pursuant to subdivision five or six of this section shall expire within sixty days from the date thereof unless within such sixty day period such permit or certificate shall have been duly recorded in the name of the landowner in the office of the clerk of the county wherein the project is proposed to be located. Where a permit involves action in concert by two or more landowners as described by paragraph c of subdivision ten of this section, the permit shall be recorded in the name of each landowner.

b. A permit when properly recorded shall operate and be construed as actual notice of the right to undertake the project and of the terms and conditions imposed by such permit. Such right shall extend to and such terms and conditions shall be binding upon all subsequent grantees of the land area subject to the permit, except those conditions which by their nature or wording are to be performed by the original project sponsor and except as may be otherwise provided by the terms of such permit.

c. If a project for which a permit has been granted, or a certificate issued, is not in existence within two years after the recording of such permit or certificate, unless the terms of the permit provides for a longer period of time, the project may not thereafter be undertaken or continued unless an application for a new permit therefor has been applied for and granted in the same manner and subject to all conditions governing the application for and granting of a permit as provided in this section. In determining whether to provide a longer period of time by when the project must be in existence, the agency shall give due consideration to the potential of the land related to the project to remain suitable for the use allowed by the permit and to the economic considerations attending the project.

8. a. Upon the provision of notice stating the grounds for its action and giving an opportunity for hearing to the permit holder, the agency may modify, suspend or revoke a permit.

b. A permit holder may make written request to the agency for the renewal, reissuance, or modification of an existing permit. Such a request shall be accompanied by sufficient information supporting the request for the agency action sought.

(1) In the case of a request which does not involve a material change in permit conditions, the applicable law, environmental conditions or technology since the date of issuance of the existing permit, the agency shall on or before fifteen calendar days after the receipt of a request

mail a written determination to the permit holder of its decision on the request. If the decision is to deny the request, the permit holder shall be afforded an opportunity for hearing and notice of such decision shall be given by the agency in the next available issue of the environmental notice bulletin.

(2) In the case of a request which may involve a material change as described in subparagraph one of this paragraph, the agency shall on or before fifteen calendar days after the receipt of a request mail a written determination to the permit holder that the request shall be treated as an application for a new permit.

If pursuant to subparagraph one or two of this paragraph, the agency fails to mail a written determination to the permit holder within such fifteen calendar day period, the provisions of subdivision six of this section shall apply.

9. The agency shall not approve any class A regional project proposed to be located in a land use area governed by an approved local land use program, or grant a permit therefor, unless it first determines that such project meets all of the pertinent requirements and conditions of such approved local land use program and that the project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making this determination, as to the impact of the project upon such resources of the park, the agency shall consider those pertinent factors contained in the development considerations and provided for in such approved local land use program. The agency shall, in connection with its review of a project under this subdivision, make provision in its rules and regulations adopted under subdivision fourteen for the early involvement of the local government wherein such project is proposed to be located in the review of such project on an informal basis. Such local government shall have standing as a party in any public hearing on such project held by the agency.

10. The agency shall not approve any project proposed to be located in any land use area not governed by an approved local land use program, or grant a permit therefor, unless it first determines that such project meets the following criteria:

a. The project would be consistent with the land use and development plan.

b. The project would be compatible with the character

description and purposes, policies and objectives of the land use area wherein it is proposed to be located. If the project is on the classification of compatible uses list for the land use area involved, there shall be a presumption of compatibility with the character description, purposes, policies and objectives of such land use area. If the project is a class B regional project because, as provided in section eight hundred ten, it is not listed as either a primary use or a secondary use on the classification of compatible uses list for the land use area wherein it is proposed to be located, there shall be a presumption that such project would not be compatible with the character description, purposes, policies and objectives of such land use area and the burden shall be on the project sponsor to demonstrate such compatibility to the satisfaction of the agency.

c. The project would be consistent with the overall intensity guideline for the land use area involved. A landowner shall not be allowed to construct, either directly or as a result of a proposed subdivision, more principal buildings on the land included within the project than the overall intensity guideline for the given land use area in which the project is located. In determining the land use area upon which the intensity guideline is calculated and which is included within a project, the landowner shall only include land under his ownership and may include all adjacent land which he owns within that land use area irrespective of such dividing lines as lot lines, roads, rights of way, or streams and, in the absence of local land use programs governing the intensity of land use and development, irrespective of local government boundaries. Principal buildings in existence within the area included within a project, as such area is defined by the landowner, shall be counted in applying the intensity guidelines. As between two or more separate landowners in a given land use area the principal buildings on one landowner's property shall not be counted in applying the intensity guidelines to another landowner's project, except that two or more landowners whose lands are directly contiguous and located in the same general tax district or special levy or assessment district may, when acting in concert in submitting a project, aggregate such lands for purposes of applying the intensity guidelines to their lands thus aggregated. The area upon which the intensity guideline is calculated shall not include (a) bodies of water, such as lakes and ponds, (b) any land in the same ownership that is directly related to any principal building in existence on August first, nineteen hundred seventy-three, which land is not included in the project, and (c), in the case of any principal building constructed after August first, nineteen hundred seventy-three, any land in the same or any other ownership that was included within the area of any previous project in order to comply with the overall intensity guideline.

d. The project would comply with the shoreline

restrictions if applicable. The agency may require a greater setback of any on-site sewage drainage field or seepage pit than required under the shoreline restrictions if it determines that soils or other pertinent conditions require such greater setback to reasonably protect the water quality of the water body involved.

e. The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making this determination, as to the impact of the project upon such resources of the park, the agency shall consider those factors contained in the development considerations of the plan which are pertinent to the project under review.

11. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of the plan or the shoreline restrictions, the agency shall have authority in connection with a project under its review to vary or modify, after public hearing thereon, the application of any of such provisions or restrictions relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of the provisions or restrictions shall be observed, public safety and welfare secured and substantial justice done.

12. The agency may conduct such investigations, examinations, tests and site evaluations as it deems necessary to verify information contained in an application for a development permit, and the project sponsor, or owner of the land upon which the project is proposed, shall grant the agency or its agents permission to enter upon his land for these purposes.

13. The agency shall have authority to impose such requirements and conditions with its granting of a permit as are allowable within the proper exercise of the police power. The agency shall have specific authority in connection with its project review jurisdiction: a. To impose reasonable conditions and requirements, including the posting of performance bonds in favor of the local government as obligee, to ensure that any project for which a permit is granted will be adequately supported by basic services and improvements made necessary by the project. The cost of any such services or improvements may be imposed by requiring that the project sponsor provide the service or improvement or reserve land, or any interest therein, or contribute money in lieu thereof to the local government wherein the project is proposed to be located if such local government consents thereto. In the exercise of

the authority contained in this provision, the agency shall consult with the affected municipalities and give due consideration to their views.

b. To impose reasonable conditions and requirements to ensure that a project for which a permit is granted by the agency, when undertaken or continued, will be completed in accordance with the terms and conditions of the permit, and that the project sponsor furnish appropriate guarantees of completion or otherwise demonstrate financial capacity to complete the project or any material part thereof and furnish appropriate guarantees or otherwise demonstrate that the project will be managed and maintained once completed in accordance with the terms of the permit.

c. To impose reasonable conditions and requirements to ensure that upon approval of a project the applicable overall intensity guideline for the land use area involved will be respected. Such requirement may include the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means.

d. To allow, upon request of a project sponsor, projects to be reviewed conceptually, and thereafter or simultaneously therewith to be divided into and reviewed by sections, and to grant or deny permits for such sections. Conceptual determinations may be made, and sectional permits may be granted subject to the provision of those requirements and conditions for improvements and services for, and for completion of the total project as the agency deems reasonable and necessary. Conceptual review shall focus upon the existing environmental setting and the likely impacts which would result from the project, including all proposed phases or segments thereof, but shall not result in a binding approval or disapproval. The agency shall in rules and regulations establish criteria, guidelines, and procedures for the conceptual and sectional review of proposed projects. Except to the extent, and only for such period of time as otherwise specifically stated in the agency's decision upon an application for a sectional permit, the granting of any sectional permit shall not constitute a finding, or be binding upon the agency, with respect to any portion of the total project not included in the section for which the permit is granted.

e. To issue a general permit for any class of projects concerning which the agency determines it may make the requisite statutory findings on a general basis.

14. The agency may, after public hearing, adopt, and

have authority to amend or repeal, rules and regulations, consistent with the provisions of this section, to govern its project review procedures and to provide further guidance to potential project sponsors through further definition of the development considerations as they would apply to specific classes of projects in specific physical and biological conditions. Such rules and regulations may include but not be limited to:

a. Procedures prior to formal application to the agency for a permit for the informal discussion of preliminary plans for a proposed project and for preliminary approval or recommendations in regard to the project. Such informal discussion shall be optional with the project sponsor and no such preliminary approval or recommendations shall relieve the sponsor from complying with the provisions governing submission of a project for review and obtaining a permit therefor as provided in this section.

b. Procedures for cooperation and joint action, including joint hearings, insofar as practical, with other state agencies having review or regulatory jurisdiction which relates with that of the agency's so as to avoid unnecessary costs and burdens both to the state and to project sponsors and landowners.

c. Procedures to insure communication and discussion with any federal agency, including the Army Corps of engineers and the soil conservation service, in regard to any federal development proposals in the park.

Such agency rules and regulations, and amendments thereof, shall be adopted only after consultation with the Adirondack park local government review board and at least one public hearing thereon. Fifteen days notice of such hearing shall be made by publication at least once in a newspaper of general circulation in each county wholly or partially within the Adirondack Park and in at least three metropolitan areas of the state, and by individual notice served by mail upon the clerk of each county and each local government of the park, and the chairman of all local government, county and regional planning agencies having jurisdiction in the park. Such notice shall contain a statement describing the subject matter of the proposed rules and regulations, and the time and place of the hearing and where further information thereon may be obtained.

15. This section shall not apply to any emergency project which is immediately necessary for the protection of life or property as defined by the agency by rule and regulation adopted under subdivision fourteen.

§ 810. Class A and class B regional projects

All references in this article to class A regional projects or to class B regional projects shall mean, for the land use areas indicated, the following new land uses or development or subdivisions of land:

1. Class A regional projects.

a. Hamlet areas.

- (1) All land uses and development and all subdivisions of land involving wetlands except for forestry uses (other than timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres), agricultural uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
- (2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- (3) All land uses and development and all subdivisions of land involving one hundred or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
- (4) All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
- (5) Commercial or private airports.
- (6) Watershed management and flood control projects.
- (7) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

b. Moderate intensity use areas.

- (1) All land uses and development and all subdivisions of land located in the following critical environmental areas:
 - (a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;
 - (b) involving wetlands;

(c) at elevations of twenty-five hundred feet or more;

(d) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number nine below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

- (2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- (3) All land uses and development and all subdivisions of land involving seventy-five or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
- (4) Commercial or agricultural service uses involving ten thousand or more square feet of floor space.
- (5) All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
- (6) Tourist attractions.
- (7) Ski centers.
- (8) Commercial or private airports.
- (9) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.
- (10) Sawmills, chipping mills, pallet mills and similar wood using facilities.
- (11) Mineral extractions.
- (12) Mineral extraction structures.
- (13) Watershed management and flood control projects.
- (14) Sewage treatment plants.
- (15) Major public utility uses.
- (16) Industrial uses.
- (17) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

c. Low intensity use areas.

- (1) All land uses and development and all subdivisions of land located in the following critical environmental areas:

(a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;

(b) involving wetlands;

(c) at elevations of twenty-five hundred feet or more;

(d) within one-eighth mile of tracts of forest preserve land now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number nine below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

(2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.

(3) All land uses and development and all subdivisions of land involving thirty-five or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.

(4) Commercial or agricultural service uses involving five thousand or more square feet of floor space.

(5) All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.

(6) Tourist attractions.

(7) Ski centers.

(8) Commercial or private airports.

(9) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.

(10) Sawmills, chipping mills, pallet mills and similar wood using facilities.

(11) Mineral extractions.

(12) Mineral extraction structures.

(13) Watershed management and flood control projects.

(14) Sewage treatment plants.

(15) Waste disposal areas.

(16) Junkyards.

(17) Major public utility uses.

(18) Industrial uses.

(19) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

d. Rural use areas.

- (1) All land uses and development and all subdivisions of land located in the following critical environmental areas:

(a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;

(b) involving wetlands;

(c) at elevations of twenty-five hundred feet or more;

(d) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto;

(e) within one hundred fifty feet of the edge of the right of way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto;

(f) within one hundred fifty feet of the edge of the right of way of county highways designated by rule or regulation of the agency adopted pursuant to subdivision fourteen of section eight hundred nine or in an approved local land use program, as major travel corridors by the agency or local government, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number ten below and sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right of way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right of way of the above described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.

(2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or

at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.

- (3) All land uses and development and all subdivisions of land involving twenty or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
- (4) Commercial and agricultural service uses involving twenty-five hundred or more square feet of floor space.
- (5) All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
- (6) Tourist accommodations.
- (7) Ski centers.
- (8) Commercial seaplane bases.
- (9) Commercial or private airports.
- (10) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.
- (11) Sawmills, chipping mills, pallet mills and similar wood using facilities.
- (12) Mineral extractions.
- (13) Mineral extraction structures.
- (14) Watershed management and flood control projects.
- (15) Sewage treatment plants.
- (16) Waste disposal areas.
- (17) Junkyards.
- (18) Major public utility uses.
- (19) Industrial use.
- (20) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

e. Resource management areas.

- (1) All land uses and development and all subdivisions of land located in the following critical environmental areas:

(a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;

(b) involving wetlands;

(c) at elevations of twenty-five hundred feet or more;

(d) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for

management of state lands, except for an individual single family dwelling and accessory uses or structures thereto;

(e) within three hundred feet of the edge of the right of way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto;

(f) within three hundred feet of the edge of the right of way of county highways designated as major travel corridors by rule or regulation of the agency adopted pursuant to subdivision fourteen of section eight hundred nine or in an approved local land use program, except for an individual single family dwelling and accessory uses or structures thereto. Provided however, that the above shall not include forestry uses (other than clearcutting as specified in number eleven below and sand and gravel pits associated with such uses located within three hundred feet of the edge of the right of way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within three hundred feet of the edge of the right of way of the above described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any preexisting use.

- (2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- (3) All subdivisions of land (and all land uses and development related thereto) involving two or more lots, parcels or sites.
- (4) Campgrounds involving fifty or more sites.
- (5) Group camps.
- (6) Ski centers and related tourist accommodations.
- (7) Agricultural service uses.
- (8) All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
- (9) Sawmills, chipping mills and pallet mills and similar wood using facilities.
- (10) Commercial sand and gravel extractions.
- (11) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.
- (12) Mineral extractions.
- (13) Mineral extraction structures.
- (14) Watershed management and flood control projects.
- (15) Sewage treatment plants.
- (16) Major public utility uses.

- (17) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

f. Industrial use areas.

- (1) Mineral extractions.
- (2) Mineral extraction structures.
- (3) Commercial sand and gravel extractions.
- (4) Major public utility uses.
- (5) Sewage treatment plants.
- (6) Waste disposal areas.
- (7) Junkyards.
- (8) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

2. Class B regional projects.

a. Moderate intensity use areas.

- (1) Subdivisions of land (and all land uses and development related thereto) involving fifteen or more but less than seventy-five lots, parcels or sites, other than subdivisions of land involving mobile homes.
- (2) Subdivisions of land (and all land uses and development related thereto) involving less than fifteen lots, parcels or sites, other than subdivisions of land involving mobile homes, which do not meet the following criteria:

(a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least twenty-five thousand square feet in size and complies with all of the provisions of the shoreline restrictions.

(b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least forty thousand square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds fourteen.

- (3) Multiple family dwellings.
- (4) Mobile home courts.
- (5) Subdivisions of land involving mobile homes (and all land uses and development related thereto) and involving two or more lots, parcels or sites.

- (6) Public and semi-public buildings.
- (7) Municipal roads.
- (8) Commercial or agricultural service uses involving less than ten thousand square feet of floor space.
- (9) Tourist accommodations.
- (10) Marinas, boatyards and boat launching sites.
- (11) Golf courses.
- (12) Campgrounds.
- (13) Group camps.
- (14) Commercial seaplane bases.
- (15) Commercial sand and gravel extractions.
- (16) Land use or development or subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- (17) Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for moderate intensity use areas.
- (18) An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
- (19) All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
- (20) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

b. Low intensity use areas.

- (1) Subdivisions of land (and all land uses and development related thereto) involving ten or more but less than thirty-five lots, parcels or sites, other than subdivision of land involving mobile homes.
- (2) Subdivision of land (and all land uses and development related thereto) involving less than ten lots, parcels or sites which do not meet the following criteria:

(a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least fifty thousand square feet in size and complies with all of the provisions of the shoreline restrictions.

(b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least one hundred twenty thousand square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds nine.

- (3) Multiple family dwellings.
- (4) Mobile home courts.
- (5) Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.
- (6) Public and semi-public buildings.
- (7) Municipal roads.
- (8) Commercial or agricultural service uses involving less than five thousand square feet of floor space.
- (9) Tourist accommodations.
- (10) Marinas, boatyards and boat launching sites.
- (11) Golf courses.
- (12) Campgrounds.
- (13) Group camps.
- (14) Commercial seaplane bases.
- (15) Commercial sand and gravel extractions.
- (16) Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- (17) Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for low intensity use areas.
- (18) An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
- (19) All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
- (20) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

c. Rural use areas.

- (1) Subdivisions of land (and all land uses and development related thereto) involving five or more but less than twenty lots, parcels or sites, other than subdivisions of land involving mobile

homes.

- (2) Subdivisions of land (and all land uses and development related thereto) involving less than five lots, parcels or sites which do not meet the following criteria:

(a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least eighty thousand square feet in size and complies with all of the provisions of the shoreline restrictions of the plan.

(b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least three hundred twenty thousand square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds four.

- (3) Multiple family dwellings.
- (4) Mobile home courts.
- (5) Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.
- (6) Public and semi-public buildings.
- (7) Municipal roads.
- (8) Marinas, boatyards and boat launching sites.
- (9) Golf courses.
- (10) Campgrounds.
- (11) Group camps.
- (12) Commercial sand and gravel extractions.
- (13) Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- (14) All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
- (15) Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for rural use areas.
- (16) Commercial and agricultural service uses involving less than twenty-five hundred square feet.
- (17) An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water described in item (d) of clause (1) of paragraph d of subdivision one or within one hundred fifty feet of a travel corridor described in such paragraph.

- (18) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

d. Resource management areas.

- (1) Single family dwellings.
- (2) Individual mobile homes.
- (3) Forestry use structures.
- (4) Hunting and fishing cabins and hunting and fishing and other private club structures involving five hundred or more square feet of floor space.
- (5) Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided in the shoreline restrictions.
- (6) Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for resource management areas.
- (7) Municipal roads.
- (8) Golf courses.
- (9) An individual single family dwelling within one-eighth mile of tracts of forest preserve land or waters described in item (d) of clause (1) of paragraph d of subdivision one or within three hundred feet of a travel corridor described in such

paragraph.

- (10) Campgrounds involving fewer than fifty sites.
- (11) All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic and recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
- (12) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

e. Industrial use areas.

- (1) Sawmills, chipping mills, pallet mills and similar wood using facilities.
- (2) Industrial uses.
- (3) Commercial uses.
- (4) Agricultural service uses.
- (5) Public and semi-public buildings.
- (6) Municipal roads.
- (7) Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for industrial use areas.
- (8) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

§ 811. Special provisions relating to agency project review jurisdiction and the shoreline restrictions

1. Notwithstanding any other provision of this article, including the provisions of the land use and development plan and the shoreline restrictions, the following provisions shall apply in connection with the project review jurisdiction of the agency under section eight hundred nine and application of the shoreline restrictions either by the agency in the review of a project or by operation of section eight hundred six.

a. Single family dwelling on existing vacant lot.

One single family dwelling or mobile home shall be allowed to be built on any vacant lot which was on record on the date that this act shall become a law regardless of the overall intensity guidelines, or the minimum lot width provisions of the shoreline restrictions. For the purposes of this exemption, such a lot must not adjoin other lots in the same ownership, provided however, that all such lots in the same ownership may be treated together as one lot. In addition to the foregoing exemption, where the agency has jurisdiction, for a reason other than its location in a critical environmental area, of a single family dwelling or mobile home on a lot described in this paragraph which is owned by an individual who has continually owned such lot since May twenty-second, nineteen hundred seventy-three, it may not disapprove the project on any of the grounds specified in paragraph e of subdivision ten of section eight hundred nine, but may impose such reasonable conditions on the type and manner of placement of any individual on-site sewage disposal facilities as are in furtherance of the purposes of this article and in compliance with applicable standards of the department of health.

b. Conversions of certain existing uses.

Those structures in existence on the date that this act shall become a law that are associated with resort hotels, rental cottages and group camps shall be allowed to be converted from their previous use to individual single family residence use, notwithstanding the fact that such structures, as converted, do not conform to the overall intensity guidelines or the shoreline restrictions.

c. Gifts, devises and inheritances.

The mere division of land resulting from bona fide gift, devise or inheritance by and from natural persons shall not be subject to review by the agency. New land use or development on lots, parcels or sites conveyed by individuals, who on the date that this act shall become law own such land, to members of their immediate families by

bona fide gift, devise or inheritance, shall be exempt from the overall intensity guidelines and the minimum lot size criteria specified in the class B regional project lists for the purpose of constructing one single family dwelling or mobile home on any such lot, parcel or site.

2. Any pre-existing land use and development shall not be subject to review by the agency.

3. Any (a) pre-existing subdivision of land, (b) any subdivision or portion of a subdivision that involves seventy-five or fewer lots, parcels or sites for the completion of which any or all permits and other approvals required by or pursuant to law were obtained after July first, nineteen hundred seventy-one and for which all such required permits were in full force and effect on July thirty-first, nineteen hundred seventy-three, or (c) individual single family dwelling or mobile home, erected or placed on any lot, parcel or site in any subdivision referred to in clauses (a) and (b) hereof which has been approved by the state department of health, shall not be subject to review by the agency, provided, however, that a subdivision or portion of a subdivision described in clause (b) hereof shall become subject to review by the agency on August first, nineteen hundred seventy-four if such subdivision or portion is not in existence on said date. Any individual single family dwelling or mobile home referred to in clause (c) of this subdivision hereof shall not be subject to the minimum lot width provisions of the shoreline restrictions.

4. With respect to any land use or development or subdivision of land or portion thereof approved by the agency under its interim project review authority, in section eight hundred fifteen, such land use or development or subdivision or portion thereof may proceed in accordance with the terms of the approval and shall not be subject to further review by the agency so long as such land use or development or subdivision or portion thereof is substantially commenced and/or material expenditures and financial obligations have been incurred with regard to such land use or development or subdivision or portion thereof within two years of such approval.

5. Any existing land use or development, including any structure being restored or rebuilt in whole or in part, being increased or expanded, whether in successive stages or at one time, to a total of less than twenty-five percent of its size or square footage at the date of enactment or when originally built or undertaken, whichever is later, shall not be subject to review by the agency. Any material increase or expansion thereafter shall constitute a reviewable land

use or development if otherwise within the agency's review jurisdiction. In no case shall any increase or expansion violate, or increase non-compliance with, the minimum setback requirements of the shoreline restrictions. Notwithstanding the foregoing, a single family dwelling or

mobile home may always be enlarged or rebuilt to any extent provided that it continues to be used as such, provided, however, that no such increase or expansion shall violate, or increase any non-compliance with, the minimum setback requirements of the shoreline restrictions.

§ 812. Public hearings

1. Public hearings authorized or required by section eight hundred nine to be held by the agency in connection with the review of projects shall be conducted as provided in this section, the applicable project review rules and regulations of the agency adopted under subdivision fourteen of such section, and the state administrative procedure act.

2. Notice of such public hearings shall be given as required in section eight hundred nine. Individual notices of hearing required under such section shall be served by mail in the manner required by section eight hundred nine of this article to the last known address of such individuals. Individual notice of hearing shall also be so served on any other person or agency, public or private, as may be required under the agency's project review rules and regulations.

3. Parties to a public hearing shall be the project sponsor and any person or agency entitled to individual notice and any other person or agency as may be authorized under the agency's project review rules and regulations.

4. The public hearing may, if authorized by the agency's project review rules and regulations, be conducted

by any member or designee of the agency, but any findings, decision, order, permit or certificate of the agency shall be adopted by the agency, all members voting having familiarized themselves with the record.

5. The agency, or member or designee thereof presiding at the hearing shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

6. The parties shall be afforded the opportunity to present evidence and argument and, in the case of the project sponsor, any person or agency entitled by law to individual notice and any other public agency, to cross-examine witnesses on all relevant issues, but the member or designee presiding may impose reasonable limitations as to time and number of persons heard.

7. The agency shall keep a verbatim record of the proceedings and certified copies shall be made available, and for such reasonable charges, as may be provided by rule or regulation of the agency.

§ 813. Penalties and enforcement

1. Any person who violates any provision of this article or any rule or regulation promulgated by the agency, or the terms or conditions of any order or permit issued by the agency pursuant to this article shall be liable to a civil penalty of not more than five hundred dollars for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the agency by the attorney general on his own initiative or at the request of the agency.

2. Alternatively or in addition to an action to recover the civil penalties provided by subdivision one of this section, the attorney general may institute in the name of the agency any appropriate action or proceeding to prevent, restrain, enjoin, correct or abate any violation of, or to enforce any provision of this article or any rule or regulation promulgated by the agency, or the terms or

conditions of any order or permit issued by the agency pursuant to this article. The court in which the action or proceeding is brought may order the joinder of appropriate persons as parties and may order the appropriate person or the person responsible for the violation to take such affirmative measures as are properly within its equitable powers to correct or ameliorate the violation, having regard to the purposes of this article and the determinations required by subdivision ten of section eight hundred nine.

3. Such civil penalty may be released or compromised by the agency before the matter has been referred to the attorney general, and where such matter has been referred to the attorney general, any such penalty may be released or compromised and any action or cause of action commenced to recover the same may be settled or discontinued by the attorney general with the consent of the agency.

§ 814. State agency projects

1. Any state agency which intends to undertake any new land use or development within the Adirondack park, other than land use or development by the department of environmental conservation pursuant to the master plan for management of state lands, irrespective of whether the land use area wherein the project is proposed to be located is governed by an approved local land use program shall give due regard to the provisions of the plan and the shoreline restrictions and shall file a notice of such intent thereof with the agency. Such notice shall be filed at the earliest time practicable in the planning of such project, and in no event later than the submission of a formal budget request for the funding of such project or any part thereof. Such notice shall contain a description of the proposed project, together with such additional information relating thereto as the agency may determine necessary and appropriate for the purposes of this section. The state agency shall not undertake such project for a period of thirty days, or such earlier time as the agency may specify, following the filing of the notice of intent.

2. During such thirty day period, the agency may review the project to determine whether it:

a. might be inconsistent with the provisions of the plan and shoreline restrictions, or

b. may have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park, taking into account the economic and social benefits to be derived from such project. In making such determination, the agency

shall apply the development considerations.

3. If, on or before the conclusion of such thirty-day period, the agency determines that the project will not be inconsistent with such provisions or restrictions and will not have an undue adverse impact upon such resources, it shall report its findings to the state agency. If the agency determines, at or before the conclusion of such period, that the project might be inconsistent with such provisions or restrictions, or might have such an undue adverse impact upon such resources, it shall notify the state agency by mail, that the agency will hold public hearing on the project within thirty days of such notice and, at the same time, issue an order to the state agency not to undertake the project for up to ninety days following the commencement of such public hearing. During such ninety-day or lesser period, the agency shall further review the project and determine whether or not it will be inconsistent with such provisions or restrictions or have such undue adverse impact. On or before the conclusion of such ninety-day period, the agency shall report its findings in the manner provided above.

4. This section shall not apply to any emergency project which is immediately necessary for the protection of life or property as defined by the agency by rule and regulation.

5. The agency may adopt, and have authority to amend or repeal, rules and regulations, consistent with this section, to govern its procedures for the reviews authorized by this section.

§ 815. Interim development controls

1. The legislature hereby finds that development is taking place in the Adirondack park which threatens the accomplishment of the basic purpose of this article to insure optimum overall conservation, protection, preservation, development and use of the park's unique scenic, historic, ecological and natural resources. Such development presents an imminent danger to the integrity of an area of the state which has always been considered a priceless possession of the people of this state. If such development is left uncontrolled until the land use and development plan is effective and its implementation is underway, the purposes of this article may be irreparably and irreversibly compromised. It would, therefore, be prejudicial to the interests of the people of the state to delay regulatory action until the land use and development plan becomes effective as adopted in this article. Accordingly, the agency is authorized until August one, nineteen hundred seventy-three to exercise the powers set forth in this section.

2. The agency shall, after public hearing, adopt, and may from time to time amend, rules and regulations to carry out the purposes of this section for the review of any proposed development in the Adirondack park which might have an adverse effect upon the park's unique scenic, historic, ecological and natural resources, hereinafter referred to as a project, including criteria by which such project shall be evaluated by the agency. Such review shall not include review of projects on state lands within the park. The rules and regulations of the agency currently in force and effect shall remain in force to the extent consistent with this section and unless and until otherwise amended.

3. Before adopting or amending such rules and regulations, the agency shall submit them to the department of environmental conservation for comments and recommendation.

4. Such rules and regulations may exclude projects in specified areas or specified kinds of projects and shall exclude (a) bona fide management, including logging, of forests, woodlands or plantations or the construction or maintenance of wood roads, landings or temporary structures, directly associated with such management, (b) bona fide management of land for agriculture, livestock raising, horticulture and orchards and (c) any project involving less than five acres and fewer than five lots, from review under this section.

5. Such rules and regulations shall set forth a procedure for the informal discussion of preliminary and informal plans for a project and for preliminary approval or recommendations by the agency with respect to the project.

Such informal discussion shall be optional with the project sponsor, and no such preliminary approval or recommendations by the agency shall relieve any agency or person from complying with any provision of this section.

6. This section shall not apply to any emergency project which is immediately necessary for the protection of life or property as defined by the agency by rule and regulation.

7. A public or private agency or person proposing to undertake a project subject to review under this section or the rules and regulations adopted hereunder, shall submit to the agency a description thereof, in such form and manner as shall be sufficient to enable the agency to make the findings and determinations required by this section. For a period of ninety days following the submission of such description to the agency, or until such earlier time as the agency may specify, such agency or person shall not undertake or continue such project. The agency shall review such description to determine the effect of the proposed project upon the scenic, historic, ecological and natural resources of the park, and to assess the commercial, industrial, residential, recreational or other benefits of the project.

8. If, on or before the conclusion of such ninety-day period and after a public hearing is held on the project in accordance with subdivision nine the agency finds that the proposed project (1) is not in substantial conformity with the policies of this article and (2) would have a substantial and lasting adverse impact upon such resources of the park, it may issue an order upon the project sponsor prohibiting the commencement or continuation of the project until August first, nineteen hundred seventy-three. The findings and order of the agency shall be in writing and notice of the findings and order shall be mailed to persons to whom it is directed at their last known address.

9. Notice of a formal hearing shall be given by conspicuous posting of the land which is or will be subject to the agency action in question and by publication at least once in a newspaper of general circulation in the county or counties wherein such land is situated. In addition, individual notice shall be given by depositing the same in the mails addressed at the last known address to: (1) The owner or owners of the land which is or will be subject to the agency order; (2) the public or private agency or person proposing to undertake the project; and (3) the local government or local governments exercising jurisdiction over the land which is or will be subject to the agency order.

Notices shall be given at least seven days in advance of the hearing and shall contain a statement describing the matters to be considered at the hearing, the time and place where further details may be obtained, and the time and place of the hearing.

10. Any review and determination made pursuant to this section shall take into account existing local controls.

11. All orders made by the agency shall be enforceable by appropriate proceedings at law or in equity and any person who violates any provision of this section or rules, regulations and orders adopted pursuant thereto may be fined for not more than five hundred dollars or imprisoned not more than thirty days, or both. Each day the violation continues is hereby deemed to be a separate offense for purposes of determining the amount of such fines and length of imprisonment.

12. A project which has been approved by the agency shall also be subject to approval by local government if such approval is required by law.

13. In regard to a project with respect to which the ninety-day period specified in subdivision seven hereof has been commenced on or before July thirty-first, nineteen hundred seventy-three, unless the agency approves said

project in accordance with the provisions of this section, the project sponsor may not undertake said project if it is of a type subject to the agency's project review jurisdiction under section eight hundred nine until the sponsor has obtained a permit therefor as required therein.

14. If the agency approves a project reviewed under this section, the project sponsor may request, within ten days thereafter, and the agency shall issue within ten days after receipt of such request, a certificate to the effect that the project is approved and may be undertaken or continued, and that permit therefor as called for in section eight hundred nine is not required for such project so long as the project is completed within two years after issuance of such certificate. Irrespective of whether a certificate is issued pursuant to this section, a permit shall be required for the undertaking or continuation of a project approved under this section if such project is not completed within two years after its approval.

15. For the purposes of this section, the term "development" shall mean any activity which materially affects the existing conditions, use or appearance of any land, structure or improvement including the division of any land into parcels or units but shall not include the division of any land resulting from devise, inheritance, gift or operation of law.

§ 816. Master plan for management of state lands

1. The department of environmental conservation is hereby authorized and directed to develop, in consultation with the agency, individual management plans for units of land classified in the master plan for management of state lands heretofore prepared by the agency in consultation with the department of environmental conservation and approved by the governor. Such management plans shall conform to the general guidelines and criteria set forth in the master plan. Until amended, the master plan for management of state lands and the individual management plans shall guide the development and management of state lands in the Adirondack park.

2. The master plan and the individual management plans shall be reviewed periodically and may be amended from time to time, and when so amended shall as amended henceforth guide the development and management of state lands in the Adirondack park. Amendments to the master plan shall be prepared by the agency, in consultation with the department of environmental conservation, and submitted after public hearing to the governor for his approval.

3. The agency and department are hereby authorized to develop rules and regulation necessary, convenient or desirable to effectuate the purposes of this section.

§ 817. Activities of the United States in the Adirondack park

1. It is hereby declared to be the policy of this state that new land use or development or acquisition of land by the United States within the Adirondack park shall conform to the land use and development plan and the master plan for the management of state lands so far as practicable, and to any further extent as the Congress of the United States may by law provide.

2. The agency may, on request of the United States, advise whether any particular proposed land use and development or acquisition will conform to the land use and development plan or the master plan.

§ 818. Judicial review

1. Any act, omission, or order of the agency or of any officer or employee thereof, pursuant to or within the scope of this article, may be reviewed at the instance of any aggrieved person in accordance with article seventy-eight of the civil practice law and rules, but application for such review must be made not later than sixty days from the effective date of the order or the date when the act or omission occurred.

2. Any local government which appears as a party in any proceeding before the agency, shall have standing to have the agency's decision on such project reviewed pursuant to article seventy-eight of the civil practice law and rules.

§ 819. Applicability

1. No provision of this article shall be construed to prohibit any local government from adopting and enforcing land use and development controls for lands, other than those owned by the state.

2. Any local land use program which has been validly enacted or adopted by a municipality shall be valid and enforceable notwithstanding its not having been approved by the agency, and any new land use or development or subdivision of land shall be subject to the provisions of such local land use program and to the shoreline restrictions contained in section eight hundred six. If the agency has project review jurisdiction over any such land use or development or subdivision of land under section eight hundred nine, such land use, development or subdivision shall, in addition to its being subject to the provisions of any such local land use program, be subject to such agency jurisdiction. The project sponsor may not undertake or continue such land use, development or subdivision, however, or any part thereof, notwithstanding the granting of a permit therefor by the agency, unless such undertaking or continuance is also permitted by the municipality under

and in accordance with the provisions of its local land use program.

3. No provision of this article shall be deemed to prohibit any land use and development or subdivision of land existing prior to the effective date of this article, including those uses and development and subdivisions of land expressly not subject to agency review as provided in section eight hundred eleven.

4. Nothing in this article shall be construed to empower the agency to acquire any interest in real property by purchase or condemnation. No right of first refusal or first option to purchase in favor of the agency, the department of environmental conservation or any other state agency shall in any way be created by this article or the land use and development plan.

5. Nothing in this article shall be construed to supersede or replace or diminish in any way any regulatory or review authority of any other state agency.

§ 820. Severability

If any section of this article or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of

any provision of any section or the application of any part thereof to any other person or circumstance and to this end the provisions of each section of the article are hereby declared to be severable.

STATE OF NEW YORK
Executive Department

George E. Pataki, Governor

ADIRONDACK PARK AGENCY
Richard H. Lefebvre, Chairman
Daniel T. Fitts, Executive Director

Route 86, P.O. Box 99
Ray Brook, New York 12977
(518)891-4050

Appendix D:

Citizens Guide to Adirondack Park Agency Land
Use Regulations

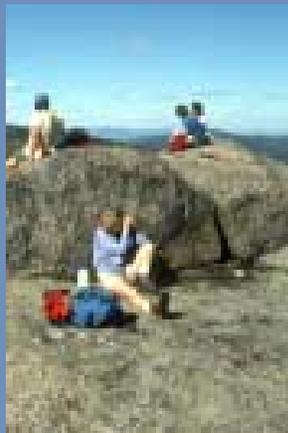
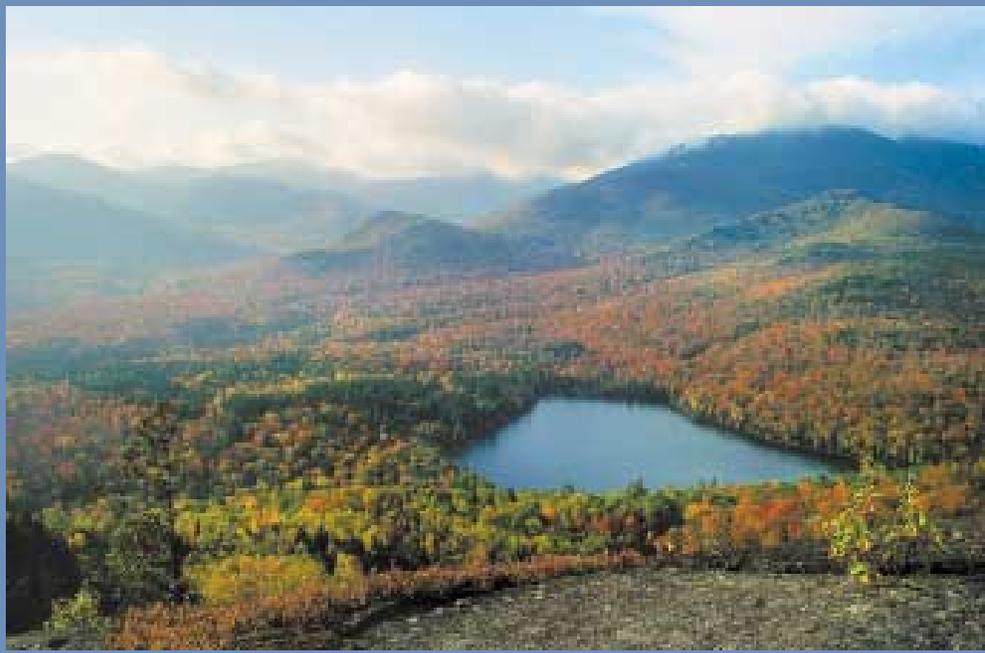


C I T I Z E N ' S



GUIDE

To Adirondack Park Agency
Land Use Regulations



NEW YORK STATE
ADIRONDACK PARK AGENCY

George E. Pataki, *Governor*
Richard H. Lefebvre, *Chairman*
Daniel T. Fitts, *Executive Director*

GUIDANCE AND ASSISTANCE

The Adirondack Park Agency regulates development on private land in the Adirondack Park. Before you develop your property, you may need a permit from the APA. For more information, please read this guide and contact Agency staff by phone or in person.

As with any development project in New York State, more than one permit may be required for your proposed activity. Please check with other state agencies and your local town or village office about other regulations and permit requirements that may apply to your proposed project.

This Citizen's Guide to Adirondack Park Agency Land Use Regulations will help familiarize you with the Agency's regulations pertaining to private land within the Adirondack Park, and help you when you call the Agency with questions. This guide may not answer all your questions, nor provide you with enough information to determine whether or not you need a permit. Please call the Agency or visit us in person or at our web address; we will be happy to assist you.

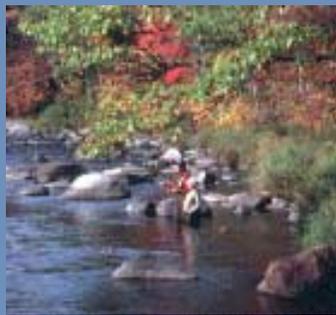
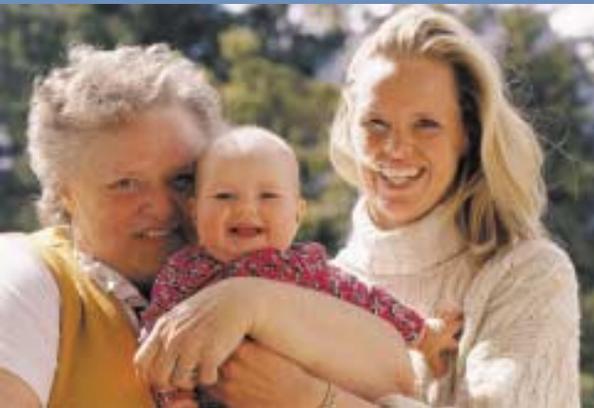
CONTENTS

The Big Picture	
About the Park	1
About the Adirondack Park Agency	1
What the Agency is NOT	1
Where It All Begins	
Land Use Area Classification	2
Understanding Critical Environmental Areas	5
Shorelines, Rivers and Trees	6
The Permit Process	
Jurisdictional Inquiry	8
The Permitting Process	8
When are Public Hearings Held?	8
Approving a Project	8
Conditions	9
Other Permits	9
Agency Decisions Can Be Considered	9
Enforcement	9
Project Permit Checklist	10
Notes	12
Contacting the Agency	inside back cover

(518) 891-4050

NEW YORK STATE
ADIRONDACK PARK AGENCY
P.O. Box 99
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THE BIG PICTURE



The Park, a vast, natural sanctuary, is within a day's traveling distance of 70 million residents of the United States and Canada.



About the Park

The Adirondack Park ("Park") was created in 1892 by the State of New York amid concerns for the water and timber resources of the region. Today the Park is the largest publicly protected area in the contiguous United States, greater in size than Yellowstone, Everglades, Glacier, and Grand Canyon National Parks combined, and comparable to the size of the entire state of Vermont. The boundary of the Park encompasses approximately 6 million acres, 48 percent of which belongs to all the people of New York State and is constitutionally protected to remain "forever wild" forest preserve. The remaining 52 percent is private land which includes settlements, farms, timber lands, businesses, homes and camps.

About the Adirondack Park Agency

The Adirondack Park Agency ("APA") was created in 1971 by the New York State Legislature to develop long-range land use plans for both public and private lands within the boundary of the Park, commonly referred to as the "Blue Line." The Agency prepared the State Land Master Plan, which was signed into law in 1972, followed by the Adirondack Park Land Use and Development Plan ("APLUDP") in 1973. Both Plans are periodically revised to reflect changes and current

trends and conditions. The Agency strives to conserve the Park's natural resources and assure that development is well-planned through administration of the Adirondack Park Agency Act (which includes the APLUDP and the regulations derived from it), the New York State Freshwater Wetlands Act, and the New York State Wild, Scenic and Recreational Rivers System Act.

The APA is an agency in New York State government, consisting of 65 staff and an eleven-member board, eight of whom are appointed by the Governor. The other three members are the Secretary of State, Commissioner of Environmental Conservation, and Commissioner of Economic Development. The Agency Board acts on Park policy issues and permit applications during Agency meetings, which are held monthly and are open to the public.

The APA offices are located in Ray Brook, NY, halfway between the

villages of Lake Placid and Saranac Lake.

What the Park Agency is NOT

- The APA, in cooperation with the NYS Department of Environmental Conservation ("DEC"), is responsible for developing and maintaining a master plan for the use of all state lands in the Park. The APA does NOT manage these state lands; the care, custody and control of state lands is the responsibility of the DEC.
- The Agency does NOT manage the public campgrounds in the Adirondack Park. Please contact the DEC for campground information.
- The Agency does NOT acquire land on behalf of New York State. Again, please contact the DEC.
- The Park Agency does NOT determine the value of your land. Please contact your town or village assessor.

WHERE IT ALL BEGINS



Land Use Area Classification

The process of determining how the Agency’s regulations apply to development on private lands begins with an examination of how the land is classified.

What does classification mean?

In the Adirondack Park Land Use and Development Plan (“APLUDP”), all private lands in the Park are classified into six categories, identified by color on the Park Plan map: hamlet (brown), moderate intensity use (red), low intensity use (orange), rural use (yellow), resource management (green) and industrial use (purple).

The classification of a particular area (established when the Plan was developed) depends on such factors as:

- existing land use and population growth patterns;
- physical limitations related to soils, slopes and elevations;
- unique features such as gorges and waterfalls;
- biological considerations such as wildlife habitat, rare or endangered plants or animals, wetlands and fragile ecosystems; and
- public considerations such as historic sites, proximity to critical state lands, and the need to preserve the open space character of the Park.

The intended purpose of the classification system is to channel growth into the areas where it can best be supported and to minimize the spread of development in areas less suited to

sustain such growth. The following are the land use area classifications of the APLUDP, and a general description of their purpose:

■ HAMLET

These are the growth and service centers of the Park where the Agency encourages development. Intentionally, the Agency has very limited permit requirements in hamlet areas. Activities there requiring an Agency permit are erecting buildings or structures over 40 feet in height, projects involving more than 100 lots, sites or units, projects involving wetlands, airports, watershed management projects, and certain expansions of buildings and uses. Hamlet boundaries usually go well beyond established settlements to provide room for future expansion.

■ MODERATE INTENSITY USE

Most uses are permitted; relatively concentrated residential development is most appropriate.

■ LOW INTENSITY USE

Most uses are permitted; residential development at a lower intensity than hamlet or moderate intensity is appropriate.

■ RURAL USE

Most uses are permitted; residential uses and reduced intensity development that preserves rural character is most suitable.

■ RESOURCE MANAGEMENT

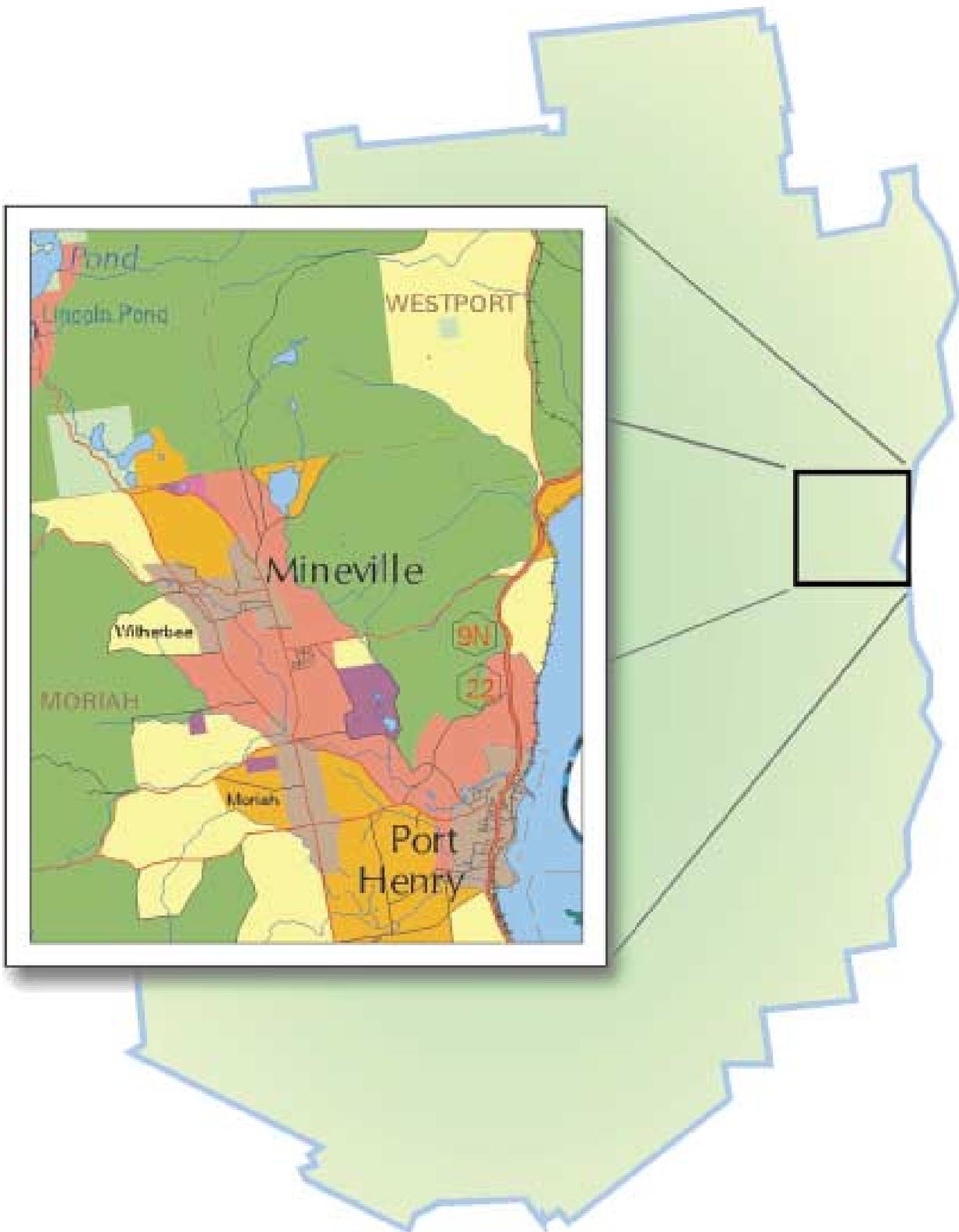
Most development activities in resource management areas will require an Agency permit; compatible uses include residential uses, agriculture, and forestry. Special care is taken to protect the natural open space character of these lands.

■ INDUSTRIAL USE

This is where industrial uses exist or have existed, and areas which may be suitable for future industrial development. Industrial and commercial uses are also allowed in other land use area classifications.

Table 1 — Overall Intensity Guidelines

Land Use Area	Color on Map	Avg. # Principal Bldgs. (per sq. mile)	Avg. Lot Size (acres)
Hamlet	brown	no limit	none
Moderate Intensity Use	red	500	1.3
Low Intensity Use	orange	200	3.2
Rural Use	yellow	75	8.5
Resource Management	green	15	42.7
Industrial Use	purple	no limit	none



THE ADIRONDACK PARK LAND USE AND DEVELOPMENT PLAN MAP classifies all private lands in the Park into six categories, identified by color: hamlet (brown); moderate intensity use (red); low intensity use (orange); rural use (yellow); resource management (green); and industrial use (purple). This representative segment of the Park Plan Map illustrates this color-coded system.



How is my land classified?

To determine the land use area classification for an individual parcel of land, you should write or call the Agency office.

Can the classifications be changed?

Provisions are made in the APA Act for amendments to the Land Use and Development Plan Map under certain circumstances. These changes can and often do occur in the preparation and adoption of a local government's zoning and land use program or at the request of a municipality. Call or write the Agency for more information.

The land classifications in the APA Act are designated to channel development into areas where it is best supported and to control the overall density of development. While very few types of activities are prohibited by the Act, some activities are prohibited in certain land use areas.

By setting limits on the amount of building—and accompanying roads, clearing, support services, etc.—the Act contemplates that the Park will retain its natural, open space character while communities in the Park continue to grow in an environmen-

tally sensitive manner. Overall intensity guidelines are established by land use classification. While the intensity guidelines prescribe average lot sizes for building, they are not minimum lot sizes; different minimum lot sizes are also established by the Act. Only the lands owned by the project sponsor are considered when applying intensity guidelines. Existing or proposed buildings on neighbors' land do not count.

The Adirondack Park Agency Act allows any local government within the Park to develop its own local land use programs which, if approved by the Agency, may transfer some permitting authority from the Agency to the local government's jurisdiction.

Towns with Agency Approved Local Land Use Programs

- Essex County: *Chesterfield, Newcomb, Westport, Willsboro*
- Fulton County: *Caroga*
- Hamilton County: *Arietta, Indian Lake*
- St. Lawrence County: *Colton*
- Saratoga County: *Day, Edinburg*
- Warren County: *Bolton, Lake George, Lake George Village, Hague, Horicon, Queensbury*

Within these towns, a landowner should always consult the local code administrator or enforcement officer, in addition to the Adirondack Park Agency, in those circumstances where the following guidance and checklists suggest a permit may be required by the Adirondack Park Agency Act.



UNDERSTANDING CEAs



Critical Environmental Areas (“CEAs”) are the more sensitive features of the Park’s natural environment. They are subcategories of the general land use area classifications and are provided extra protection by the law. These Critical Environmental Areas include wetlands, high elevations, areas around designated study rivers, state or federal highways, and lands in proximity to certain classifications of state-owned lands.

CEAs include:

- land at elevation of 2,500 feet or more (except in Hamlet areas) to protect thin soils and open space;
- land within 1/8 mile of state wilderness, primitive or canoe areas (except in Hamlets);
- land within 150 feet (in a Rural Use area) or within 300 feet (in a Resource Management area) of the edge of the right-of-way of a federal or state highway;
- wetlands; and
- land within 1/4 mile of rivers under study for inclusion in the Wild Scenic and Recreational Rivers System, except in Hamlet areas. (Land within 1/4 mile of rivers already classified Wild, Scenic or Recreational is subject to special regulation outside of Hamlet and Moderate Intensity Use areas, and are not designated as Critical Environmental Areas.)

Wetlands—including bogs, swamps, wet meadows or marshes.



Under the APA Act and the NYS Freshwater Wetlands Act, almost all land uses, such as draining, dredging, placing fill, structures, and subdivisions in or involving wetlands require an Agency permit.

What is a wetland? Wetlands are defined as: “any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh and which are either (a) one acre in size, or (b) adjacent to a body of water, with which there is a free interchange of water, in which case there is no size limitation.” Property that is flooded every spring by surface water backup or standing water may also be a wetland, as well as forested areas with high ground water.

Is there a wetland on my property? Wetlands can be difficult to recognize. Some vegetation, like cattails, lily pads, or pickerel weed are characteristic of very wet places. Other wetland plant communities are not so obvious, yet

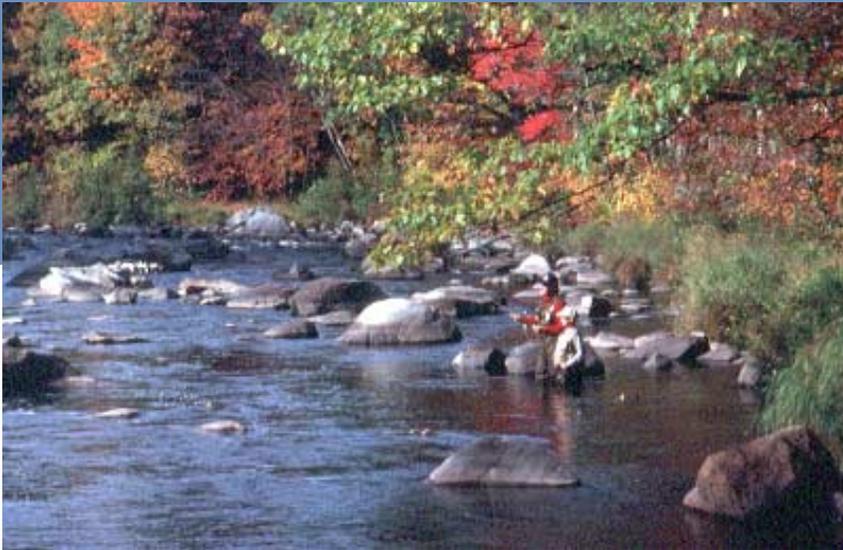
are considered to be jurisdictional wetlands, such as wet meadows or spruce swamps. Wetlands soils and hydrology can aid in determining the presence and extent of wetlands.

A landowner proposing a project can contact the Agency for a determination as to whether a wetland is located on his or her property. Wetland determinations are made as part of the review of a jurisdictional inquiry. The process involves consulting official wetland maps where available, and by interpretation of aerial photography. Wetlands may also be identified during Agency staff site visits to project sites for which the Agency is reviewing a permit application.

Why do wetlands require special protection? Wetlands play a critical role in modulating the flow of water in any watershed, reducing flooding and erosion. They filter pollutants and purify the water; they provide critical habitat for many species of plants and animals.

SHORELINES

RIVERS AND TREES



Adirondack Shorelines

Among the most valuable resources in the Park is the land along its thousands of streams, rivers, ponds and lakes. The laws the Agency administers provide protection to water quality and aesthetics of Adirondack shorelines by establishing setbacks, lot widths and cutting restrictions.

Shoreline restrictions apply to all lakes and ponds, all rivers being studied for inclusion in the Wild, Scenic and Recreational Rivers System, and all other rivers and streams navigable by boat, including canoe.

Shoreline Setbacks and Lot Widths.

Shoreline restrictions apply whether or not an Agency permit is required (see Table 2). The restrictions may be reduced only if a variance is received (see discussion following table).

Docks and Boathouses. If you are planning new construction or expansion of either a dock or boathouse you should ask whether an Agency permit or variance is required.

Shoreline setback restrictions apply to all structures greater than 100 square feet in size except docks and boat-

houses. However, docks and boathouses must comply with specific requirements to be exempt from shoreline setback restrictions.

PLEASE NOTE: Greater lot widths and setbacks apply to rivers classified in the Wild, Scenic and Recreational Rivers System. Local laws may be even more protective—call the local building inspector or town offices.

As noted previously, setbacks apply to all structures, other than boathouses or docks, in excess of 100 square feet in size. “Structures” include buildings, sheds, fences, tanks, etc.

Table 2 — Shoreline Restrictions: Minimum Lot Widths and Setbacks

Land Use Type	Min. Lot width (ft.)	Min. Structure Setback (ft.)
Hamlet	50	50
Moderate Intensity Use	100	50
Low Intensity Use	125	75
Rural Use	150	75
Resource Management	200	100
Industrial	NA	NA

NOTE: For sewage disposal systems, the minimum setback from any water body or wetland is 100 feet, measured from the leach field or other absorption components to the closest point on the shoreline or wetland.

Setbacks are measured horizontally from the point of the shoreline at its high water mark. If you are considering a development proposal, Agency staff will help you determine the high water mark.

Wild, Scenic and Recreational Rivers System

Many Adirondack rivers are subject to special regulations and permit requirements adopted under the New York State Wild, Scenic and Recreational Rivers System Act. These regulations apply in addition to those set forth in the APA Act.

Agency regulations apply to the designated rivers and lands adjoining them, generally up to 1/4 mile from the edge of the river. The river regulations seek to protect water quality and aesthetics by:

- establishing a 100-foot buffer strip along rivers in which vegetative

- cutting is highly restricted;
- establishing minimum lot widths and building setbacks (larger than those in the APA Act);
- requiring an Agency rivers project permit for nearly all subdivisions, single family dwellings and mobile homes in river areas;
- restricting motor boating and motorized activities on and adjacent to wild and scenic rivers;
- regulating bridge and road building;
- prohibiting structures (such as dams) and activities (such as dredging) which would alter the river's natural flow;
- allowing continuation of lawfully existing nonconforming uses, but requiring permits or variances for expansion or change in use.
- prohibiting certain "noncompatible" uses; and
- prohibiting new structures in Wild River areas.

Boreas, Boquet, Cedar, Cold, Deer, East Canada Creek, Grasse, Hudson, Independence, Indian, Jordan, Kunjamuk, Long Pond Outlet, Marion, Moose, Oswegatchie, Otter Brook, Raquette, Rock, Sacandaga, St. Regis, Salmon, Saranac, Schroon, West Canada Creek and West Stony Creek.

Removing Trees

Generally, there are no requirements for the harvesting of trees on non-shoreline parcels unless you plan to clear-cut more than 25 upland acres or 3 wetland acres, or the property is located in a Designated River Area. However, cutting of trees in preparation for a project requiring a permit may not begin until the permit is obtained; tree removal is part of the project review process. In addition, there are permit requirements for the construction of woods roads or skid trails through wetlands.

- Within 6 feet of shore, not more than 30 percent of the shoreline may be cleared of vegetation (bushes and trees) on any one lot.
- Within 35 feet of shore, not more than 30 percent of trees in excess of 6 inches in diameter at 4.5 feet above the ground may be cut over a 10-year period.

The diagram below illustrates these cutting restrictions.

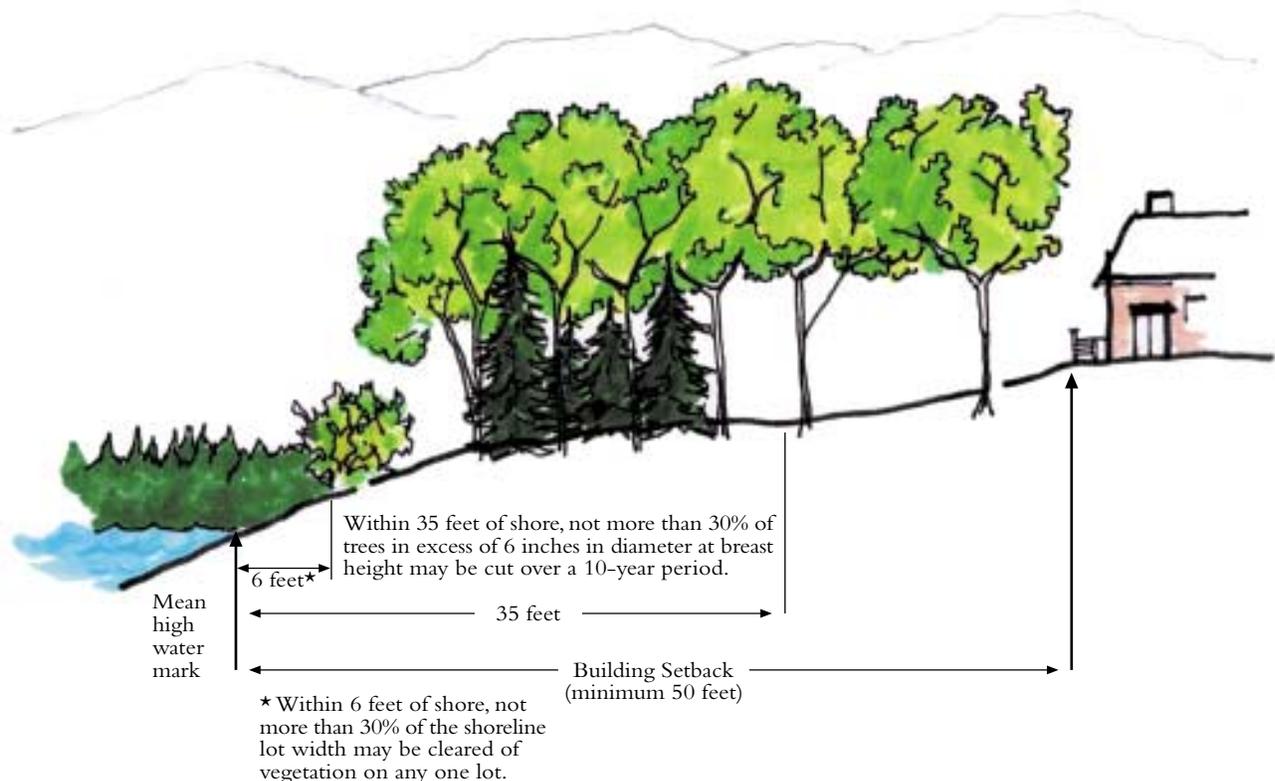
Variances

A variance from the mandatory shoreline restrictions may be allowed if, on the request of a landowner, the Agency determines that the strict application of the shoreline development restrictions would cause practical difficulty or undue hardship. A public hearing must be held on each variance request.

Which Rivers?

Ausable, Black, Blue Mt. Stream, Bog,

Along shorelines, cutting is limited to the following:



DIAGRAM—Restrictions That Apply to Cutting Trees and Vegetation Along Shorelines

PERMIT PROCESS



Not every project requires a permit. For those that do, this section provides an overview of the permitting process.

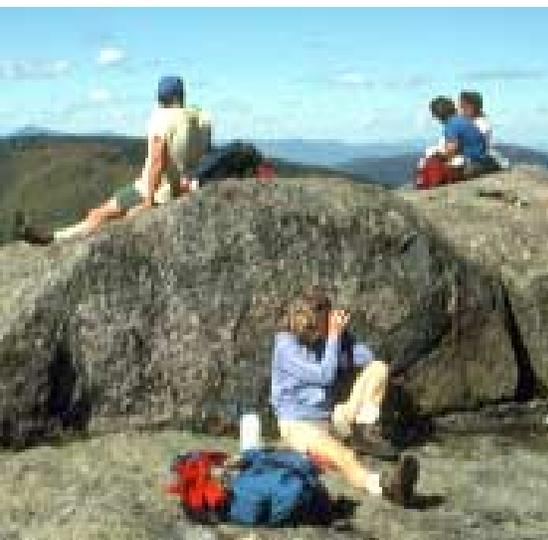
Jurisdictional Inquiry

After reading this guide, finding out your land classification and using the checklist on pages 10 and 11, you may already know you'll need a permit, but what if you're not sure? *Contact the Agency for a Jurisdictional Inquiry Form!*

Based on the information you provide on your jurisdictional inquiry form (including a description of your project, the tax map number and the history of ownership and use of the property), Agency staff will tell you if a permit is needed.

The Permitting Process

Once it is determined that an Agency



permit is required for your proposed project, the next step is to complete the appropriate application form. This form can be obtained from the Agency office.

For larger projects in particular, a pre-application meeting with APA staff is recommended before you fill out the application. These meetings are often helpful for completing the application and ensuring awareness of the Agency's process and standards for review. You can possibly save time and money by talking to the Agency first.

When the application is received by the APA, it is assigned to an individual review officer who checks it for completeness. Within 15 calendar days you will be notified whether or not the application is complete. If it is incomplete, you will be told specifically what additional information is needed. For all major projects, public notices invite comment. The APA Act specifies time limits within which Agency notifications and a public hearing (if needed) must take place. Designated time limits may be extended with consent of both the Agency and applicant.

Once the project application is complete (meaning the Agency has all

the information necessary to review the project), substantive review will start.

When are public hearings held?

The Agency meets in public on a monthly basis to consider permit applications. For a small percentage of projects that come to the Agency for review, a decision is made to also hold a public hearing. A public hearing may be scheduled for one of the following reasons:

- to give the public an opportunity to express views and opinions, especially in regard to large projects;
- if a project is controversial;
- if landowners adjoining the project site may be adversely affected;
- if the local government involved requests one; or
- if it appears the project may be unapprovable (the Agency cannot deny an application without first holding a public hearing).

Approving a Project

Staff Approvals. Most permit applications are acted upon by the APA staff—specifically, the Director of Regulatory Programs—without going to the full Agency Board. This procedure saves time for the applicant in that staff act on the project without

waiting for the regularly scheduled monthly meeting of the Agency members.

The Director of Regulatory Programs can only approve projects. Any recommendation for a denial must go to the Agency Board for consideration.



You are given the right to appeal any permit condition imposed by the Director of Regulatory Programs to the Regulatory Programs Committee of the Agency Board.

Board Approvals. The following projects always require the approval of the Agency Board:

- a subdivision involving 50 lots or more;
- a project upon which the Agency has held a public hearing; or
- a project involving a variance.

Conditions

About 98 percent of project applications are approved. Most of the permits issued contain conditions which are intended to protect the environment and adjacent uses.

Other Permits

Please note that other permits (federal, state and local) may be required for your project in addition to an APA permit.

Agency Decisions Can Be Reconsidered

Procedures exist to allow you to

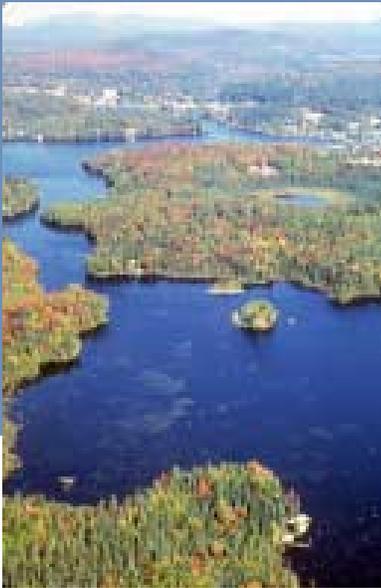
request that your application, if disapproved by the Agency, be reconsidered. You must demonstrate that:

- newly discovered facts or evidence exists; or
- there has been a change in Agency policy; or
- the previous determination was based on materially erroneous findings of fact.

Enforcement

The APA has an enforcement program to insure that the laws are properly administered and complied with. If you have questions or want to discuss a specific matter, please call us.





PERMIT CHECKLIST



Use this handy checklist to help you determine if a permit is necessary. We're happy to be of help. Give us a call at 518-891-4050.

The three Acts administered by the Agency— the APA Act, the Wild Scenic and Recreational Rivers System Act and the Freshwater Wetlands Act—all have a bearing on whether your project will require an Agency permit. The following checklist will help you determine whether a permit is needed.

This checklist is for general information only and is not exhaustive.

For a binding determination whether your project needs a permit, you must call the Agency and submit a Jurisdictional Inquiry Form. **If you check any of the following circles you will need a permit.**

LAND USE CLASSIFICATION	You will first need to establish in which land classification your property lies. YOU CAN CONTACT THE AGENCY TO ASSIST YOU.
PROJECTS IN CRITICAL ENVIRONMENTAL AREAS	<p>Critical environmental areas include wetlands, high elevations, and areas near certain rivers, highways and State-owned lands. An APA permit is required in all land use areas for most development activities and subdivisions of land in:</p> <ul style="list-style-type: none"> <input type="radio"/> Wetlands (refer to section of this guide regarding wetlands). <input type="radio"/> At elevations over 2,500 feet. <input type="radio"/> Within 1/4 mile of a "study river," including portions of the Oswegatchie, Osgood, Grasse, N. Branch Saranac, N. Branch Boquet, The Branch, East Stony Creek and Pleasant Lake Stream. (A "study river" is a river being considered for inclusion in the State's Wild, Scenic and Recreational Rivers System. Many other Adirondack rivers and streams are already classified in the system and are subject to its special regulations.) <input type="radio"/> Within 1/8 mile of State Forest Preserve lands classified as Wilderness, Primitive or Canoe areas. <input type="radio"/> Within 150 feet of state or federal highway right-of-way (in Rural Use areas only). <input type="radio"/> Within 300 feet of state or federal highway right-of-way (in Resource Management areas only).
DESIGNATED WILD, SCENIC AND RECREATIONAL RIVERS	<ul style="list-style-type: none"> <input type="radio"/> Generally, an APA permit is needed for projects within 1/4 mile of a river included in the State's Wild, Scenic and Recreational Rivers System: <i>Ausable, Black, Blue Mt. Stream, Bog, Boreas, Boquet, Cedar, Cold, Deer, East Canada Creek, Grasse, Hudson, Independence, Indian, Jordan, Kunjamuk, Long Pond Outlet, Marion, Moose, Oswegatchie, Otter Brook, Raquette, Rock, Sacandaga, St. Regis, Salmon, Saranac, Schroon, West Canada Creek and West Stony Creek.</i>
SUBDIVISIONS	<p>An APA permit may be needed for subdivisions. Subdivisions are broadly defined to include any division of land into two or more lots, parcels or building sites (including that portion retained by the owner) for the purpose of sale, lease or any form of separate ownership or occupancy. Construction of a second principal building or dwelling or a two-unit dwelling on a parcel is a subdivision.</p> <p>To determine if a permit is required, several factors must be examined, including:</p> <ul style="list-style-type: none"> • the resulting total number of lots, parcels or sites created from the original parcel of land as it existed on May 22, 1973; • the size of the smallest lot in the proposed subdivision; and • the smallest shoreline lot width in the subdivision.

	<p>An APA permit is needed :</p> <ul style="list-style-type: none"> <input type="radio"/> If the total number of lots, sites or residential units created from the original May 22, 1973 parcel is equal to or greater than: <table border="0" style="margin-left: 40px;"> <tr> <td>100 in Hamlet</td> <td>10 in Low Intensity Use areas</td> </tr> <tr> <td>15 in Moderate Intensity Use areas</td> <td>5 in Rural Use areas</td> </tr> </table> <input type="radio"/> For any subdivision in a Resource Management area, Industrial Use area or within a designated Wild, Scenic, or Recreational Rivers area. <input type="radio"/> For the entire subdivision if any non-shoreline lot in the proposed subdivision is less than: <table border="0" style="margin-left: 40px;"> <tr> <td>40,000 sq. ft. (0.92 acres)</td> <td>Moderate Intensity Use areas</td> </tr> <tr> <td>120,000 sq. ft. (2.75 acres)</td> <td>Low Intensity Use areas</td> </tr> <tr> <td>320,000 sq. ft. (7.35 acres)</td> <td>Rural Use areas</td> </tr> </table> <input type="radio"/> If the project involves any shoreline* lots if either the smallest lot area or shoreline lot width measurement is less than: <table border="0" style="margin-left: 40px;"> <tr> <td>Hamlet</td> <td>n/a</td> <td>50 ft.</td> </tr> <tr> <td>Moderate Intensity Use areas</td> <td>25,000 sq. ft. (0.57 acres)</td> <td>100 ft.</td> </tr> <tr> <td>Low Intensity Use areas</td> <td>50,000 sq. ft. (1.14 acres)</td> <td>125 ft.</td> </tr> <tr> <td>Rural Use areas</td> <td>80,000 sq. ft. (1.83 acres)</td> <td>150 ft.</td> </tr> <tr> <td>Resource Management areas</td> <td>42.7 acres</td> <td>200 ft.</td> </tr> </table> <p style="margin-left: 80px;">* A shoreline lot includes any lot partly or entirely within the minimum setback distance from the water for the land use area involved. Different shoreline widths apply if your site is located in a Wild, Scenic, or Recreational River area.</p> 	100 in Hamlet	10 in Low Intensity Use areas	15 in Moderate Intensity Use areas	5 in Rural Use areas	40,000 sq. ft. (0.92 acres)	Moderate Intensity Use areas	120,000 sq. ft. (2.75 acres)	Low Intensity Use areas	320,000 sq. ft. (7.35 acres)	Rural Use areas	Hamlet	n/a	50 ft.	Moderate Intensity Use areas	25,000 sq. ft. (0.57 acres)	100 ft.	Low Intensity Use areas	50,000 sq. ft. (1.14 acres)	125 ft.	Rural Use areas	80,000 sq. ft. (1.83 acres)	150 ft.	Resource Management areas	42.7 acres	200 ft.
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SINGLE FAMILY DWELLINGS	<p>An APA permit is needed for a single family dwelling or mobile home in:</p> <ul style="list-style-type: none"> <input type="radio"/> Resource Management areas <input type="radio"/> Industrial Use areas <input type="radio"/> Critical Environmental areas <input type="radio"/> Designated River areas <input type="radio"/> Wetlands (within or near) <p>In other land classifications, a single family dwelling to be constructed on a lot already having a dwelling or other principal building on it may be subject to Agency review as a subdivision.</p>																									
OTHER PROJECTS	<p>An APA permit is needed for:</p> <ul style="list-style-type: none"> <input type="radio"/> Structures over 40' high. Note: height is measured from the highest point of a structure to the lowest point of either the natural or finished grade. <input type="radio"/> Any new commercial or industrial use in all but Hamlet areas. <input type="radio"/> An expansion totaling 25% or more (whether such expansion is undertaken all at once or over an extended time) of an existing use or structure included on the list of regional projects in the APA Act. In all but Hamlet areas, expansion is measured by size, square footage or capacity. <input type="radio"/> Any multiple family dwelling, i.e., a structure containing two or more separate dwelling units. This applies in all land use areas except Hamlet areas. <p>In areas governed by an Agency-approved local land use program, certain projects normally requiring an Agency permit will need only a local permit.</p> <p>Shoreline restrictions apply along lakes, ponds, rivers and streams regardless of whether an Agency permit is needed.</p>																									

NOTES

A large grid of graph paper for taking notes, consisting of 20 columns and 30 rows of small squares.

CONTACTING THE AGENCY

When you call, have this guide handy. Have paper and pencil ready.

For questions about...

- **LAND USE CLASSIFICATION** or presence of wetlands on a particular parcel:

Ask for the Jurisdictional Inquiry Office.

Have ready basic property information including:

Town or Village

Owner's Name

Parcel Number— this is a set of three numbers (separated by hyphens like your social security number) that appears on your tax bill. You can also get this number from your local assessor or county real property tax services.

- The **STATUS OF A PERMIT APPLICATION** that you have sent in:

Ask for Regulatory Programs.

If you have a project number and name of assigned reviewer, ask for him/her specifically. Please note that these people are often in the field. It is very helpful to leave voice mail messages with specific questions and your project number.

- **AN ON-SITE WETLAND DETERMINATION REQUEST:**

You will be directed to the wetland specialist of the Resource Analysis Unit. If you leave a voice mail message, property location is required. Staff will contact you to schedule an appointment.

- **AN ON-GOING ENFORCEMENT MATTER:**

Ask for the assigned enforcement investigator.

- **REPORTING A POTENTIAL VIOLATION:**

Ask for the Jurisdictional Inquiry Office. Please remember we cannot investigate a violation report without property location. You need not identify yourself when reporting a potential violation.

- **THE PARK'S NATURAL OR CULTURAL RESOURCES:**

Questions will be forwarded to the Planning Department or the Resource Analysis Unit. Information is available on the Agency's website accessed at www.state.ny.us.

- **MAP AMENDMENTS:**

Questions will be forwarded to the Planning Department.

(518) 891-4050

NEW YORK STATE ADIRONDACK PARK AGENCY

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