



## Members

### Cities:

Belle Plaine  
Credit River  
Elko New Market  
Jordan  
New Prague  
Prior Lake  
Savage  
Shakopee

### Townships:

Belle Plaine  
Blakeley  
Cedar Lake  
Helena  
Jackson  
Louisville  
New Market  
St. Lawrence  
Sand Creek  
Spring Lake

### School Districts:

Belle Plaine  
Burnsville-Eagan-Savage  
Jordan  
New Prague  
Prior Lake-Savage  
Shakopee  
Shakopee Area Catholic  
Schools  
Southwest Metro  
Intermediate District

### County Entities:

Scott County  
Scott County Community  
Development Agency  
Scott County Township  
Association

### Tribal Community:

Shakopee Mdewakanton  
Sioux Community

### Regional Entities:

Metro Cities (AMM)  
Minnesota Valley Transit  
Authority  
Prior Lake-Spring Lake  
Watershed District  
Scott Soil & Water  
Conservation District  
Three Rivers Park District

March 5, 2024

Re: SCALE concerns with HF4009/SF3964 Missing Middle Housing

Dear Legislative Members:

The Scott County Association for Leadership and Efficiency (SCALE) was formed in the spring of 2003 to encourage greater efficiencies and leadership in public service through enhanced communication, service collaboration, and resource sharing. The membership of SCALE includes Scott County, the cities and townships within Scott County as well as the school districts, Shakopee Mdewakanton Sioux Community, and other county and regional entities.

We appreciate the opportunity to provide comments in opposition to HF4009/SF3964. SCALE is deeply concerned with provisions in the bill that broadly preempt city zoning and land use authority and remove public input from the residential development process. Additionally, we are disappointed by the bill's lack of consideration for how cities utilize zoning and land use to ensure the health, safety, and welfare of residents as well as install infrastructure to support new housing density.

Perhaps most concerning is the impact this bill will have on cities' infrastructure that includes sanitary sewer, watermain, storm sewer, streets, wells, water treatment plants, lift stations, retention ponds, and parks to name a few. These have all been sized and built based on our comprehensive plans based on residential densities that are set by a mandatory requirement of the Met Council. With this bill, as the densities change quickly, those sewer and water pipes, lift stations and other infrastructure will need to be upgraded ahead of life cycles at a significant expense to the existing taxpayers and even to the state in capital investment requests.

This bill will also have an impact on cities' facilities. The increased density that will be granted as a right to developers without any public input will generate more police and fire calls. That means cities will have to hire more public safety staff, expand their police departments and fire departments, and add more emergency vehicles to deliver those services.

As currently drafted, the bill fails to support the state-local partnership for residential development. Instead, the bill replaces existing zoning and land use authority with an overly broad and rigid top-down framework that eliminates the ability for cities to account for nuances and responsiveness to local conditions. In addition to the overall breadth of the preemptive nature of the policy proposed in the bill, numerous provisions in the proposed legislation pose serious practical questions for how city operations would function and either lack clarity or directly conflict with existing statutes in ways that would likely result in litigation.

Specifically, to cite the following provisions:

Setting a base level for density allowed on any residential lot by right (or without needing to go through a discretionary review process) regardless of size at 2 units statewide and four units in cities of the first class. If certain conditions are met, 8 units are allowed in second-, third-, and 4th class cities and 10 units may be allowed per lot in cities of the first class.

- Force administrative approval of projects that meet the standards in the bill language and prohibit public input in the approval process.
- Limit minimum lot size requirements no greater than 2,500 square feet for first-class cities and 4,000 square feet for all other cities except for Greater Minnesota cities with populations less than 5,000.
- Require all cities to accept Accessory Dwelling Units on all residential lots, regardless of size, and allows property owners to subdivide their lots by right.
- Prohibit off street parking from being required close to major transit stops and limits off street parking minimum requirements to one spot per unit in other areas.
- Allow multifamily buildings to be built up to 150 feet tall on any lot in a commercial zoning district.
- Broadly prohibit design standards for residential development and eliminates minimum square footage and floor area ratio requirements.
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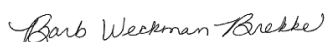
Furthermore, the lack of recognition within the bill regarding local government responsibilities for a wide range of other issues is confounding; including fire and emergency services access, capacity and equipment, environmental review, infrastructure capacity, stormwater management, state wetland and shoreland regulations, non-conforming lots, blighted areas, potential nuisance situations, direct impact on neighboring properties through watershed and solar access issues.

As stated earlier from a constitutional perspective, this bill completely eliminates any form of public ability to petition government to address their concerns regarding certain development that materially impacts their property and provides no way for residents to seek recourse and make their voice heard before their local elected officials.

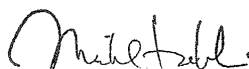
While housing is a statewide issue, addressing housing affordability and availability must continue to be locally driven to account for the inherent differences each municipality contends with. Cities across the state proactively engage with all community stakeholders to implement innovative changes that address individual zoning and land use ordinances, provide local resources to ensure affordability, and create opportunities for new development across the housing spectrum. We ask that you work with all those engaged in this dialogue to develop a reasonable statewide policy that recognizes change at the local level and provides for community specific solutions to housing challenges.

We sincerely appreciate your consideration of these concerns, and we look forward to continuing this work with the legislative body and stakeholders to identify incentives-based approaches that support cities and their efforts to truly address local housing needs.

Sincerely,



Barb Weckman Brekke  
Chair  
Scott County Commissioner



Mike Franklin  
Vice Chair  
Mayor, Jordan



Victor Lake  
Vice Chair  
Council member, Prior Lake