

Land Use Impacts

Contact

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Purpose

To ensure, to the extent possible, that highway projects are compatible with adjacent land use, incompatibilities have been addressed, and are consistent with local and/or regional plans for the area.

Threshold Criteria

Whenever a project requires additional right-of-way acquisition, use impacts should be reviewed. Existing and proposed land use plans, zoning ordinances, and any likely changes caused by the project should be considered on a case by case basis.

Prepared Statement of No Effect

If no impacts are anticipated to occur:

"The project is not expected to cause significant change in land use within the vicinity of the limits of construction. It is not anticipated to lead to the development of any large scale commercial, industrial, residential or other development. Access will not be changed, and if so changes are not deemed significant". The project is consistent with local and/or regional comprehensive plans.

Relationship to HPDP

The project environmental documentation, whether an EIS, EA, or CE should identify and discuss any and all local, state, or regional plans and/or policies on land use and growth which may be impacted or otherwise affected in whole or in part by the proposed project. The significance of all impacts, whether deemed substantial or not needs to be clearly established.

The document should discuss any special land use considerations which earlier project development steps have indicated would be undertaken.

City, county, or regional Comprehensive Plans should be reviewed to insure that the proposed improvement is consistent with those Comprehensive Plans.

Normally, **special reports** are not required however projects involving a unique area or land use impact may necessitate a special report. A frequent source of opposition to major transportation projects is people and organizations who believe that a proposed project will lead to substantial changes in land use in their communities or neighborhoods. Project managers should address these concerns appropriately and professionally.

It may be helpful to review the additional HPDP guidance such as:

- Farmland Impacts
- National Resources Conservation Service
- Minnesota Department of Agriculture
- Contaminated Properties
- Right of Way

Agencies Involved

- FHWA involving federally funded projects and/or land and environmental documentation.
- U.S. Department of Housing and Urban Development may occasionally be involved.
- Local units of government commonly have land use plans; the planning staff of these units must be consulted during project development.
- Regional and Metropolitan Planning Organizations should be consulted.
- Metropolitan Council and Metro Transit if the proposed action is within the seven-county Twin Cities area.
- City councils, county and township boards will frequently need to be involved in project development.
- For Cities in Minnesota, when municipal approval is required, how the proposed project fits into the city's comprehensive plan will often play a large part in the approval process.

Legal Basis

No specific laws or executive orders regulate the topic of land use impacts. This guidance reflects more of an engineering philosophy on issues to consider during project development, especially when additional right of way is acquired. The National Environmental Policy Act

(NEPA, 41 USC 4321) and Minnesota Environmental Policy Act (MEPA 2007 c 116D) form the general basis of consideration for these issues.

Guidelines/Regulations

1. 40 CFR [1502.16\(c\)](#) & 1508.8(b).
2. [FHWA Technical Advisory T6640.8A](#)

Helpful Links

FHWA [Preparation of Environmental Documents](#)

Appendix

Land Use Impacts – Sample Letter of Transmittal to MDA

May 11, 2005

296-3036

Mr. Robert Patton
Environmental Review Coordinator
Planning Division
Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107

In reply Refer To: 330
S.P. 8103-32 (TH 14)
From Janesville to Waseca
Waseca County

Dear Mr. Patton:

In accordance with the discussions held on interagency actions between MnDOT and the Minnesota Department of Agriculture relative to the regulations pertaining to the conservation and preservation of State agricultural lands, we are enclosing a copy of the Project Path Report for the above referenced reconditioning project for your review.

The total farmland acquisition required for this project is estimated to be 25 acres. Approximately 15 acres will be prime farmland and the remaining 10 acres is other farmland of statewide importance. The major portion of this right of way acquisition will consist of a 25 +/- strip adjacent to the existing TH14 right of way on the north side. There will also be a few areas along the south side of TH14 and some additional snow trap areas. Refer to page 11 of the report.

For additional information concerning this project, please contact Mr. Lawrence W Filter, District Preliminary Design Engineer, Minnesota Department of Transportation, 501 South Victory Drive, Mankato, Minnesota 56001. Phone: (507) 389-6351. ext. 129.

Sincerely,

Office of Design Services

cc:
Gerry Larson, MnDOT Office of Environmental Services

Enclosure:

Public Hearing File
File