

Statement from APA MN on Minneapolis 2040 Legal Action

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Minneapolis, MN – The recent legal action regarding Minneapolis 2040, the City’s comprehensive plan, has prompted the Minnesota chapter of the American Planning Association (APA MN) to offer clarification regarding the nature and purpose of a comprehensive plan and to educate the public regarding the necessity of this type of planning.

For over a century, communities have used comprehensive plans to define local goals and to guide development in a manner that is both orderly and intentional. Comprehensive plans are high-altitude visioning tools that help identify priorities and community-wide goals. In practice, these plans are incredibly important. They provide clarity, consistency, and dependability for a diverse range of stakeholders in the public and private spheres, including residents, developers, and policymakers. Comprehensive plans allow communities to create a shared vision for growth and change over the long term, based on each community’s unique values and goals.

The current legal challenge to Minneapolis 2040 – citing the Minnesota Environmental Rights Act in an effort to protect “air, water, land and other natural resources” – has the potential to impact communities across Minnesota and the United States and is misguided for several reasons. The first is simply categorical; comprehensive plans are far less specific than the types of site or area-level planning which require environmental review. APA MN is unaware of any case in which a full environmental review has been required of a comprehensive plan; these are intended to be done at the smaller scale of individual projects or slightly larger sub-areas. The generalized initiatives found in comprehensive plans such as Minneapolis 2040 are too broad and nonspecific to warrant studies to a significant level of detail.

Secondly, like the vast majority of comprehensive plans, Minneapolis 2040 is not inherently regulatory. Zoning as a development tool is regulatory and should be consistent with a land use plan. However, the requirements associated with zoning do not mandate development, much less a full build-out. Zoning establishes a “ceiling” for potential density, not (in most cases) a floor.

Additionally, the legal challenge poses a material danger to Minnesota communities’ ability to self-regulate. If communities were required to conduct a “full build-out” environmental analysis for every comprehensive plan, it would severely impact the ability of local governments to achieve multiple other goals, such as preserving agricultural land,

providing affordable housing, and delivering basic community services. The additional costs and evaluation associated with the analysis would be detrimental and potentially prohibitive for those communities that are required or choose to do comprehensive planning. Should the challenge prove successful, there is a danger of cascading impacts across the state as the community planning of Minnesota's cities, counties, and townships would be upended.

APA MN shares the plaintiffs' goals of protecting vulnerable populations, green spaces, and wildlife. However, this challenge poses great risk to the same goals the plaintiffs wish to advance. If local governments lose the ability to increase density in urban centers, the results would include further dispersed development patterns that would have far more negative environmental impacts than the full build-out of any comprehensive plan.

Finally, the plaintiffs' arguments against the density presented in the plan are averse to advancing racial and economic equity in the city of Minneapolis and should be noted as such. In the seven-county metropolitan area, communities of color and minority populations overwhelmingly make up those living in dense, rental housing. Limiting density directly limits housing opportunities for these populations and drives up housing costs in a region with a deficit of 52,570 affordable housing units. The impacts disproportionately fall on those who are already economically disadvantaged due to systemic racism. Communities across Minnesota must be able to comprehensively plan for and build dense housing to meet housing demands.

In closing, APA MN strongly supports Minneapolis 2040 and the broad legal authority granted to communities across Minnesota to use comprehensive planning to establish a framework for future growth and change based on community values, without imposition of a new and burdensome requirement for a "full build-out" environmental review. APA MN is a nonprofit statewide organization of over 900 planning professionals, educators, local officials, and planning commissioners who are involved in planning-related activities on behalf of state and regional agencies, counties, cities, towns, educational institutions, and the private sector.

APA MN is a chapter of the American Planning Association, a nonprofit public interest and research organization whose origins date back to 1917.

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