

# C Community Development Committee

For the Metropolitan Council meeting of February 25, 2009

**ADVISORY INFORMATION**

**Date Prepared:** February 18, 2009

**Subject:** Scott County 2030 Comprehensive Plan Update  
Review File No. 20402-1

## Proposed Action

That the Metropolitan Council adopts the attached Review Record and take the following actions from each committee:

Recommendations of the Community Development Committee:

1. Authorize the County to put its Comprehensive Plan Update into effect without any plan modifications.
2. That the County submit to the Council as comprehensive plan amendments all Planned Unit Development (PUD) proposals within the long term regional service area for review for consistency with Council Regional Wastewater Policy.
3. Remind the County to submit a copy of the County Board Resolution adopting its Update to the Council for its records;
4. Remind the County that Minnesota Statutes 473.864 require it to formally adopt the Comprehensive Plan after the Council's final action and require the County to submit two copies of the adopted Plan to the Council in a timely manner; and,
5. Remind the County that it is required to submit any ordinances and controls intended to help implement the Plan to the Council upon adoption including ordinances that permit residential densities that exceed Council policy for the Diversified Rural Area.

## Summary of Committee Discussion / Questions:

### Community Development Committee

Council staff presented an overview of the report and its proposed action. The committee noted that the forecast table in the staff report contained differing forecasts, but was found to be consistent with Council forecast. The report contained 2005 System Statement forecasts as the Council's forecasts. The Council revised its forecasts in 2008. The Council and County forecasts are actually the same, and are reflected in the Forecasts section of the staff report.

The committee heard comments from representatives of the Farmers' Legal Action Group (FLAG), and members of Local Harvest Alliance, a group of Scott County farmers. Both groups expressed concern over proposed urbanization of farm land, and that the staff report noted "no known opposition" to Scott County's Plan. The Committee explained its statutory responsibilities and limitations, but did understand the groups' concerns. The groups submitted materials via email, and distributed additional materials at the meeting. Those materials are attached to this Committee Report.

The CDC unanimously adopted the proposed actions.

# FLAG

FARMERS' LEGAL  
ACTION GROUP,  
INCORPORATED  
360 NorthRobert Street Suite500  
Saint Paul, Minnesota 55101

November 17, 2008

**By e-mail** transmission and U.S. Mail  
Scott County Board of Commissioners  
Scott County Government Center  
200 Fourth Avenue West  
Shakopee, MN 55379

RE: Scott County's Proposed 2030 Comprehensive Plan  
Phone: 651 223.5400

Fax: 651 223.5335  
Internet:  
lawyers@flaginc.org  
Website:  
[www.flaginc.org](http://www.flaginc.org)

Dear Board of Commissioners:

We are writing to you on behalf of the Local Harvest Alliance. As you may know, the Local Harvest Alliance is a group of local food producers and consumers located in Scott County. The group's goals are to promote land use development that supports local food production and protects farmland; to develop a vibrant local food economy; and to realize ultimate food security through local food production.

These comments are being submitted because we remain concerned that the County is rushing toward finalization of the proposed 2030 Comprehensive Plan (2030 Plan or Plan) before it obtains critical information necessary for any long-range planning in Scott County.' Moreover, the County is doing so without taking any steps to protect existing farmland while it obtains the necessary information.

Additionally, it is our understanding that when the Planning Advisory Commission voted to approve the draft 2030 Plan at its March 27,2008, meeting, it did so with reservations. Specifically, member Charles Wood conditioned his vote of approval upon two conditions being met: (1) that the issues raised at the meeting (which included March 26, 2008, comments submitted by the Local Harvest Alliance) about how the 2030 Plan affects agriculture be addressed by the County before the Plan is finalized; and (2) that a farmer advisory group be formed to assist the County in understanding and addressing these . Our prior correspondence to the County, dated September 25,2008, describes in more detail the information we believe the County should obtain before submitting the 2030 Plan to the Metropolitan Council.

FLAG

A. The 2030 Comprehensive Plan Does Not Reflect the Reality of the Intersecting Needs for Locally Produced Food, Energy Independence, and National Security.

Best-selling author Michael Pollan's recent article in *The New York Times*, entitled "Farmer in Chief," an open letter to the next President of the United States, discusses at length the history of our agricultural policies, the current demand for locally produced food, and suggestions for how to achieve energy independence, national security, and the production of healthy food through farm policy. He observes:

The American people are paying more attention to food today than they have in decades, worrying not only about its price but its safety, its provenance and its healthfulness. There is a gathering sense among the public that the industrial-food system is broken. Markets for alternative kinds of food-organic, local, pasture-based, humane-are thriving as never before.

Currently, demand for locally produced food is unable to keep up with its supply. This trend will certainly continue as the nation continues to pursue energy independence. A typical food item in today's grocery store has traveled an average of 1,500 miles to get there; food that is locally produced will require less fuel for transportation if it only has to travel the 45 miles from Belle Plaine to St. Paul-and, of course, it will certainly be more fresh and healthful. See Crossroads Food Center, *Local Food as Economic Development*, by Ken Meter, available at <http://www.crcworks.org/crcdocs/lfced.pdf>, and attached as *Exhibit 1*.

National security will also drive the continued demand for locally produced food. As Michael Pollan noted in his "Farmer in Chief" article, "National security also argues for preserving every acre of farmland we can and then making it available to new farmers. We simply will not be able to depend on distant sources of food, and therefore need to preserve every acre of good farmland within a day's drive of our cities."

The County also has recognized the significance of these trends in its application to the University of Minnesota Community Growth Options and the Center for Urban and Regional Affairs, which noted:

While there has been considerable focus on regional investments ... needed to serve [Scott County's projected population] growth, there has been less attention given to community and regional food planning to ensure quality farmland is not lost to continued urbanization. The demand for farmland to produce fruits, vegetables, meat and dairy products for the growing regional population will undoubtedly increase as energy costs continue to rise and people look for healthier and safer food alternatives. Scott County farmland

Scott County and surrounding counties also confirm that once residential development is allowed in an agricultural area, large numbers of acres are typically taken out of agriculture and developed, resulting in a high rate of farmland losses. Office of the Legislative Auditor, State of Minnesota, *"Green Acres" and Agricultural Land Preservation Programs* (February 2008), available at

<http://www.auditor.leg.state.mn.us/ped/2008/greenacres.htm>. During the time period from 1982 through 1992, Scott County lost 56.3 percent of its farmland for reasons generally related to development. See, Minnesota Department of Agriculture, *Cost of Public Services Study*, page 17, available at

<http://www.mda.state.mn.us/news/publications/aboutmda/pubservcosts.pdf>. Of the 14,574 acres of agricultural land lost in Scott County during the time period from 1982 through 1992, more than half of Scott County's farmland (approximately 8,200 acres) was converted to residential, commercial or industrial (developed) uses. United States Department of Agriculture, *National Resources Inventory*, 1982 and 1992.

*The experiences of Scott County's farmers illustrate why farmland is often lost once development is allowed in agricultural areas, and show how that development makes farming more difficult and the continuous existence of area farms more tenuous.*

The experiences of Scott County's existing farmers further illustrates that once development is allowed in agricultural areas, those areas are typically developed.

Moreover, the experiences of Scott County's farmers also show that such development generally encroaches upon and hinders existing farming operations. As a result, farmers are less likely to continue farming in those areas.

According to farmers in Scott County, encroaching development frequently results in increased land prices. In turn, increased land prices result in increased property taxes and shortages of affordable farmland. These land shortages prevent farmers from expanding existing operations because they cannot afford to buy or rent additional land. Moreover, land shortages also prohibit new farmers from buying farmland, while increasing pressure on existing farmers to sell their land." See, e.g., *Comments of Chuck Wood, Jeff and Pam*

**According to Minnesota's 2002 Agriculture Census, the average age of farmers is 55, and one in four is age 65 or older.** Thus, many of Minnesota's farmers, including those in Scott County, will be considering whether to sell their farmland during the period of time covered by the 2030 Plan. Should encroaching **development occur as expected in the Urban Expansion and Urban Transition areas, driving land prices up, it** is more likely that existing farmers will sell their land and that other farmers will be priced out of the market. Most likely, knowing that such land is guided for future urban development, developers wanting a strategic advantage will purchase the land. These facts thus increase the likelihood that farmland will be developed and lost forever. There can be no local farms or local food without farmland. The 2030 Plan, combined with

FLAG

As the number of farms in a given area decreases, the support these farms provide to one another disappears, as do local farm service businesses and the jobs those businesses provide. The lack of a core number of farms and farm support businesses creates yet another disincentive for new farms to locate in the area.

Therefore, although the Plan does not prohibit farming, it will increase the development of existing farmland. Experience shows that such development will, in turn, decrease the amount of farmland and the number of working farms in Scott County.

C. The Plan's Failure to Continue Agricultural Zoning Creates an Uncertain Business Environment for Existing Farming Operations and Makes it Unlikely That New Operations Will Choose to Locate in Scott County.

Development has additional consequences not directly related to increased land prices. These consequences include changes in zoning as an area becomes less agricultural in character. This, in turn, affects farmers' property tax benefits under the Metropolitan Agricultural Preserves Act and the Green Acres program and jeopardizes the continued viability of existing farming operations.'

The 2030 Plan does not require the continuation of agricultural zoning in those areas currently zoned for agricultural land uses. The County has verbally assured the Local Harvest Alliance that agricultural zoning will remain the same after the Plan takes effect. However, it appears that the County will not change the Plan to explicitly state that those areas currently zoned for agricultural uses will continue to be zoned as such throughout the duration of the 2030 Plan. Therefore, we must assume that the County intends to allow zoning changes in those areas currently zoned for agricultural uses. By allowing such changes, the County creates an additional business uncertainty for existing farmers and deters new farmers from farming in Scott County.

Again, the experiences of Scott County's existing farmers who have grappled with encroaching development highlight the problems posed by the County's failure to require the continuation of existing agricultural zoning. Several Local Harvest Alliance members whose farms are located in areas previously zoned for agricultural uses saw their properties rezoned from agricultural to other uses as surrounding farmland was gradually converted to residential or urban uses after development was allowed in those areas. As a result, these **¶ The tax and nuisance liability consequences associated with rezoning land from agricultural to other uses** are described in more detail in the comments Local Harvest Alliance submitted to the County at the March 27, 2008, Planning Advisory Commission meeting. See *Local Harvest Alliance Comments dated March 26, 2008, pages 5 - 6.*

FLAG

Moreover, even the continuation of A-I zoning in the Urban Transition Area is tenuous, since the proposed Plan additions do not make the continuation of that zoning mandatory. Rather, the Plan additions proposed by the County merely state that land currently zoned A-I "can remain zoned A-I." In order to manifest a commitment to preserving agricultural zoning, the County should use mandatory language (e.g., "shall" or "will") as it has in other parts of the Plan, not the permissive language it used here.

It is important to note that, should the County change zoning designations, those changes could have long-term ramifications that would prevent agriculture-friendly zoning by local townships. As the County is aware, townships are prohibited from enacting or enforcing "official controls inconsistent with or less restrictive than the standards prescribed in the official controls adopted by the [County]." Minn. Stat. § 394.33, subd. I. Therefore, depending on the nature of the zoning changes ultimately made by the County, it is conceivable that townships would no longer have the option of enacting agriculture friendly zoning ordinances.

**D. Despite Numerous Economic and Environmental Consequences to Developing Farmland, the County Has Not Assessed These Consequences and the 2030 Plan Fails to Address These Critical Issues.**

When farmland is developed, economic and environmental consequences inevitably flow from that development. As indicated by a 2007 study conducted by the Land Policy Institute in Michigan, the consequences of developing farmland "are increasingly wellknown and understood: reduction of open space, pollution, higher energy use and cost, encroachment on and conflict with agricultural land use, environmental impacts on natural areas (especially wetlands), and an expensive and expansive physical infrastructure promoting an unsustainable future." Land Policy Institute, *The Economic Impact of Farmland Loss: Implications of Low Density Urbanization and Urban Sprawl*, page 10, available at:

<http://www.landpolicy.msu.edu/modules.php?name=News&op=viewlive&sp id=51>.

That same study calculated the annual economic productivity loss for a three-county area in Michigan. Like Scott County, many of the studied areas subject to development consisted of prime farmland. Using conservative assumptions of commodity prices and using a conservative, but realistic, employment and output multiplier, the study determined the annual losses would be about \$22 million per year. Moreover, the study concluded that these economic losses were likely to "significantly undermine the economic vitality of

FLAG

F. The County Should Implement a Farmland Preservation Program.

As the 2030 Plan itself acknowledges, Scott County residents strongly favor preserving farmland within the county. 2030 Plan, Pages 11-3-5. According to the Plan, public opinion surveys taken by the County establish that residents favor taking steps to preserve the County's "farming heritage; rural atmosphere; small-town lifestyle and natural landscape." 2030 Plan, Page 11-3. Residents also favor "taking more proactive steps to maintain the county's rural atmosphere, including ... long-term preservation of farmland or open space." 2030 Plan, Pages 11-3-11-4. Indeed, an overwhelming majority (73 percent) of respondents to the County's public opinion survey strongly endorsed "permanently retaining agricultural land in Scott County." 2030 Plan, Page 11-5. The high degree of support for farmland preservation in Scott County is also illustrated by the attached petition signatures gathered by Local Harvest Alliance members, attached as *Exhibit 5*. Over one weekend, Local Harvest Alliance members visiting area farmers' markets gathered over 525 signatures from residents, urging the County to endorse farmland preservation and the promotion of local agriculture as goals in the 2030 Plan.

Despite County residents' widespread support for farmland preservation, the Plan does nothing to preserve farmland. Instead, it slates much of the County's best soils and its most productive farmland for future urban and residential development. The County has thus far refused to add as public values: (1) preservation of prime farmland and soils of statewide significance; and (2) creation of a local foods infrastructure. The County has additionally refused to commit to implementing a transfer of development rights program or other farmland preservation programs.

At the same time, the 2030 Plan, as currently proposed, makes it exceedingly likely that much of the County's best farmland will eventually be developed. The Plan does so without the County having assessed the environmental and economic consequences of that development. The County thus seeks to implement the 2030 Plan without knowing the true costs and consequences of that Plan. In that light, it is essential that the County implement a farmland preservation program, at least until the appropriate assessments have been performed. Surely, before the County gives up a finite resource to development, it should know the benefits currently provided by that resource, the potential additional benefits that could be provided were the County to take advantage of the many opportunities offered by the demand for locally grown foods, and the consequences of eliminating that resource. Moreover, the urban and residential development anticipated by the Plan was conceived of before the current housing and economic crisis occurred, before energy and gas prices shot up, and before the local foods movement gained popularity among consumers and land use planners nationwide. Therefore, the policy assumptions and projections underlying the

Scott County Board of Commissioners  
Page 12  
November 17, 2008  
FLAG

Plan may no longer be accurate, as circumstances have changed since those assumptions and projections were made. Now is the time to reassess whether the Plan continues to be based on realistic projections and expectations and to assess the consequences of developing existing farmland.

For the reasons stated herein and in our prior communications to the County, the County should seek a nine-month extension of time from the Metropolitan Council for submission of its 2030 Plan update. If the County refuses to seek an extension of time, it should, at a minimum, modify the Plan to require the performance of an assessment and analysis of the economic and environmental consequences of converting existing farmland to urban or residential uses *before* any such conversion will be allowed.

Sincerely,

FARMERS' LEGAL ACTION GROUP, INC.

/s/ Susan E. Stokes  
Susan E. Stokes, Executive Director  
and Attorney at Law  
Email: sstokes@flaginc.org

/s/ Jennifer Jambor-Delgado  
Jennifer Jambor-Delgado  
Staff Attorney  
Email: jjambor@flaginc.org

SES/JJD/rgc

Enclosures

cc: Brad Davis, Manager, Scott County Land Use Planning Department  
(via e-mail and U.S. Mail; attachments sent via e-mail only)  
Local Harvest Alliance  
(via e-mail and U.S. Mail; attachments sent via e-mail only)





FARMERS' LEGAL  
ACTION GROUP,  
INCORPORATED

360 North Robert Street Suite 500  
Saint Paul, Minnesota 55101

Phone: 651 223.5400  
Fax: 651 223.5335

Internet:  
lawyers@flaginc.org

Web site:  
www.flaginc.org

February 13, 2009

**By E-Mail Transmission, U.S. Mail, and Hand Delivery**

Metropolitan Council  
Community Development Committee  
390 North Robert Street  
St. Paul, MN 55101

RE: Scott County's Proposed 2030 Comprehensive Plan

Dear Community Development Committee:

We are writing to you on behalf of the Local Harvest Alliance. As you may know, the Local Harvest Alliance is a group of local food producers and consumers located in Scott County. The group's goals are to promote land use development that supports local food production and protects farmland; to develop a vibrant local food economy; and to realize ultimate food security through local food production.

These comments are being submitted because we are concerned that Scott County's proposed 2030 Comprehensive Plan (2030 Plan or Plan) slates much of Scott County's best farmland for future development. By so doing, the Plan decreases metropolitan area access to valuable farmland, thwarts the development of a regional food system, and deprives the metropolitan area of an important opportunity to increase economic growth.

We request that the Metropolitan Council require the County, before it adopts a final 2030 Comprehensive Plan, to assess the economic and environmental benefits of agriculture and a regional food system, and assess, in light of current economic trends, projected growth and housing trends. In addition, we ask the Metropolitan Council to require the County to amend the 2030 Plan to: (1) include farmland preservation as an explicit plan goal; (2) reconsider its designation of any prime farmland that is currently slated for urban or residential development; and (3) include a commitment to implement land use planning tools designed to foster farmland preservation.

**A. The County Should Have All Relevant Information, Including Economic Analyses and Projections, Before it is Allowed to Put the 2030 Plan Into Effect.**

The 2030 Plan calls for the eventual development of prime farmland despite that the County only recently started collecting critical information necessary for any long-range planning in Scott County. For example, the County has not: (1) assessed how existing local agriculture contributes to the County's fiscal health; (2) analyzed how a reduction in Scott County's farmland may affect the economy and/or food security within the County and the metropolitan area; or (3) considered the potential environmental consequences of developing prime farmland in the Lower Minnesota River Valley, promoting urban and residential development in this area, or of putting a waste treatment facility in this area. Nor has the County assessed the economic or environmental benefits of maintaining prime farmland for long-term agricultural use, or performed an economic analysis of how the promotion of a locally based food production system would contribute to the County's fiscal health.

The County has recognized both the need for this critical information and the fact that it does not have it in its September 2008 application to the University of Minnesota Community Growth Options and the Center for Urban and Regional Affairs for assistance in conducting the exact studies described above. The application—submitted *six months after* Scott County's Planning Advisory Commission and the Board of Commissioners approved the 2030 Plan with reservations—seeks answers to these basic questions: "What is the make-up of today's agriculture in Scott County?"; "How many farms (or how much acreage) is being done with traditional practices; how many organic (certified and not certified) . . .?"; "How much land in Scott County is in CRP?"; and this most basic and important question: "What impact does farming have on Scott County's local economy?"

These questions should have been asked and answered well before the 2030 Plan was drafted and approved. The approval process must be slowed down to allow these questions to be fully addressed, and for the County to make its planning decisions based on complete information. Indeed, in voting to submit the 2030 Plan to the Metropolitan Council, the members of the Scott County Board of Commissioners uniformly and repeatedly acknowledged that the Plan needs to better address agricultural and farmland preservation issues.<sup>1</sup> The members additionally stated that an important factor in their decision to submit

---

<sup>1</sup> Commissioner Wagner voted against submitting the Plan to the Metropolitan Council based on his conclusion that the County needed additional time in which to review and address issues related to farmland preservation.

the Plan to the Metropolitan Council was the County's commitment to continue its analysis of these important issues.

Surely, before the County gives up a finite natural resource to development, it should know the benefits currently provided by that resource, the potential additional benefits that could be provided were the County to take advantage of the many opportunities offered by the demand for locally grown foods, and the consequences of eliminating that resource. To ensure prime farmland is not prematurely developed, the Metropolitan Council should require that the County obtain this critical information before it is allowed to adopt the 2030 Plan and put it into effect.

**B. The 2030 Comprehensive Plan Does Not Reflect the Reality of the Intersecting Needs for Locally Produced Food, Energy Independence, and National Security.**

As the County noted in its recent application to the University of Minnesota Community Growth Options and the Center for Urban and Regional Affairs, Scott County's farmland contains some of the best soils in the region and is a valuable resource for local food production. The County's application states:

While there has been considerable focus on regional investments . . . needed to serve [Scott County's projected population] growth, there has been less attention given to community and regional food planning to ensure quality farmland is not lost to continued urbanization. The demand for farmland to produce fruits, vegetables, meat and dairy products for the growing regional population will undoubtedly increase as energy costs continue to rise and people look for healthier and safer food alternatives. Scott County farmland contains some of the most productive soils in the region and provides a valuable resource to produce local foods for the Twin Cities population.

Currently, demand for locally produced food is unable to keep up with its supply. This trend will certainly continue as the nation continues to pursue energy independence. A typical food item in today's grocery store has traveled an average of 1,500 miles to get there; food that is locally produced will require less fuel for transportation if it only has to travel the 45 miles from Belle Plaine to St. Paul—and, of course, it will certainly be more fresh and healthful. See Crossroads Food Center, *Local Food as Economic Development*, by Ken Meter, available at <http://www.crcworks.org/crcdocs/lfced.pdf>, and attached as *Exhibit 1*; November 10, 2008 letter from Ken Meter to the Scott County Board of Commissioners, attached as *Exhibit 2*.

National security will also drive the continued demand for locally produced food. As best-selling author Michael Pollan noted in his recent article in *The New York Times*, entitled “Farmer in Chief,” an open letter addressed to the next President of the United States, “National security also argues for preserving every acre of farmland we can and then making it available to new farmers. We simply will not be able to depend on distant sources of food, and therefore need to preserve every acre of good farmland within a day’s drive of our cities.”

Moreover, economic analysis has shown that by building a local food economy, revenue is funneled directly into local communities. See Crossroads Food Center, *Local Food as Economic Development*, by Ken Meter, attached as *Exhibit 1*; see also, November 10, 2008, letter from Ken Meter to the Scott County Board of Commissioners, attached as *Exhibit 2* (stating that Scott County consumers spend \$180 million buying food annually, and that if food supplies were localized, that revenue would stay in, and benefit, Scott County). Therefore, maintaining farmland in Scott County, rather than developing it, would provide economic benefits to the County and the region.

There is no doubt that, given today’s realities, there is a distinct need for good farmland located in close proximity to the Twin Cities metro area. This need will indisputably continue to increase as energy costs continue to rise and consumers become increasingly concerned about the safety of our national food supply system. Yet rather than capitalizing on these opportunities, the County’s 2030 Plan turns a blind eye to the fact that Scott County is ideally and uniquely positioned to supply locally grown foods to the metro area population and shortsightedly slates its best farmland for development.<sup>2</sup>

The urban and residential development anticipated by the Plan was conceived of before the current housing and economic crisis occurred, before energy and gas prices shot up, and before the local foods movement’s popularity soared among consumers and land use

---

<sup>2</sup> Although the Plan seems to assume—and the County may believe—that development will help to maximize the County’s tax base, many counties have found that additional development does not ultimately provide the anticipated increase in tax revenues. Instead, counties have typically found that the cost of services for new housing exceeds the tax revenues generated. See Crossroads Food Center, *Local Food as Economic Development*, by Ken Meter, attached as *Exhibit 1*. A recent study conducted by the Minnesota Department of Agriculture, entitled “Cost of Public Services Study,” supports these findings. That study found that: (1) agriculture is important to the fiscal health of most communities because it contributes more in taxes than it requires in services; and (2) new residential development will have a net negative fiscal impact on the Minnesota counties studied, including Scott County. Minnesota Department of Agriculture, *Cost of Public Services Study*, pages 2 - 3; 50 available at <http://www.mda.state.mn.us/news/publications/aboutmda/pubservcosts.pdf>.

planners nationwide. Therefore, the policy assumptions and projections underlying the Plan may no longer be accurate, as circumstances have changed since those assumptions and projections were made. Now is the time to reassess whether the Plan continues to be based on realistic projections and expectations and to assess the consequences of developing existing farmland.

**C. The 2030 Plan Guarantees the County's Best Farmland Will Be Developed.**

The bulk of the County's best, most productive farmland lies within the areas the 2030 Plan designates as Urban Expansion and Urban Transition areas. According to the 2030 Plan, both areas are designed for future urban expansion and residential development. *Scott County 2030 Comprehensive Plan Update*, pages V-42-V-43. The Urban Expansion Area "is guided for eventual urban densities," while the urban transition area "is guided for interim agricultural and rural uses prior to urban densities beyond the 2030 planning horizon."

1. *Development patterns in Scott County and other areas establish that large amounts of farmland are typically lost once development is allowed in agricultural areas.*

It is well established that once the land use designation for an agricultural area is changed to allow for development, the land is unlikely to remain farmland. Land use patterns in Scott and surrounding counties confirm that once residential development is allowed in an agricultural area, large numbers of acres are typically taken out of agriculture and developed, resulting in a high rate of farmland losses. Office of the Legislative Auditor, State of Minnesota, "*Green Acres*" and *Agricultural Land Preservation Programs* (February 2008), available at <http://www.auditor.leg.state.mn.us/ped/2008/greenacres.htm>. During the time period from 1982 through 1992, Scott County lost 56.3 percent of its farmland for reasons generally related to development. See, Minnesota Department of Agriculture, *Cost of Public Services Study*, page 17, available at <http://www.mda.state.mn.us/news/publications/aboutmda/pubservcosts.pdf>.

2. *The experiences of Scott County's farmers illustrate why farmland is often lost once development is allowed in agricultural areas, and show how that development makes farming more difficult and the continuous existence of area farms more tenuous.*

The experiences of Scott County's existing farmers further illustrates that once development is allowed in agricultural areas, those areas are typically developed. Moreover, the experiences of Scott County's farmers also show that such development

generally encroaches upon and hinders existing farming operations. As a result, farmers are less likely to continue farming in those areas.

According to farmers in Scott County, encroaching development frequently results in shortages of affordable farmland. These land shortages prevent farmers from expanding existing operations because they cannot afford to buy or rent additional land. Moreover, land shortages also prohibit new farmers from buying farmland, while increasing the pressure on existing farmers to sell their land. Further, the infrastructure added with new development frequently includes the addition of more paved roads (at the County's expense) cutting through farming areas. These roads create additional hazards for farmers who must bring farm vehicles and machinery, including tractors and combines, on the roads while sharing the roads with fast-moving vehicles unused to making allowances for slower-paced farm vehicles and machinery.

As the number of farms in a given area decreases, the support these farms provide to one another disappears, as do local farm service businesses and the jobs those businesses provide. The lack of a core number of farms and farm support businesses creates yet another disincentive for new farms to locate in the area.

Therefore, although the 2030 Plan does not prohibit farming, it will inevitably increase the development of existing farmland. Studies and experience both show that such development will, in turn, decrease the amount of farmland and the number of working farms in Scott County.

**D. Failing to Preserve Prime Agricultural Soils Conflicts with the Metropolitan Council's Regional Development Framework.**

The Metropolitan Council's 2030 Regional Development Framework (Development Framework) expressly recognizes that the preservation of agricultural land is an important part of achieving the Council's policy to "reclaim, conserve, protect and enhance the region's vital natural resources." *Development Framework, Pages 14-15*. Therefore, the Development Framework strives to concentrate population growth in existing urban areas already possessing the infrastructure needed to support population growth. *Development Framework, Pages 6, 10*.

Additionally, the Development Framework specifically recognizes the value of prime agricultural land and notes that these "agricultural soils are important not only to farming communities but also to the region as a whole." *Development Framework, Page 15*. The Council also strives to support local efforts to preserve agricultural land "by forecasting only very small amounts of household and employment growth for agricultural areas and by strictly limiting its investments in regional infrastructure in those areas, focusing instead

on investing in efficient and fiscally prudent urban growth.” *Development Framework, Page 10.*

Scott County’s neighboring Dakota County provides an example of how agricultural preservation and promotion can be included as comprehensive plan goals in a manner that is consistent with the Metropolitan Council’s Development Framework. Dakota County’s plan specifically seeks to promote locally grown foods; preserve agricultural land and heritage; promote more sustainable agricultural practices; and protect agriculture by limiting rural residential growth. See, *Dakota County 2030 Visioning Draft Technical Report* (February 2007), pages 31-32, 53, available at <http://www.co.dakota.mn.us/NR/rdonlyres/000010b5/uqahvyczsehewycuqplidwloyxbekuf/h/DakotaCountyVisioningCompleteDraft.pdf>; *Dakota County 2030 Comprehensive Plan* (May 2008), pages 2.1.12, 2.3.8, 4.2.11, available at <http://gis.co.dakota.mn.us/planning/>. Each of these goals falls under the rubric of the Development Framework’s policy to conserve, protect, and enhance the region’s natural resources.

In sharp contrast to Dakota County, the Scott County 2030 Plan concentrates anticipated population growth in existing agricultural areas consisting of prime agricultural soils and lacking the infrastructure to support additional population growth. The 2030 Plan thus slates the County’s best farmland for development, leaving prime soils to be buried under concrete. We submit that by calling for the urban and residential development of prime soils, the Plan directly conflicts with the Metropolitan Council’s policy of conserving natural resources. Consequently, it appears that the 2030 Plan substantially departs from the dictates of the Regional Development Framework and must be modified to better protect this important natural resource. *Minn. Stat. § 473.175*. The 2030 Plan should therefore be modified to include farmland preservation as an explicit plan goal, and include a commitment to implement land use planning tools designed to foster farmland preservation.

**E. County Residents Have Not Had an Adequate Opportunity to Comment on the 2030 Plan.**

We are also concerned that the County residents have not been afforded an adequate opportunity to comment on the 2030 Plan. While the County did have public listening sessions prior to the rollout of the Plan, the actual language of the draft 2030 Plan was only made available on the County’s website for a very short period of time prior to the public hearing conducted on March 27, 2008, at which hearing the Plan was approved by the Planning Advisory Commission. Exacerbating the problem of the short time period was the limited access to the Plan’s language: we are aware that once the final version of the draft 2030 Plan was available on the County’s website, a malfunction in the document files

made it impossible to open or download the files. Thus, anyone who wished to view the 2030 Plan via the County's website was precluded from doing so.

In addition, because the County did not complete and publish its soil maps until after it took public comments on the 2030 Plan in March of 2008, County residents had no opportunity to comment on how the Plan affects prime farmland and farmland of statewide significance. Given that much of the County's prime farmland appears to be slated for eventual development under the Plan, County residents should have an opportunity to comment on this important aspect of the Plan before the County is allowed to adopt the Plan and put it into effect.

At the Scott County Board of Commissioners' meeting in November of 2008, the second—and final—opportunity for public comment on the specific Plan language and provisions, the Board prohibited public comment on any policy or substantive issues related to the 2030 Plan. The Board limited public comment to issues related to the process used to develop the 2030 Plan. Unfortunately, the Board did not disclose these restrictions on the scope of comments until after the Recognition of Interested Citizens portion of its meeting was conducted.<sup>3</sup> As a result, those residents who wanted to comment on policy issues related to the 2030 Plan were deprived of the opportunity to do so.

This limitation of public input regrettably appears to be consistent with the County's general approach to public input on the Plan, despite the Commissioners' comments about how much public input they sought. While there certainly was a lot of process involved, the opportunities for meaningful input on the specific language of the Plan were quite limited, as described here.

For the reasons stated herein, we request that the Metropolitan Council require the County, before it adopts a final 2030 Comprehensive Plan, to assess the economic and environmental benefits of agriculture and a regional food system; and assess, in light of current economic trends, projected growth and housing trends. In addition, we ask the Metropolitan Council to require the County to amend the 2030 Plan to: (1) include farmland preservation as an explicit plan goal; (2) reconsider its designation of any prime farmland that is currently slated for urban or residential development; and (3) include a commitment to implement land use planning tools designed to foster farmland preservation.

---

<sup>3</sup> During this portion of the meeting, citizens may address the Board on issues of public interest regardless of whether those issues are on the agenda for that day's meeting.



Metropolitan Council Community Development Committee

Page 9

February 13, 2008

FLAG

Thank you for your consideration of these comments.

Sincerely,

FARMERS' LEGAL ACTION GROUP, INC.

/s/ Susan E. Stokes

Susan E. Stokes, Executive Director  
and Attorney at Law

Email: sstokes@flaginc.org

/s/ Jennifer Jambor-Delgado

Jennifer Jambor-Delgado  
Staff Attorney

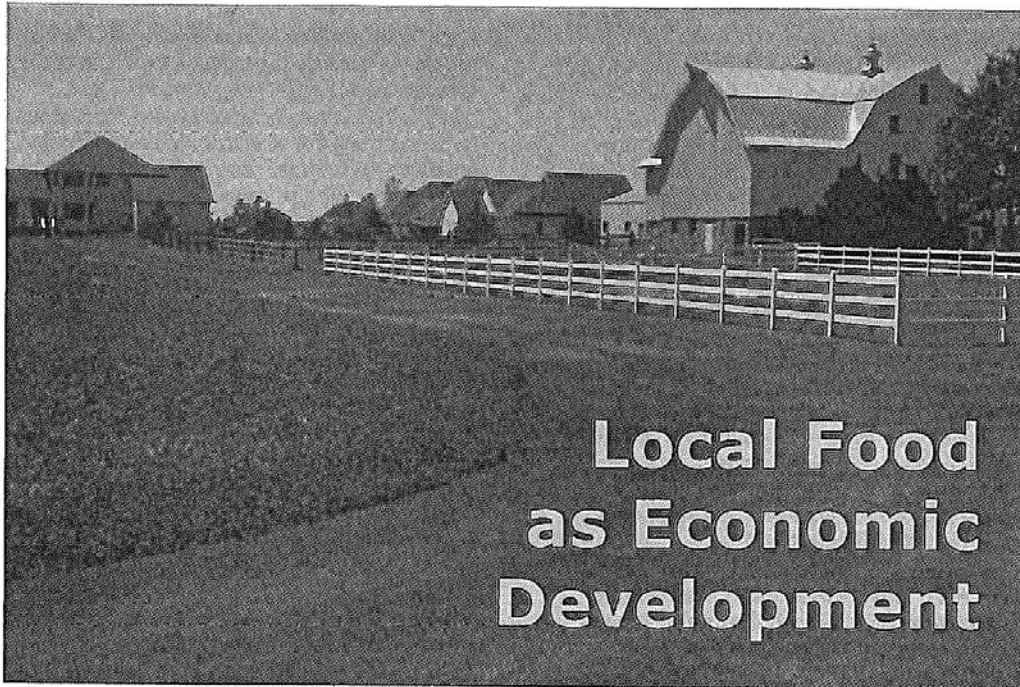
Email: jjambor@flaginc.org

SES/JJD/rgc

Enclosures

cc: Local Harvest Alliance (*via e-mail*)

**Community Food Security Coalition  
Community Economic Development Working Group**



# Local Food as Economic Development

**by Ken Meter, Crossroads Resource Center (Minneapolis)**

October, 2008

Local foods may be the best path for promoting community economic development.

Jobs and tax base have often been cited as the primary reasons to adopt community development proposals. Yet these traditional goals have been frustrated in recent years. Many economic developers find themselves uncertain what to do.

After the high-tech bubble burst in 2001, fewer high-wage jobs were created. This pushed more communities to compete with each other for lower-wage firms. Often they get little in return for the incentives and subsidies they extend. Even after collecting public payments, many firms moved their operations elsewhere — often to foreign countries — in search of even cheaper labor. This leaves the communities themselves depleted, and frustrates taxpayers. Certainly, few lasting benefits result.

Many communities hoped housing developments would offer an alternative. Yet the cost of services for new housing often exceeds the new tax base generated.<sup>1</sup> Moreover, the global mortgage crisis stalled many housing developments. Nor are homeowners well-positioned to take on new debt: American consumers report that their net worth has been negative since 2001. The *average* household lost \$49,000 of net worth from 2001-2006, primarily by taking on new mortgage debt.<sup>2</sup>

Since state and local governments in the U.S. pay over \$50 billion in subsidies each year [\$42,000 per job created]<sup>3</sup> trying to attract new development, many seek better returns on their investment. Counties in the U.S. also shoulder immense welfare costs, for instance sharing with hospitals and the federal government almost \$100 billion per year to pay for medical care for the uninsured.<sup>4</sup>

## Community Food Security Coalition — Local Food as Economic Development

Tragically, our diet contributes to these medical costs, since food has become a leading cause of death. A high-calorie diet, combined with a lack of exercise, accounts for one-fifth of the annual deaths in the U.S.<sup>5</sup> Six of the fifteen leading causes of death are related to faulty diet and low physical activity.<sup>6</sup>

Eating fruits, vegetables, and whole grains is vital to health. Yet only 23% of U.S. adults eat the recommended five servings of fruit and vegetables each day<sup>7</sup> — which would help reduce the risks of cancer, heart disease, stroke, diabetes, arthritis, birth defects, and osteoporosis.<sup>8</sup> Many have only limited access.

These trends mean local officials feel pressure from constituents who are looking for better local food choices. Local economic studies show that many U.S. regions lose hundreds of millions of dollars each year because they import food from far away, or because farmers spend more money raising food commodities than they get back from the marketplace.<sup>9</sup>

Even when farms prosper, little of the money they earn recycles through the locale. Research at Iowa State University shows that the multiplier for a farm may be 1.4 in an area where large-scale farms prevail,<sup>10</sup> smaller farms in small-farm areas of Wisconsin report a higher multiplier of about 2.6.<sup>11</sup> The multiplier is the

number of times a dollar cycles through a locale; a higher number means more money is recycled.

Local foods can also reduce energy use. This is not simply because the average food item in the Midwest travels 1,500 miles from farm to plate.<sup>12</sup> This is also because we are accustomed to eating foods out of season, often preferring special foods from far away to those that can be raised where we live. American consumers buy \$880 billion of food each year<sup>13</sup> — yet only one-tenth of one percent of this (\$812 million) was purchased directly from farmers.<sup>14</sup>

For these and many other reasons, we are deeply dependent on oil to eat. Seventeen percent of all the energy used in the U.S. is devoted to our food supply — and this costs America \$139 billion.<sup>15</sup>

Bringing the food supply back home brings great results. In one eight-county area of Iowa centered around Cedar Falls-Waterloo, the University of Northern Iowa's local foods initiative sparks \$2.2 million of new food sales.<sup>16</sup> Iowa State University research showed that if that region's consumers ate five locally-grown fruits and vegetables each day for only the three months when they are in season, it would create \$6.3 million of labor income, and 475 new jobs within the locale.<sup>17</sup>

### How can local foods play a role in Community Economic Development?

**Since all of us eat every day, everyone can contribute.** Some development deals are so complex that only a handful of folks even know what is going on. Food engages us all. Local foods builds new social connections, and new skills.

**Local foods can create livelihoods for those who already live in your community.** People will form stronger loyalties to your region by working together to build local foods businesses.

**Youth are excited about growing food — yet lack land and capital.** Local food offers youth a reason to get engaged.

**Reduce energy and health care costs.** Trading local foods will stem the flow of dollars away from your locale. People who know where their food comes from will eat with greater care.

**Clusters of local food firms will recycle more money through your locale.** As local firms trade with each other, they create a flow of dollars that will keep money at home.

**MORE on next page!**

## Community Food Security Coalition — Local Food as Economic Development

**You can fill multiple needs at once.** Your locale will build healthier farms, more community kitchens, and stronger processing plants, warehouses, distribution centers, brokers, and retail food stores, as well as a more reliable food supply if people eat local food first.

### Sources:

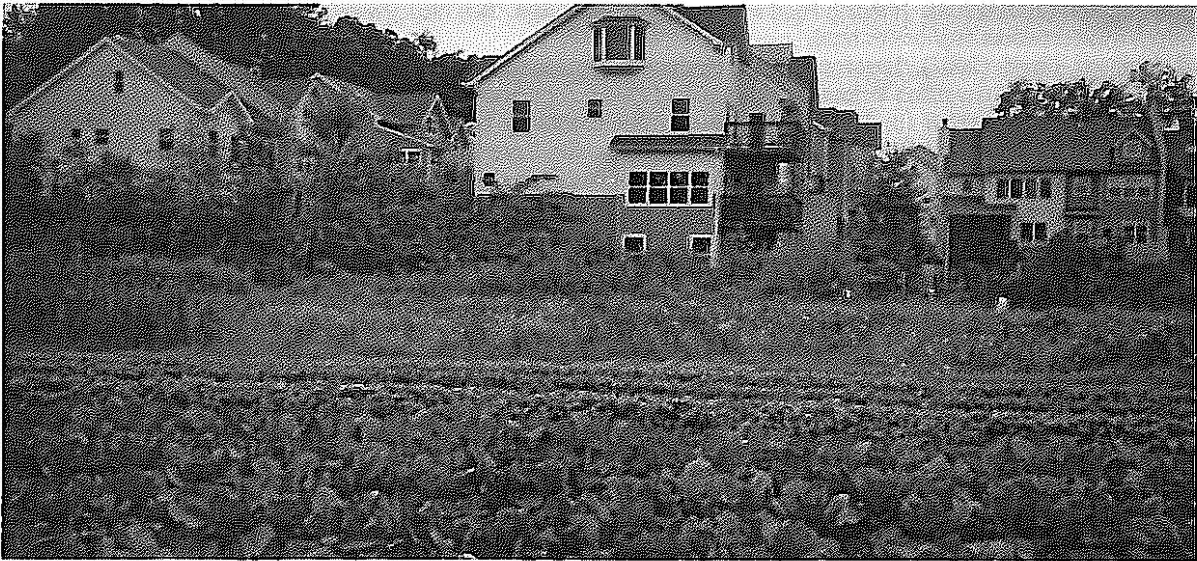
- <sup>1</sup> American Farmland Trust Costs of Services studies. See: <http://www.farmland.org/services/fiscalplanning/default.asp>.
- <sup>2</sup> Bureau of Labor Statistics, Consumer Expenditure Survey, Table 8, 1994-2006.
- <sup>3</sup> Peters, A. and P. Fisher (2004). "The Failures of Economic Development Incentives." *Journal of the American Planning Association* 70:1, Winter, 28. Elsewhere in this paper: "The best case is that incentives work about 10% of the time, and are simply a waste of money the other 90%....There are very good reasons — theoretical, empirical, and practical — to believe that economic development incentives have little or no impact on firm location and investment decisions [page 32]....Each new net job costs state and local governments about \$42,000 [page 35]."
- <sup>4</sup> Cohen R. and M. Martinez, National Center for Health Statistics, Division of Health Interview Statistics. Dec 2007. Health Insurance Coverage: Estimates from the National Health Interview Survey, January-June 2007. The National Coalition on Health Care. Viewed September 8, 2008, at <http://www.nchc.org/facts/coverage.shtml>, and Institute of Medicine. Hidden Costs, Values Lost: Uninsurance in America. The National Academies Press. 17 June 2003 <http://www.iom.edu/Report.asp?id=12313>.
- <sup>5</sup> McGinnis, J.M. & W.H. Foegen (1993). "Actual causes of death in the United States." *Journal of the American Medical Association* 270(18):2207-12; and Mokdad, A.H; J.S. Marks, D.F. Stroup, & J.I. Gerberding (2000). "Actual causes of death in the United States." *Journal of the American Medical Association* 291(10):1238-45 [with published corrections in *JAMA* (2005), 293(3), 293-294.]
- <sup>6</sup> Heron M., D.L. Hoyert, J. Xu, C. Scott, B. Tejada (2008). "Deaths: preliminary data for 2006." *National Vital Statistics Report* 56:16. Viewed July 31, 2008, at [http://www.cdc.gov/nchs/data/nvsr/nvsr56/nvsr56\\_16.pdf](http://www.cdc.gov/nchs/data/nvsr/nvsr56/nvsr56_16.pdf).
- <sup>7</sup> Centers for Disease Control, BRFSS (2005). Also cited by Produce for Better Health Foundation: <http://pbhfoundation.org/pulse/research/consumption/brfss.php>.
- <sup>8</sup> Hyson, D. (2002). "The Health Benefits of Fruits and Vegetables: A Scientific Overview for Health Professionals." Produce for Better Health Foundation.
- <sup>9</sup> Meter, Ken (2001-2008). "Finding Food in Farm Country" studies. See <http://www.crcworks.org/ff.pdf>, and <http://www.crcworks.org/locales.html>.
- <sup>10</sup> Swenson, David. (2007). "Determining the Methods for Measuring the Economic and Fiscal Impacts Associated with Organic Crop Conversion in Iowa." Aldo Leopold Center for Sustainable Agriculture, Iowa State University. March. Viewed September 13, 2008, at [http://www.leopold.iastate.edu/research/marketing\\_files/woodbury.htm](http://www.leopold.iastate.edu/research/marketing_files/woodbury.htm).
- <sup>11</sup> Interview with economics professor Larry Swain (2001), retired community development specialist for University of Wisconsin Extension, and retired director of the Survey Research Center at the University of Wisconsin — River Falls. See also Swain, L. (1999). "A Study of the Economic Contribution of Small Farms to Communities — Completed 1996 to 1999." Unpublished manuscript; and Swain, L & D Kabes (1998). "1996 Community Supported Agriculture Report." Unpublished manuscript.
- <sup>12</sup> Pirog, Rich; Timothy van Pelt, Kamyar Enshayan & Ellen Cook (2001). "Food, Fuel and Freeways: An Iowa perspective on how far food travels, fuel usage, and greenhouse gas emissions." Aldo Leopold Center for Sustainable Agriculture, Iowa State University, June.
- <sup>13</sup> <http://www.ers.usda.gov/Data/FarmToConsumer/marketingbill.htm>.
- <sup>14</sup> U.S. Agricultural Census (2002). <http://www.agcensus.usda.gov/>.
- <sup>15</sup> Federally supported research shows that 17% of all energy used in the U.S. is devoted to our food system. This totals \$139 billion of energy costs each year. Calculated from ratio determined by FEA study [Federal Energy Administration (1976). "Energy Use in the Food System," Number FE 1.2:F73, May, p. III-14.], using Department of Energy data for energy consumption (\$694 billion in 2001 -- DOE Table 1.5 Energy Consumption, Expenditures, and Emissions Indicators, 1949-2004, <http://www.eia.doe.gov/emeu/mer/consump.html>, viewed Nov. 27, 2005). See Meter, Ken (2006). "U.S. Food Market Highlights." <http://www.crcworks.org/foodmarkets.pdf>.
- <sup>16</sup> University of Northern Iowa "Buy Fresh Buy Local" campaign, <http://www.uni.edu/ceee/foodproject/hist.htm>.
- <sup>17</sup> Swenson, David (2008). "Economic Impact Summaries" covering Black Hawk County region. March. University of Northern Iowa Center for Energy and Environmental Education.

**Learn more about CFSC's Community Economic Development working group  
on the next page**

**What CFSC's Community Economic Development  
working group can do for you:**

**Our working group's goal is to help you  
build local food systems that build  
health, wealth, connection and capacity in your community.**

- 1. We'll show you how to use food to promote community economic development.**
- 2. We're building a toolkit for CED practitioners and community food security groups.**
- 3. We'll help you conduct an economic analysis of your locale.**
- 4. We'll work with you to create ways to engage low-income residents in the food system.**
- 5. We'll connect you to leaders who foster food access in low-income communities.**



**Check our web site: <http://www.crcworks.org/cfscged.html>**

Note: the CED working group is not yet  
a formal committee of CFSC. Application is pending.

**Contact Ken Meter  
kmeter@crcworks.org  
(612) 869-8664**



February 17, 2009

**Via Hand Delivery**

Metropolitan Council  
Community Development Committee  
390 North Robert Street  
St. Paul, MN 55101

RE: Scott County's Proposed 2030 Comprehensive Plan

Dear Community Development Committee:

We are writing to express our concerns with respect to Scott County's proposed 2030 Comprehensive Plan ("2030 Plan"). In particular, we are concerned that the 2030 Plan slates much of Scott County's best farmland for future development. We are also concerned that the County has not analyzed the economic or environmental consequences of developing this farmland versus maintaining this farmland for long-term agricultural use. As a result, we do not believe the 2030 Plan, as currently written, is good for Scott County or for the metro region as a whole.

It is worrisome that the 2030 Plan appears to focus almost exclusively on accommodating projected population growth while failing entirely to consider the need for regional food planning. Given today's realities—rising energy costs; a growing concern about the safety and security of our national food system; and an ever increasing demand for healthy, locally grown foods—the need for farmland capable of producing food for the growing regional population and located in close proximity to our cities will undoubtedly continue to increase. Scott County's farmland contains some of the most productive soils in the region and provides a valuable resource to produce local foods for the Twin Cities population. Preserving farmland that contributes to building a local food economy will additionally help to funnel revenue directly into Scott County and the metro region, aiding in job creation and bolstering the region's economy.

Rather than striving to protect the County's best farmland, however, the 2030 Plan designates that land for future urban and residential development. The bulk of Scott County's best, most productive farmland lies within areas the 2030 Plan assigns as Urban Expansion and Urban Transition areas. According to the 2030 Plan, both areas are designed for future urban and residential development. Therefore, the current draft of the 2030 Plan fosters the loss of prime farmland close to the Twin Cities area—farmland that is ideally situated to become part of a regional food economy with the capacity to produce foods for the Twin Cities population. The loss of that farmland—and the economic and environmental benefits it brings to Scott County—is irreversible.

**David Bly**  
State Representative

District 25B  
Rice and Scott Counties



# Minnesota House of Representatives

COMMITTEES: VICE-CHAIR, EARLY CHILDHOOD LEARNING FINANCE DIVISION  
ENERGY FINANCE AND POLICY DIVISION  
HIGHER EDUCATION AND WORK FORCE DEVELOPMENT POLICY AND FINANCE DIVISION  
MINNESOTA HERITAGE FINANCE DIVISION

February 17, 2009

## Via Hand Delivery

Metropolitan Council  
Community Development Committee  
390 North Robert Street  
St. Paul, MN 55101

RE: Scott County's Proposed 2030 Comprehensive Plan

Dear Community Development Committee:

I am writing to express concerns I am hearing from constituents with respect to Scott County's proposed 2030 Comprehensive Plan ("2030 Plan"). In particular, we are concerned that the 2030 Plan slates much of Scott County's best farmland for future development. I am also concerned that the County has not analyzed the economic or environmental consequences of developing this farmland versus maintaining this farmland for long-term agricultural use. As a result, I do not believe the 2030 Plan, as currently written, is good for Scott County or for the metro region as a whole.

It is worrisome that the 2030 Plan appears to focus almost exclusively on accommodating projected population growth while failing entirely to consider the need for regional food planning. Given today's realities—rising energy costs; a growing concern about the safety and security of our national food system; and an ever increasing demand for healthy, locally grown foods—the need for farmland capable of producing food for the growing regional population and located in close proximity to our cities will undoubtedly continue to increase. Scott County's farmland contains some of the most productive soils in the region and provides a valuable resource to produce local foods for the Twin Cities population. Preserving farmland that contributes to building a local food economy will additionally help to funnel revenue directly into Scott County and the metro region, aiding in job creation and bolstering the region's economy.

Rather than striving to protect the County's best farmland, however, the 2030 Plan designates that land for future urban and residential development. The bulk of Scott County's best, most productive farmland lies within areas the 2030 Plan assigns as Urban

*note*



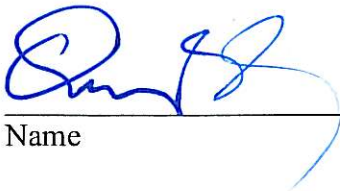


Expansion and Urban Transition areas. According to the 2030 Plan, both areas are designed for future urban and residential development. Therefore, the current draft of the 2030 Plan fosters the loss of prime farmland close to the Twin Cities area—farmland that is ideally situated to become part of a regional food economy with the capacity to produce foods for the Twin Cities population. The loss of that farmland—and the economic and environmental benefits it brings to Scott County—is irreversible.

Agriculture is important to the fiscal health of most communities because it contributes more in taxes than it requires in services. In contrast, studies have shown that new residential development will have a net negative fiscal impact on Minnesota counties studied, including Scott County. Minnesota Department of Agriculture, *Cost of Public Services Study*, pages 2 - 3; 50 available at <http://www.mda.state.mn.us/news/publications/aboutmda/pubservcosts.pdf>. Therefore, it would seem that rather than sacrificing high-producing farmland and thriving farming communities that contribute to the County's fiscal health, the County should seek to accommodate projected population growth through other more appropriate and fiscally prudent means.

Before finalizing the 2030 Plan, the County should be required to carefully analyze the benefits of preserving farmland and to consider whether developing prime farmland serves the best interests of the County and the region. I urge the Metropolitan Council to require that the County undertake this analysis immediately, before the County is allowed to put the 2030 Plan into effect. In addition, I request that the Metropolitan Council require the County to amend the 2030 Plan to: (1) include farmland preservation as an explicit plan goal; and (2) include a commitment to implement land use planning tools designed to foster farmland preservation. Thank you for your consideration of these comments.

Sincerely,



---

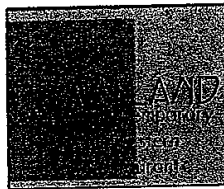
Name

2/12/2009

---

Date

cc: Local Harvest Alliance



November 14, 2008

Heartland  
1806 St. Clair Avenue  
St. Paul, Minnesota 55105

Board of Commissioners  
Scott County, Minnesota

To whom it may concern:

As a chef and restaurateur whose restaurant is dedicated to serving the best product available from the farms and artisans of our local area, the farmers of Scott County have long been an invaluable resource for locally and sustainably raised produce, dairy and meat. I first started buying directly from Scott County farmers over twenty years ago, and I have continued to enjoy the wonderful bounty that Scott County's resident farms have brought to the marketplace. In fact, I am so indebted to them that I consider much of our restaurant's success to be directly attributable to their hard work and to the fine quality of their produce.

Our restaurant was created with the local farm in mind. Most of our product is sourced from within a fifty to one hundred mile radius of our front door. As such, the farms help decide the menu for us based upon the seasonality and availability of their products. This requires an enormous amount of partnering and trust between the farms and the restaurant. Without Scott County's farmers, we would struggle to be able to offer the kind of quality and healthful food that is the trademark of our restaurant.

This year, I was honored to be named a semifinalist for the James Beard Foundation Award for Best Chef Midwest. It is my ardent belief that without our farmers that would never have been possible. Our Scott County farmers are such an integral piece of that success that I strongly urge you to preserve their farmland and reconsider your plan to urbanize the vast majority of Scott County.

In this day and age of greed, corruption and immorality, there are few things that we can hold onto that remain as pure and unadulterated as our small, family farms. In addition, these farms are so much a part of the fabric of whom we are as a people that their disappearance will fundamentally change us forever. I fear that that change will not be to the greater benefit of the citizens of Scott County or to the benefit of the greater Twin Cities metropolitan area.

Please do not turn Scott County into another example of urban sprawl. Its rural landscape, its hardworking farmers and its abundant bounty are emblematic of the spirit and quality of life about which you should be justifiably proud. These are things that can have no true

value placed upon them. Sometimes having vision is in knowing what *not* to change and in understanding how decisions that are made today will impact our quality life and the health and well being of our posterity in years to come.

Sincerely:

Lenny Russo  
Chef/Proprietor  
Heartland

**Serving a nightly changing dinner menu from 5:30 PM Tuesday  
through Saturday**

**1806 St. Clair Avenue, St. Paul, Minnesota 651.699.3536**

**[www.heartlandrestaurant.com](http://www.heartlandrestaurant.com)**

**Reservations suggested**

March 26, 2008

VIA E-MAIL: bdavis(a)co.scott.mn.us

Brad Davis, Manager  
Scott County Land Use Planning Department  
200 Fourth Ave West  
Shakopee, MN 55379

Re: Comments on Draft 2030 Comprehensive Plan

Dear Mr. Davis:

The Local Harvest Alliance submits the following comments concerning Scott County's proposed 2030 Comprehensive Plan ("2030 Plan").

The Local Harvest Alliance is a group of local food producers and consumers located in Scott County, including the Lower Minnesota River Valley. Our goals are to promote land use development that supports local food production and protects farmland; to develop a vibrant local food economy; and to realize ultimate food security through local food production.

I. The 2030 Plan Should Endorse Farmland Preservation and the Promotion of Agriculture That Supports Locally Grown Food Production Systems as Plan Goals.

Research conducted by the county unequivocally establishes that Scott County residents strongly favor preserving farmland within the county. 2030 Plan, Pages I1-3-5. Public opinion surveys taken by the county establish that residents favor taking steps to preserve the county's "farming heritage; rural atmosphere; small-town lifestyle and natural landscape." 2030 Plan, Page I1-3. Residents also favor "taking more proactive steps to maintain the county's rural atmosphere, including ... long-term preservation of farmland or open space." 2030 Plan, Pages I1-3-I1-4. Indeed, an overwhelming majority (73 percent) of respondents to the county's public opinion survey strongly endorsed "permanently retaining agricultural land in Scott County." 2030 Plan, Page I1-5.

Despite strong community support for preserving farmland in Scott County, the 2030 Plan fails to include retention of farmland as a plan goal. Rather, the 2030 Plan views the "long-term future of agriculture in the county" as a "strategic challenge" and reclassifies the vast majority of its agricultural lands to other land use categories. 2030 Plan, Pages IV-5, V-43.

The distinction between framing farmland preservation as a plan goal instead of a "strategic challenge" is of critical importance because it fundamentally shifts the focus of

the planning process. If the preservation of farmland is viewed as a plan goal, the plan will prioritize farmland preservation despite the county's need to absorb its share of population growth. In contrast, under the current draft of the 2030 Plan, the accommodation of population growth clearly trumps farmland preservation. As a result, the 2030 Plan requires vast expanses of agricultural land to be re-zoned so as to accommodate population growth, rather than seeking alternative ways to accommodate growth while simultaneously preserving farmland.

By failing to designate farmland preservation as a plan goal, but rather viewing it as a "strategic challenge" that must be negotiated, the 2030 Plan sets up a framework where farm preservation is destined to fail. Given the strong community support for farmland preservation, the 2030 Plan should foster such preservation rather than promise its demise. Consequently, it is imperative that the final 2030 Plan include farmland preservation as an explicit plan goal.

Likewise, the plan should also include promoting agriculture that supports locally grown food production systems as a plan goal. There is no doubt that protecting Scott County's natural resource base is of great concern to area residents. Indeed, over 75 percent of survey respondents "either supported or strongly supported additional regulations to protect environmentally sensitive areas." 2030 Plan, Pages II-6. Moreover, residents envision a community with a diversified economic base--one that allows them to work within the community, rather than outside of it. 2030 Plan IV-4. By delaying its analysis of the long-term future of agriculture in the county until after it finalizes the 2030 Plan, the county misses a prime opportunity to integrate the environmental and economic benefits derived from a locally grown food production system into its 2030 Plan. Promoting locally grown food production systems would enable the county to satisfy residents' concerns and dovetail with several of its goals. Specifically, locally grown food systems would help to preserve farmland, protect natural resources by encouraging sustainable farming methods, and provide local jobs that would diversify the county's economic base. Nevertheless, the 2030 Plan ignores this opportunity in its entirety. Consequently, the county should make promoting agriculture that supports locally grown food systems a goal of the 2030 Plan.

II. Including Farmland Preservation and the Promotion of Agriculture That Supports Locally Grown Food Production Systems is Consistent With the Metropolitan Council's Regional Development Framework.

The Metropolitan Council's 2030 Regional Development Framework (Development Framework) manifestly does not require counties to subordinate farmland preservation to the accommodation of population growth. Quite the contrary, the Development

Comments on Draft 2030 Comprehensive Plan  
Submitted by Local Harvest Alliance  
Scott County Land Use Planning Department  
March 26, 2008  
Page 3

Framework expressly recognizes that the preservation of agricultural land is an important part of achieving the Council's policy to "reclaim, conserve, protect and enhance the region's vital natural resources." Development Framework, Pages 14-15. Therefore, the Development Framework strives to concentrate population growth in existing urban areas already possessing the infrastructure needed to support population growth. Development Framework, Pages 6, 10.

Moreover, the Council specifically recognizes the value of prime agricultural land and "supports local communities in their determination of how best to use this land."

Development Framework, Page 15. The Council also strives to support local efforts to preserve agricultural land "by forecasting only very small amounts of household and employment growth for agricultural areas and by strictly limiting its investments in regional infrastructure in those areas, focusing instead on investing in efficient and fiscally prudent urban growth." Development Framework, Page 10.

Thus, pursuant to the Development Framework, Scott County is encouraged to promote farmland preservation and agriculture that supports locally grown food production systems (hereafter referred to as "local agriculture") as goals of its 2030 Plan.

Neighboring Dakota County provides an example of how agricultural preservation and promotion can be included as comprehensive plan goals in a manner that is consistent with the Metropolitan Council's Development Framework. In its planning process, Dakota County specifically seeks to promote locally grown foods; preserve agricultural land and heritage; promote more sustainable agricultural practices; and protect agriculture by limiting rural residential growth. See, Dakota County 2030 Visioning Draft Technical Report (February 2007), pages 31-32, 53, available at <http://www.co.dakota.mn.us/INR/rdonIyres/OOOO IOB5/ugahvyczsehewycugplidwlovxbeku fh1DakotaCounlvVisioningCompleteDraft.pdt>: Each of these goals falls under the rubric of the Development Framework's policy to conserve, protect, and enhance the region's natural resources. Given the strong public support for farmland preservation in Scott County, and that endorsing such preservation and promoting local agriculture is consistent with the Development Framework, Scott County should adopt goals similar to those endorsed by Dakota County.

### III. The 2030 Plan Fails to Adequately Preserve Agricultural Land.

The 2030 Plan repeatedly emphasizes the importance of Scott County's agricultural heritage and its prime farmland. 2030 Plan, Pages II-3-5, III-2, V-16, V-26. Nevertheless, the current draft of the 2030 Plan fails to protect the vast majority of the farmland located within Scott County. Indeed, the plan explicitly reduces the amount of land reserved for long-term agricultural preserves from 23.8 percent to 7.1 percent. 2030 Plan, Page V-43.

Comments on Draft 2030 Comprehensive Plan  
Submitted by Local Harvest Alliance  
Scott County Land Use Planning Department  
March 26, 2008  
Page 4

The remainder of the farmland that is being preserved by the county (also 1 percent) is only being preserved on a temporary basis so that it can later be used for future urban development. 2030 Plan, Pages V-36, V-43.

Moreover, the 2030 Plan is devoid of language protecting agricultural lands. Instead, the Plan limits the scope of its protections to "agricultural uses and operating farms within the agricultural areas." 2030 Plan, Page V-33 (emphasis added). However, given that the 2030 Plan reclassifies the majority of agricultural lands to other land use categories, most of today's farms will be located outside of the 2030 Plan's designated agricultural areas. Consequently, any protection offered by the 2030 Plan is illusory, as it applies only to a fraction of current farmland.

IV, Historic Land Use Patterns in Scott County and Neighboring Areas Indicate That the Reclassification of Agricultural Areas Will Result in the Loss of Farmland.

Although the 2030 Plan allows for specified farm uses in areas not designated as "agricultural areas" (for example, small parcel farms are allowed in urban expansion, urban transition, and rural residential reserve land use areas), that permission alone will not ensure the land remains farmland. Rather, historic land use patterns show that once land is zoned to allow more residential development, the land is unlikely to remain farmland. See, e.g., Dakota County 2020 Comprehensive Plan, available at <http://www.co.dakota.mn.us/Departments/Planning/Reports/DC2020.html>; DeKalb County Farm Bureau, Center for Agriculture, Farm Viability in DeKalb and Other Urbanizing Counties (February 18, 2008) (studying the impact of development on agricultural lands in five metro-area counties, including Dakota County), available at [http://www.farmland.org/resources/reports/documents/AFT\\_UrbanEdgeAg\\_Preliminary\\_Results.pdf](http://www.farmland.org/resources/reports/documents/AFT_UrbanEdgeAg_Preliminary_Results.pdf).

Indeed, land use patterns in Scott County and surrounding counties establish that once land is zoned to allow residential development, large numbers of acres are typically taken out of agriculture and developed, resulting in a high rate of farmland losses. Office of the Legislative Auditor, State of Minnesota, "Green Acres" and Agricultural Land Preservation Programs (February 2008), available at <http://www.auditor.leg.state.mn.us/ped/2008/greenacres.html>. During the time period from 1982 through 1992, Scott County lost 56.3 percent of its farmland for reasons generally related to development. See, Minnesota Department of Agriculture, Cost of Public Services Study, page 17, available at <http://www.mda.state.mn.us/news/publications/aboutmdaipubservcosts.pdf>. Of the 14,574 acres of agricultural land lost in Scott County during the time period from 1982

through 1992, more than half of Scott County's farmland (approximately 8,200 acres) was converted to residential, commercial or industrial (developed) uses. U.S. Department of Agriculture, National Resources Inventory, 1982 and 1992.

Once its remaining agricultural land is lost to development, Scott County will not be able to recoup its prime farmland, and its unique agricultural heritage will be lost. In other words, there is no going back. Should the 2030 Plan be implemented as currently written, Scott County will lose its farms to urban sprawl, and valuable cultural and natural resources will be irrevocably lost. Therefore, the 2030 Plan land use reclassifications should be revamped so as to better preserve agricultural lands in Scott County.

V. The 2030 Plan Deprives Farmers of Legal Protections Offered by State Statutes.

State laws strive to protect agricultural lands and farming operations by offering certain tax benefits and other legal protections to farms located in agricultural land use zones. Minn. Stats. §§ 561.19, 473H.04, subd. 2 (2007). By reclassifying current farmland to other land use categories, the county will remove the statutory protections for all farms located in the reclassified areas. The 2030 Plan should address how family farms and small farming operations located in the reclassified areas will be protected given that state statutory protections will no longer apply.

#### A. Minnesota's Right-To-Farm Law

Minnesota's "right-to-farm" law protects farm operations from nuisance liability provided the farm meets specified criteria (for example, operates according to generally accepted agricultural practices and complies with applicable laws). However, the right-to-farm law does not apply unless the farming operation is located within "an agriculturally zoned area." Minn. Stat. § 561.19, subd. 2 (2007).

By reclassifying current agricultural areas to other land use categories, the 2030 Plan will deprive farms located in the reclassified areas of the legal protections offered by the right-to-farm law. Thus, although the 2030 Plan encourages townships to adopt right-to-farm ordinances "based on state regulations" (see 2030 Plan, Page V-34), any right-to-farm ordinances adopted by the townships will invariably apply only to farming operations located within the limited areas that are agricultural land use zones. Given that much of the land in Scott County will ultimately be reclassified to non-agricultural land use categories, any farms that remain outside of these areas will be subject to nuisance liability, an issue the plan fails to address. To encourage farmland preservation and local food production, the 2030 Plan should afford nuisance protection to family farms and



small farming operations located within the reclassified areas, excepting all industrial livestock and agricultural operations.

#### B. The Metropolitan Preserves Act

The Minnesota Legislature enacted the Metropolitan Preserves Act for the express purpose of preserving "viable productive farm operations in the metropolitan area." Minn. Stat. § 473H.01 (2007). The Metropolitan Preserves Act strives to preserve farmland by granting farmers property tax benefits and protections against interference with their farming operations. Minn. Stat. §§ 473H.01; 473H.10; 473H.12 (2007). However, these benefits and protections are only available for farmland located in agricultural zones. 473H.04, subd. 2 (2007). Consequently, by reclassifying agricultural areas to other land use categories, the county is creating a situation in which farms located in the reclassified areas will be operating without the benefit of the legal protections currently offered by state law. The 2030 Plan should retain these benefits and protections for family farms and small farming operations located within the reclassified areas, excepting all industrial livestock and agricultural operations.

The 2030 Plan fails to recognize the legal consequences of its reclassification of agricultural areas to other land use categories. Moreover, the plan also fails to recognize the practical effects of its land use category reclassification-i.e., the loss of farmland. Consequently, should the final plan retain the land use reclassification scheme used in the current draft of the 2030 Plan, the county must, at a minimum, consider specific steps it may take to insulate family farms and small farming operations from the legal and practical effects wrought by its land use category reclassifications.

#### VI. The 2030 Plan Should Include an Economic Analysis of How Local Agriculture Contributes to the County's Fiscal Health.

It is well established that locally based agriculture results in the creation of more local jobs. See, e.g., Minnesota Department of Agriculture, 2007 Minnesota Agricultural Statistics, available at

[http://www.nass.usda.gov/Statistics by State/Minnesota/Publications/Annual Statistical Bulletin/fagstatbk2007fpagel.pdf](http://www.nass.usda.gov/Statistics%20by%20State/Minnesota/Publications/Annual%20Statistical%20Bulletin/fagstatbk2007fpagel.pdf). Currently, demand for locally grown foods is on the rise. As consumer awareness of the benefits of purchasing locally grown foods continues to increase, continued growth is expected in the demand for locally grown food products. Farm Credit Council, Growing Opportunity: The Outlook for Local Food Systems, available at [http://www.fccouncil.com/uploads/Growing Local Food Systems.pdf](http://www.fccouncil.com/uploads/Growing%20Local%20Food%20Systems.pdf). Given its prime farmland and its location within the metropolitan area, Scott County is exceptionally well positioned to satisfy the demand for locally grown foods. Thus,

promoting the growth of locally grown food production systems within Scott County could prove to be an economic boon to the county.

Indeed, the 2030 Plan confirms that sustainable farming practices, such as organic farming, are "increasingly being seen as a way to promote rural economic development and support the local economy." 2030 Plan, Page X-9. In contrast, when food production and purchases are not locally based, the local economy is drained of money that would otherwise be invested locally. 2030 Plan, Page X-9; Ken Meter, Crossroads Resource Center, A brief history of the "Finding Food in Farm Country" studies (September 23, 2005).

Regardless of the widespread economic benefits of local agriculture, the 2030 Plan fails to perform any economic analysis of how local agriculture contributes to Scott County's fiscal health. Instead, the county's economic goals and development policies focus almost exclusively on creating jobs through commercial and industrial land uses. 2030 Plan, Pages X-17-X-18. Local food production should be considered as an additional job creation tool, as it will help to diversify Scott County's economic base while simultaneously providing additional jobs to Scott County residents.

As indicated above, Scott County has not yet performed any analysis of local agriculture's impact on the county's economy. Nor has the county studied the long-term future of farming in Scott County. Instead, the county proposes to "[s]tudy the changing farm economy and long-term future of farming in Scott County" after it implements the 2030 Plan. Given the benefits that local agriculture is likely to contribute to the fiscal health of the county, it is imperative that local agriculture be considered before the 2030 Plan is finalized, not after. Failing to take local agriculture into account prior to release of the final 2030 Plan ensures local agriculture will not be integrated into the Plan's fabric, but will instead remain an afterthought, guaranteed to result in a loss of farmland and a lost opportunity to improve the local economy.

Thus, before finalizing the 2030 Plan or reclassifying agricultural land to other land use categories, Scott County should explore the economic benefits of local food production and sales. The Crossroads Resource Center, located in Minneapolis, has conducted studies and published analyses of regional food economies in Southeast, West Central, and Northwest Minnesota, as well as in other states. Similar analysis would be an invaluable tool in planning for Scott County's future and should be performed before the 2030 Plan is finalized. More information about the studies performed by the Crossroads Resource Center can be obtained through its website, located at <http://www.crcworks.org>.

Comments on Draft 2030 Comprehensive Plan  
Submitted by Local Harvest Alliance  
Scott County Land Use Planning Department  
March 26, 2008  
Page 8

vn. The 2030 Plan Should Commit to Studying and Implementing Options for Preserving Farmland and Promoting Local Agriculture.

The 2030 Plan should firmly commit to investigating, evaluating and implementing land use planning tools that could foster agricultural protection. Instead, the 2030 Plan merely states the county "might consider" implementing a Transfer of Development Rights (TDR) program. 2030 Plan, Page V-50. The 2030 Plan should firmly commit to investigating, evaluating and implementing a range of agricultural protection options, including TDR programs and conservation easements.

The Metropolitan Council's Development Framework explicitly authorizes communities to establish conservation initiatives, integrate natural resources into land use decisionmaking, and adopt and enforce conservation ordinances, including conservation easements. Development Framework, Pages 19,24-29. State law also allows for the use of conservation easements for the purpose of preserving agricultural lands. Minn. Stat. § 84C.01(I) (2007). Consequently, the 2030 Plan should require the county to investigate, evaluate and implement land use planning tools that could foster agricultural protection, including TDR programs and conservation easements.

To ensure the county understands the practical impacts and effectiveness of the agricultural protection tools under consideration, the 2030 Plan should require the county to work in conjunction with a farmer advisory group. The group should consist of farmers from a variety of farming operations within Scott County.

Thank you for your consideration of these comments.

Sincerely,

THE LOCAL HARVEST ALLIANCE

Mary Tacheny, SSND

Dave and Florence Minar

Jennifer Jensen

Joe and Michelle Gransee-Bowman

Heidi Morlock

Ann Houghton

**ADVISORY INFORMATION**

**Date:** February 4, 2009

**Subject:** Scott County 2030 Comprehensive Plan Update  
 Review File No. 20402-1

**District(s), Member(s):** District 4, Councilmember Craig Peterson, 651-602-1474

**Policy/Legal Reference:** Minnesota Statute Section 473.175

**Staff Prepared/Presented:** Tom Caswell, Principal Reviewer, (651-602-1319)  
 Phyllis Hanson, Manager, Local Planning Assistance (651-602-1566)

**Division/Department:** Community Development / Planning and Growth Management

**Proposed Action**

That the Metropolitan Council adopts the attached Review Record and take the following actions from each committee:

Recommendations of the Community Development Committee:

1. Authorize the County to put its Comprehensive Plan Update into effect without any plan modifications.
2. That the County submit to the Council as comprehensive plan amendments all Planned Unit Development (PUD) proposals within the long term regional service area for review for consistency with Council Regional Wastewater Policy.
3. Remind the County to submit a copy of the County Board Resolution adopting its Update to the Council for its records;
4. Remind the County that Minnesota Statutes 473.864 require it to formally adopt the Comprehensive Plan after the Council's final action and require the County to submit two copies of the adopted Plan to the Council in a timely manner; and,
5. Remind the County that it is required to submit any ordinances and controls intended to help implement the Plan to the Council upon adoption including ordinances that permit residential densities that exceed Council policy for the Diversified Rural Area.

The County is not required to develop a Tier II sewer plan.

**Background**

Scott County has planning authority for the 11 townships within its borders. The Update fulfills the Metropolitan Land Planning Act (MLPA) and system statement requirements for the townships of Blakeley, Belle Plaine, Cedar Lake, Credit River, Jackson, Louisville, New Market, Helena, Spring Lake, St. Lawrence, and Sand Creek.

Scott County is located in the southwestern portion of the Twin Cities metropolitan area. Like most counties in the Region, Scott County experienced substantial growth during the late 1990's and early 2000's. According to the 2000 census, the county (including the cities) had grown about 54% (31,000 people) between 1990 and 2000. The

Council forecasts that the county will grow by nearly 70,000 people and 34,400 households between the years 2010 and 2030.

The county contains a wide variety of communities and lifestyles. In 2005, the cities of Prior Lake, Shakopee and Savage were home to over 77,000 people. The county also has three rural growth centers, Jordan, Belle Plaine, and Elko New Market. The remainder of the county is the 11 townships which provide extensive agriculture, rural single-family residential, and some limited commercial areas. The townships comprise about 295 square miles, of that about two thirds is in agricultural and farmstead uses, and the remainder in general rural uses.

The county is responsible for planning and zoning in the unincorporated areas. Historically, the townships have played an active role in the planning and implementation process since 1969. The Update guides growth and development through 2030. The Update also discusses and analyzes total build out of the County under varying circumstances and conditions, including looking at the County both with and without a new Regional Wastewater Treatment Plant to be built after the year 2030.

### **Rationale – Standard of Review & Findings**

1. Does the proposed Plan conform to Regional Systems Plans?
2. Is the Plan consistent with Metropolitan Council policies?
3. Is the Plan compatible with plans of adjacent governmental units and plans of affected special districts and school districts?

#### **Conformance with Regional Systems Plans:**

- |   |     |
|---|-----|
| 1. Regional Parks   | Yes |
| 2. Transportation including Aviation  | Yes |
| 3. Water Resources Management<br>(Wastewater Services and Surface Water Management) | Yes |

#### **Consistent with Council Policy Requirements:**

- |   |   |
|---|---|
| 1. Forecasts  | Yes   |
| 2. Housing  | Yes   |
| 3. 2030 Regional Development Framework and Land Use   | No – <i>The Scott County Update allows rural densities which are higher than recommended by the <u>2030 Regional Development Framework</u>. The areas in which higher density is allowed are primarily outside any known long-term wastewater service area, and do not represent a substantial departure from or impact on regional system plans.</i> |
| 4. Individual Sewage Treatment Systems (ISTS) Program | Yes   |
| 5. Water Supply                                       | Yes   |

#### **Compatible with Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts**

- |                                |     |
|--------------------------------|-----|
| 1. Compatible with other plans | Yes |
|--------------------------------|-----|

### **Funding**

The Scott County received a Local Planning Assistance Grant of \$50,000 to assist in the preparation of this update.

### **Known Support/Opposition**

Opposition to the Update has been expressed by the Farmers' Legal Action Group, and Local Harvest Alliance.

# REVIEW RECORD

## Review of the Scott County Comprehensive Plan Update (Update)

### STATUTORY AUTHORITY

The Metropolitan Land Planning Act (MLPA) requires local units of government to submit comprehensive plans (Plans) and plan amendments to the Metropolitan Council (Council) for review and comment (Minn. Stat. § 473.864, subd. 2). The Council reviews plans to determine:

- *Conformance with metropolitan system plans,*
- *Consistency with other adopted Plans of the Council, and*
- *Compatibility with the Plans of other local jurisdictions in the Metropolitan Area.*

The Council may require a local governmental unit to modify any plan or part thereof if, upon the adoption of findings and a resolution, the Council concludes that the Plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans (Minn. Stat. § 473.175, subd. 1).

Each local government unit shall adopt a policy plan for the collection, treatment and disposal of sewage for which the local government unit is responsible, coordinated with the Metropolitan Council's plan, and may revise the same as often as it deems necessary. Each such plan shall be submitted to the Council for review and shall be subject to the approval of the Council as to those features affecting the Council's responsibilities as determined by the Council. Any such features disapproved by the Council shall be modified in accordance with the Council's recommendations (Minn. Stat. §473.513).

### CONFORMANCE WITH REGIONAL SYSTEMS

#### Regional Parks

##### *Parks and Trails*

*Reviewer: Jan Youngquist, CD – Regional Parks System Planning, (651-602-1029)*

The Scott County Update is in conformance with the *2030 Regional Parks Policy Plan*. Scott County submitted the following revised maps and text: 2030 Planned Land Use Map (Figure V-15), Countywide Composite Land Use Map (Figure VI-2), Scott County Regional Park and Trail System Map (Figure VII-2), Scott County Regional Park System Map (Figure VII-20), and Park/Open Space Planning Designation text (pages V-35 and V-39). These revisions acknowledge the parcels within the master plan boundaries of regional parks that have not yet been acquired by Scott County and add "Park/Open Space" as a future land use designation. The review is based on these revisions and must be adopted by the County in the final document.

#### Transportation

##### *Roads and Transit*

*Reviewer: Carol Becker, MTS – Systems Planning, (651-602-1756)*

The Update is in conformance with the *Transportation Policy Plan* and addresses all the applicable transportation and transit requirements.

The transportation chapter includes an extensive analysis of existing and future transportation deficiencies and recommends improvements to the minor arterial, major and minor collector and local roadway networks. Scott County lies within Transit Market Area III and IV. Service options for Market Area III include peak-only express, small vehicle circulators, midday circulators, special needs paratransit (ADA, seniors), and

ridesharing. Service options for Market Area IV include dial-a-ride, vanpools and carpools. Dial-a-ride service is provided by Scott County.

Advisory comments:

The forecasts found in Chapter III (tables III-5, III-26 and III-34) are consistent with Council's currently published forecasts, and thus consistent with regional policy. However, different, higher employment forecasts are utilized in the Scott County Traffic Model. In that section (Table 5 and also Appendix A), Scott County projects 61,100 jobs in 2030. Metropolitan Council's employment forecast after accounting for pending revisions (in Belle Plaine and Jordan) totals 59,000 jobs. The discrepancy is predominantly in the Prior Lake-Shakopee Mdewakanton Sioux Community area. Forecasts for this area are proposed to be revised by the Council staff in 2009.

The existing roadway classification map accurately depicts the "Principal Arterial" and "A-Minor Arterial" systems but there are a number of discrepancies with the "B-Minor Arterials." The most prominent inconsistency is with State Highway Road 19 on the county's southern border. West of State Highway 21 in New Prague, the County Plan shows this roadway to be a "B-Minor Arterial" westward beyond TH 169; the Council's map identifies this roadway to be a "Local." These need to be addressed separately from the Comprehensive Plan Update process. The County needs to formally request changes through the Transportation Advisory Committee-Planning Committee before final adoption of the revised functional classification.

**Aviation**

*Reviewer: Chauncey Case, MTS – Systems Planning, (651-602-1724)*

The Update is in conformance with the aviation system plan and consistent with Council policy.

**Water Resources Management**

**Wastewater Services**

*Reviewer: Kyle Colvin, ES – Engineering Services, (651-602-1151)*

The Update is in conformance with the *Water Resources Management Policy Plan* for wastewater services.

The Planned Land Use section discusses land use densities for areas within the "Urban Expansion" and "Urban Transition" areas. The Plan identifies that interim cluster residential developments would be allowed at densities as high as 1 unit per 5 acres in the Urban Expansion area and as high as 1 unit per 4 acres in the Urban Transition area. These developments would be provided wastewater services through publicly managed facilities until such a time when regional services would become available.

Figure V-14 identifies that cluster developments within the "Urban Expansion" and "Urban Transition" areas could allow development at densities greater than 1 unit per 10 acres, the density allowed for Diversified Rural areas within the RDF. These would be allowed under Planned Unit Developments (PUD) and negotiated Public Values Incentive Programs but would preserve areas within the development to accommodate more economical use of future urban wastewater services, i.e. 3 units per acre densities.

In order to verify that these PUD developments are preserving adequate undeveloped areas for future regional wastewater services at densities of 3 units per net acre, the County will need to submit to the Council, as comprehensive plan amendments, each individual PUD for review.

**Tier II Comments**

Reviewer: Kyle Colvin, ES – Engineering Services, (651-602-1151)

Scott County does not provide centralized wastewater service and is, therefore, not required to prepare a Tier II wastewater plan.

**Surface Water Management**

Reviewer: Judy Sventek, ES – Water Resources Assessment (651-602-1156)

Scott County completed a Water Resources Plan (WRP) for the unincorporated areas of Scott County in 2006 and an amendment to that plan in 2007. The Council reviewed the WRP in 2006 and again in 2007 when the amendment to the plan was sent in for review. The WRP and the amended WRP fulfilled the Council’s requirements for local surface water management plans. The plan when implemented should provide a good framework for managing storm water in the county.

**Consistency with Council Policy**

**Forecasts**

Reviewer: Todd Graham, CD – Research, 651-602-1322

The forecasts found in Chapter III (tables III-5, III-26 and III-34) are consistent with Council’s currently published forecasts, and thus consistent with regional policy.

Different, higher employment forecasts are utilized in the Scott County Traffic Model (prepared by SRF). The discrepancy is predominantly in the Prior Lake-Shakopee Mdewakanton Sioux Community area. The forecasts for the SMSC area will be revised by the Council in 2009.

In 2008, Council research staff accepted with the Scott County forecasts. The revised Council forecasts are shown below and are consistent with those contained in the Scott County 2030 Comprehensive Plan.

Table 2: Met Council Forecasts as Compared to the County’s Plan

	2000		2010		2020		2030	
	Met Council	County	Met Council	County	Met Council	County	Met Council	County
<b>Population</b>	89,498	89,498	<del>145,640</del> <a href="#">146,340</a>	146,340	<del>189,700</del> <a href="#">186,800</a>	186,800	<del>215,370</del> <a href="#">221,770</a>	221,770
<b>Households</b>	30,692	30,692	<del>53,460</del> <a href="#">53,610</a>	53,610	<del>73,500</del> <a href="#">71,800</a>	71,800	<del>85,890</del> <a href="#">86,990</a>	86,990
<b>Employment</b>	32,009	34,931	44,810	42,310	53,830	49,730	60,890	56,190



### **2030 Regional Development Framework and Land Use**

*Reviewer: Tom Caswell, CD – Local Planning Assistance, (651-602-1319)*

The Scott County Update is not consistent with the *2030 Regional Development Framework* due to densities in some portions of the rural area that are higher than recommended in the *Framework*. This difference does not represent a substantial impact on or departure from any Metropolitan System Plan.

The Scott County 2030 Comprehensive Plan Update provides a variety of density designations, as well as various development options within each category. The plan identifies areas around major cities and rural growth centers as "Urban Expansion" areas. The options provided in the plan for the Urban Expansion area is either a standard of one unit per 40 acres; clustered development at one unit per 10 acres; or clustered development at one unit per 5 acres if on a communal septic system. These densities are allowed only if safeguards are in place to ensure urban densities will be achieved once urban services become available. A summary of the Update's land use categories and densities allowed is shown in Figure V-14, below.

The areas in which the County is allowing densities greater than recommended in the *Framework* are in Rural Residential Reserve; Rural Residential Growth Area - Staged; and the Rural Residential Growth Area. The densities in the Rural Residential Area are in central and southern Credit River Township and reflect the existing pattern of 2.5 acre lots. This density is consistent with the *Framework*, which identifies Credit River as a Rural Residential area, where higher rural densities are allowed.

The areas inconsistent with the *Framework* are adjacent to Credit River Township – specifically, a portion of Spring Lake Township to the west, and portions of New Market and Cedar Lake Townships to the south and southeast of Credit River Township. Because all of the areas planned by the County for Rural Residential densities are outside of the long-term sewer service area, these higher densities are not “more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans”.

The Update also includes a variety of growth management goals and implementation tools the County will use to evaluate potential impact on the environment, including conducting an Alternative Urban Areawide Review (AUAR), and/or Detailed Area Plan, and the use of Planned Unit Developments. The County has plans to encourage private sector collaboration by creating a Public Values Incentive Policy. Developers may be allowed slightly higher densities in exchange for the provision of these public values. The public values, depending on land use category, include: communal sewage treatment and water supply systems that are publicly managed; additional new dedicated public right-of-way for existing or new roadways; public park and trail dedications above the normal dedications requirements; the provision of regional stormwater management above and beyond 3 percent; and conservation of critical natural resource areas as identified and mapped by the County.

Discussed below are the land use categories (also see Map IV-B-1, attached) in the Scott County Plan:

<b>Figure V-14 Residential Land Use Category Densities (Units/Gross Acre) and Lot Sizes</b>			
<b>Land Use Category</b>	<b>Base Density</b>	<b>Cluster Density with smaller lots</b>	<b>Cluster Density (w/PUD and Public Value Incentives)<sup>1</sup></b>
<b>Agricultural Preservation Area</b>	1/40 <sup>2</sup> (40-acre lot min.)	1/40 (2.5-acre lot max.)	Not applicable
<b>Agricultural Transition Area</b>	1/40 <sup>2</sup> (40-acre lot min.)	1/40 (2.5 acre lot max.)	Up to 4/40
<b>Commercial/Industrial Reserve Area</b>	1/40 (40-acre lot min.)	Not applicable	Not applicable
<b>Urban Expansion Area</b>	1/40 (40-acre lot min.)	Not applicable	Up to 1/10 Up to 1/5 w/publicly managed utilities <sup>3</sup> (with developable land reserved for future urban development)
<b>Urban Transition Area</b>	1/40 (40-acre lot min.)	1/10 (1- to 2-acre lot sizes) (with developable land reserved for future urban development)	Up to 1/8 Up to 1/4 w/publicly managed utilities <sup>3</sup> (with developable land reserved for future urban development)
<b>Rural Residential Reserve Area</b>	1/10 non-wetland (10-acre lot min.)	1/8 (2.5-acre lot) (with developable land reserved for open space or future development)	Up to 1/5 Up to 1/2.5 w/publicly managed utilities (with developable land reserved for open space or future development)
<b>Rural Res. Growth Area - Staged</b>	Same as Reserve Area; Same as Growth Area after planning study	Same as Reserve Area; Same as Growth Area after planning study	Same as Reserve Area; Same as Growth Area after planning study
<b>Rural Residential Growth Area</b>	1/2.5 (1- to 2-acre lot sizes)	Not applicable	No maximum density

<sup>1</sup> Density to be negotiated as part of the public values incentive program.

<sup>2</sup> Existing heavily wooded parcels zoned Agricultural Woodlands (A-2 District) are eligible for a gross density of 1 unit per 10 acres.

<sup>3</sup> Planned Unit Developments on publicly managed sewer and water are eligible for additional density, such as PUDs with planned future urban lots with interim individual sewage treatment systems (ISTS), or lots served by a community sewage treatment system (CSTS), and community well under a Subordinate Sewer District. Lots and interim rural neighborhood shall be designed for future urban service standards.

**Figure V-16**  
**2030 Planned Land Use Categories, Scott County**

Land Use Category	Gross Acres	Developable Acres*
<b>Agricultural Planning Designations</b>	<b>31,868</b>	<b>25,494</b>
Agricultural Preservation Area	15,958	12,766
Agricultural Transition Area	15,910	12,728
<b>Urban Planning Designations</b>	<b>82,059</b>	<b>65,647</b>
Urban Expansion Area	43,571	34,857
Urban Transition Area	38,488	30,790
<b>Rural Planning Designations</b>	<b>42,995</b>	<b>34,397</b>
Rural Residential Reserve Area	20,161	16,129
Rural Residential Growth Area	8,092	6,474
Rural Residential Growth Area - Staged	14,742	11,794
<b>Commercial Planning Designations</b>	<b>7,852</b>	<b>6,282</b>
Commercial/Industrial Area	2,623	2,098
Commercial/Industrial Reserve Area	5,229	4,183
<b>Municipalities</b>	<b>39,116</b>	<b>N/A</b>
<b>Public Lands</b>	<b>12,283</b>	<b>N/A</b>
<b>Lakes</b>	<b>8,526</b>	<b>N/A</b>
<b>Total</b>	<b>224,699</b>	<b>131,802</b> (Unincorporated areas only)

\* Note: Developable Acres assumes 80 percent of gross acreage is developable

**Figure V-17**  
**Comparison of 2020 and 2030 Land Use, Scott County**

Land Use Category	2020 Plan		2030 Plan	
	Acres	% Total*	Acres	% Total*
<b>Agricultural Planning Designations</b>	<b>53,387</b>	<b>23.8%</b>	<b>31,868</b>	<b>14.2%</b>
Agricultural Preservation Area	53,387	23.8%	15,958	7.1%
Agricultural Transition Area	N/A	N/A	15,910	7.1%
<b>Urban Planning Designations</b>	<b>46,610</b>	<b>20.7%</b>	<b>82,059</b>	<b>36.5%</b>
Urban Expansion Area	46,610	20.7%	43,571	19.4%
Urban Transition Area	N/A	N/A	38,488	17.1%
<b>Rural Planning Designations</b>	<b>64,907</b>	<b>28.9%</b>	<b>42,995</b>	<b>19.1%</b>
Rural Residential Reserve Area	47,043	20.9%	20,161	8.9%
Rural Residential Growth Area	7,646	3.4%	8,092	3.6%
Rural Residential Growth Area - Staged	10,218	4.5%	14,742	6.6%
<b>Commercial Planning Designations</b>	<b>4,834</b>	<b>2.2%</b>	<b>7,852</b>	<b>3.4%</b>
Commercial/Industrial Area	3,338	1.5%	2,623	1.1%
Commercial/Industrial Reserve Area	1,496	0.7%	5,229	2.3%
<b>Municipalities</b>	<b>35,792</b>	<b>16.0%</b>	<b>39,116</b>	<b>17.4%</b>
<b>Public Lands</b>	<b>10,643</b>	<b>4.7%</b>	<b>12,283</b>	<b>5.5%</b>
<b>Lakes</b>	<b>8,526</b>	<b>3.8%</b>	<b>8,526</b>	<b>3.8%</b>
<b>Total</b>	<b>224,699</b>	<b>100%</b>	<b>224,699</b>	<b>100%</b>

\* Note: May not total 100 percent due to rounding

### ***Housing***

*Reviewer: Linda Milashius, CD – Livable Communities, (651-602-1541)*

The housing element of the Update fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act. The plan acknowledges the 2011-2020 affordable housing needs numbers for the cities within the county that have an allocated share of this need. The plan provides goals, strategies, and implementation tools and programs the County will use to address identified housing needs. The County, through its Community Development Agency (CDA), offers a number of services to assist in the creation and preservation of affordable housing. The CDA partners with local communities to develop and manage housing choices for seniors, low- and moderate-income families and minorities. Through fiscal tools, such as tax abatement, tax increment financing, and Livable Communities grants, the County supports cities to provide financial incentives for projects that include lifecycle or affordable housing to accommodate the construction of Scott County's share of the region's affordable housing.

### ***Individual Sewage Treatment Systems (ISTS) Program***

*Reviewer: Jim Larsen, CD – Local Planning Assistance, (651-602-1159)*

The County's Individual/Community Sewage Treatment System Ordinance Number 4 is consistent with Council policy and Minnesota Pollution Control Agency requirements.

The document indicates that as of mid-2007, there are approximately 7370 ISTS in the County's eleven townships, and another 1,320 ISTS in the rural portions of incorporated cities in the County. As of 2007, there were seven developments served by CSTS and two other developments in the planning stages. Figure XI-1 of the document indicates the locations of existing and planned large private sewage treatment systems in the unincorporated areas of the County.

### ***Water Supply***

*Reviewer: Sara Bertelsen, ES – Water Supply Planning, (651-602-1035)*

Scott County does not provide water supply to communities within the county and is not required to prepare a water supply plan.

### **Resource Protection**

#### ***Historic Preservation***

*Reviewer: Tom Caswell, CD – Local Planning Assistance, (651-602-1319)*

The Update is consistent for Historic Preservation requirements by including recommended policies and ordinances.

#### ***Solar Access Protection***

*Reviewer: Tom Caswell, CD – Local Planning Assistance, (651-602-1319)*

The Update is consistent for solar access requirements. The Update addresses the subject of solar access protection in Chapter V of the Update. The County will follow and update as necessary the zoning regulations such as building setbacks and height restrictions to ensure reasonable access to solar energy.

#### ***Aggregate Resources Protection***

*Reviewer: Jim Larsen, CD – Local Planning Assistance, (651-602-1159)*

The Update is consistent with Council policy on aggregate resource protection. The Update identifies the locations of known aggregate resource deposits within the County on Figure VIII-1 on page VIII-4. Goal V-22

calls for the preservation, protection, and extraction of aggregate resources prior to development of aggregate-rich sites.

## **Plan Implementation**

*Reviewer: Tom Caswell, CD – Local Planning Assistance, (651-602-1319)*

The Update includes a description of and a schedule for:

- Capital Improvement Program Yes
- Zoning Code Yes
- Subdivision Code Yes
- ISTS Codes Yes
- Housing Implementation Program Yes

## **COMPATIBILITY WITH PLANS OF ADJACENT GOVERNMENTAL UNITS AND PLANS OF AFFECTED SPECIAL DISTRICTS AND SCHOOL DISTRICTS**

The County submitted the 2030 Comprehensive Plan Update to adjacent local units of government, school districts, counties and special districts for comment in April of 2008. Comments on the Update were received from several communities, MnDOT, Three Rivers Park District, Prior Lake Spring Lake Watershed District, and Dakota County.

The Update includes all comments received; responds to those comments; and discusses changes made to the Update to reflect the comments received.

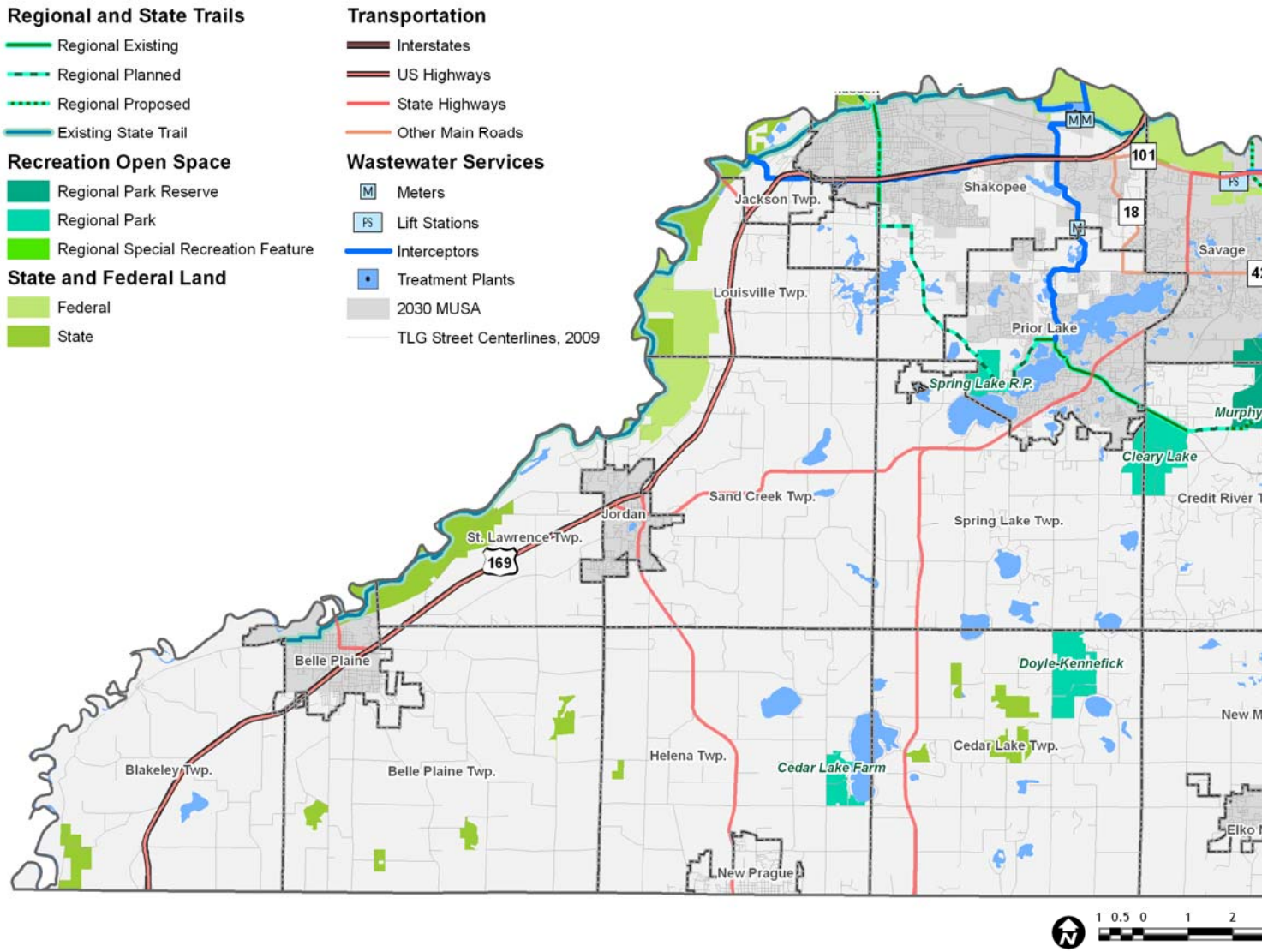
## **Documents Submitted for Review:**

- *Scott County 2030 Comprehensive Plan Update and Appendices.*
- Revised Figures related to Future Land Use and Parks, as well as minor revisions in language related to parks and open space were received December 17, 2008
- Revised language for Chapter XI page 7 “strategies and processes to ensure efficient and orderly development in Scott County” – received December 19, 2009.

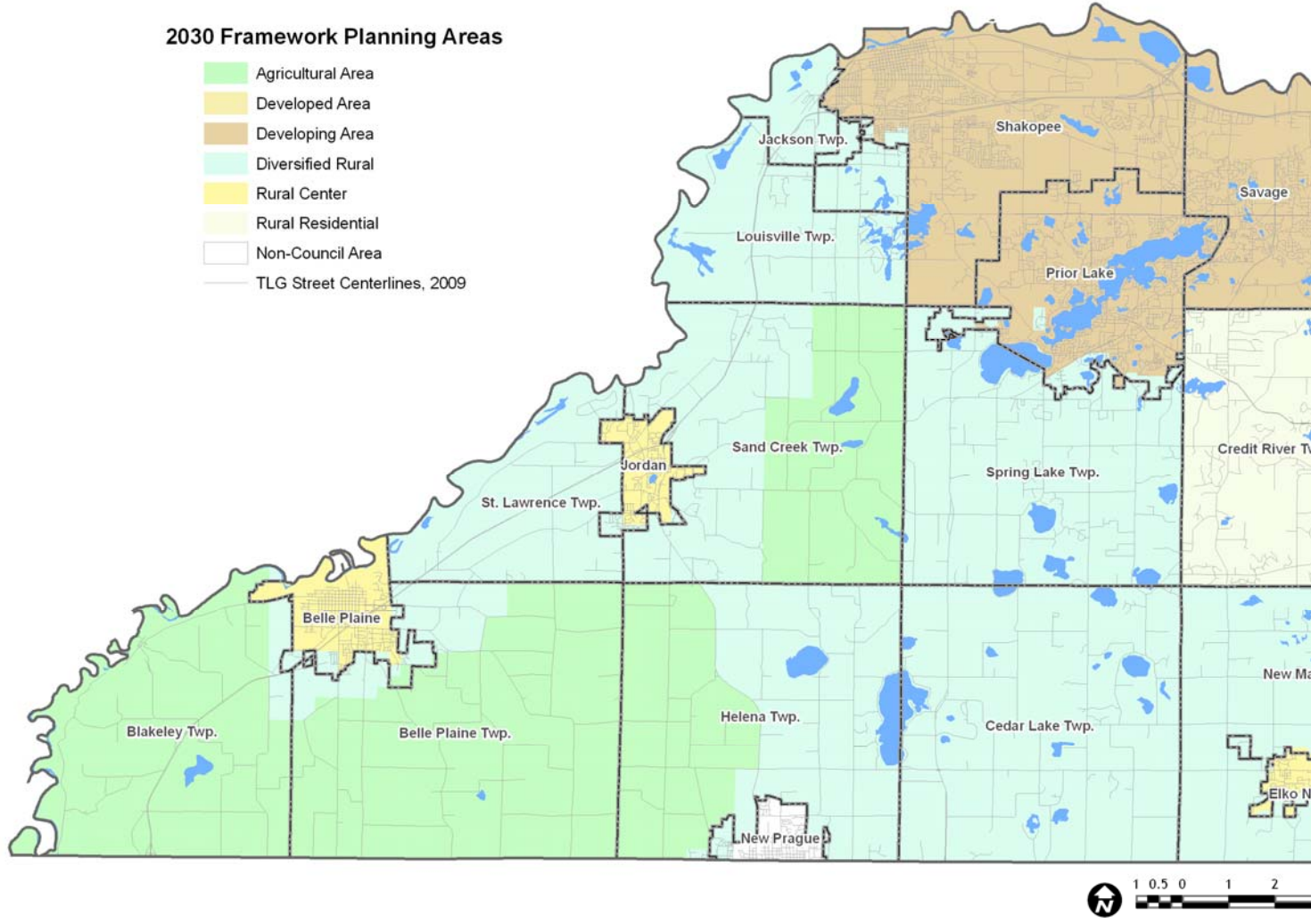
## **ATTACHMENTS**

- Figure 1: Regional Systems, Scott County
- Figure 2: 2030 Framework Planning Areas, Scott County
- Figure 3: 2030 Planned Land Use, dated December 16, 2008

Figure 1. Regional Systems Map, Scott County



**Figure 2. 2030 Regional Framework Planning Areas, Scott County**



**Figure 3: 2030 Planned Land Use (Dated December 16, 2008)**

# Scott County 2030 Comprehensive Plan Update

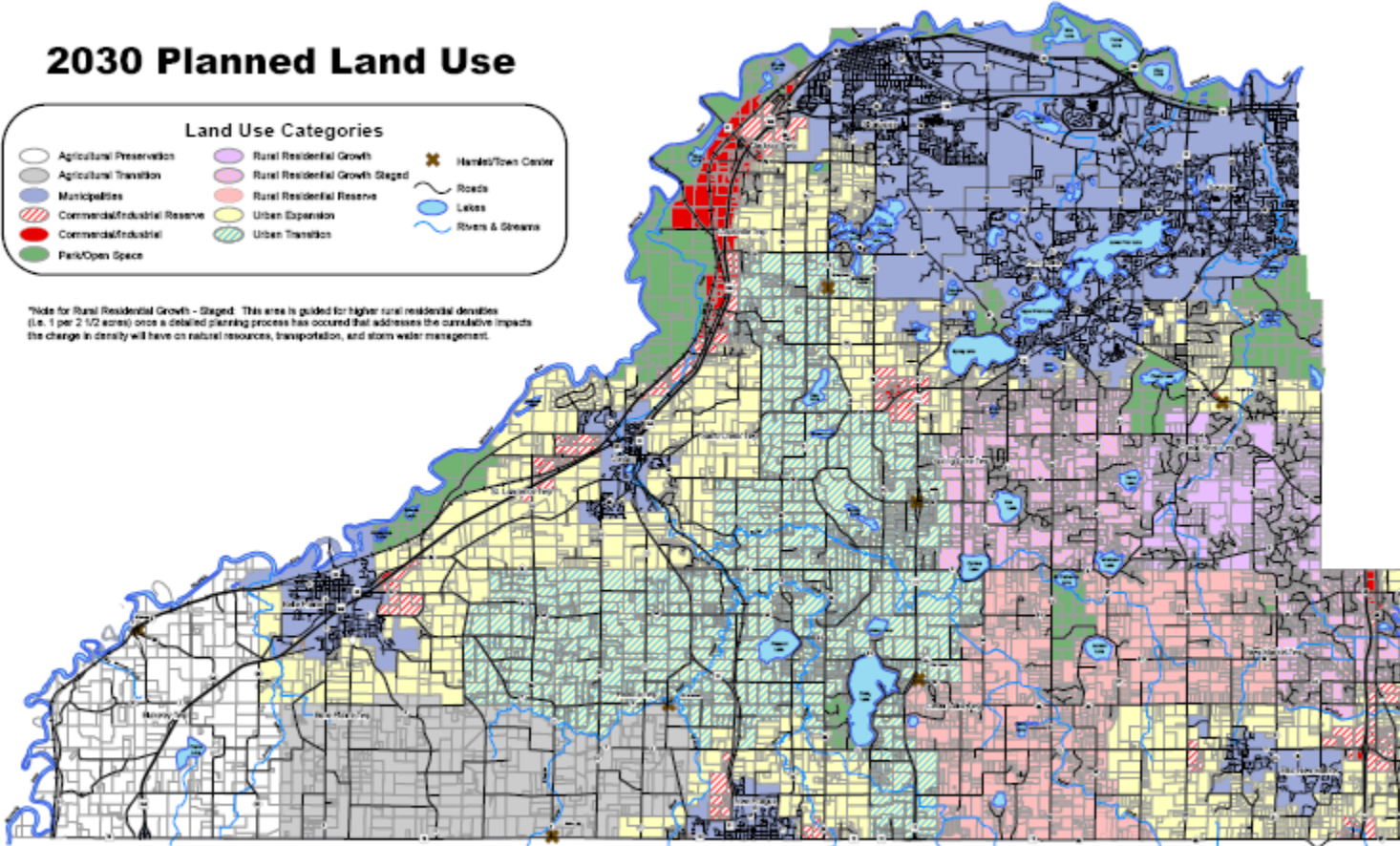


## 2030 Planned Land Use

**Land Use Categories**

Agricultural Preservation	Rural Residential Growth	Hamlet/Town Center
Agricultural Transition	Rural Residential Growth Staged	Roads
Municipalities	Rural Residential Reserve	Lakes
Commercial/Industrial Reserve	Urban Expansion	Rivers & Streams
Commercial/Industrial	Urban Transition	
Park/Open Space		

Note for Rural Residential Growth - Staged. This area is guided for higher rural residential densities (i.e. 1 per 2 1/2 acres) once a detailed planning process has occurred that addresses the cumulative impacts the change in density will have on natural resources, transportation, and storm water management.



SCOTT COUNTY COMMUNITY DEVELOPMENT DIVISION  
 Planning Department  
 223 Fourth Avenue West, Shakopee, Minnesota 55378-1226  
 (952) 486-9475 • Fax: (952) 488-9488 • Web: www.sccdc.org



Board Conditional Approval: November 18, 2008

Map: 2030 Planned Land Use. Prepared by Scott County Community Development Division, November 17, 2008. Date: 11/17/08. Author: J. Bradley. Scale: Not to Scale. Date: 11/17/08. Prepared by: Scott County Community Development Division, November 17, 2008.