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March 8, 2023

Senator Murphy and Members
Chair of the Senate State and Local Government and Veterans Committee

Dear Chair Murphy and Committee Members,

I am writing in support of SF 2159 which clarifies the review and approval process for comprehensive planning, under the Metropolitan Council's authority and purview.

Under Chapter 473, the Metropolitan Council is required to prepare a comprehensive development guide for the metropolitan area, which provides for a regional approach to planning for anticipated population changes over time. Local Government Units then develop comprehensive plans that are reviewed by the Metropolitan Council for consistency with that guide. The Legislature prudently recognized the interdependence of government bodies in the metro and the need for coordination among these entities "to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly, and economic development." Minn. Stat. § 473.851.

Comprehensive plans include analysis of the impacts to environmental and infrastructure systems within an individual community, coordinated according to the Metropolitan Council's analysis for the metropolitan region, based on anticipated population growth using a regional forecast model. The function of the process is to guide development, and the policies and infrastructure needed to accommodate it, in a regional way

The requirements for successful coordination are laid out in Chapter 473. A comprehensive planning process is required to accommodate projected population growth and includes reviewing and analyzing both how that growth will impact the natural environment, and the infrastructure needed to support that growth. It is a policy document that sets a vision intended to guide decision making at the local level. It does not confer approval of any particular project or development or guarantee that any particular development pattern will occur. Nor is it intended to predict how real estate and development markets will respond or change over time.

Potential environmental impacts and improvements are considered throughout this planning process. For these reasons, and as clearly stated in the rules implementing the Minnesota Environmental Protection Act, comprehensive plans and zoning should not be subject to the same environmental review process that is appropriately required for development on a project-by-project basis, at the time they are to occur.

While comprehensive planning provides coordination and guidance, it does not implement any development, or even any elements of the comprehensive plan itself. In order to be implemented, a comprehensive plan is followed by other governmental or market-driven actions, at which point effective environmental review can occur, subject to MEPA, that assesses development actually proposed and accurately projects environmental impacts. As such, comprehensive plans are exempt from environmental review under MEPA. Minn. R. 4100.4600, subps. 1, 26. Yet, some argue that requirements exist elsewhere in statute in conflict with this clear directive.

SF 2159 would clarify any ambiguity that may exist in law to ensure that local governments can continue to conduct this valuable planning process without the potential for requirements that would be onerous, inappropriate, and impractical, without any resulting benefit to the planning process or the environment.

Cities of all sizes across the seven-county metro complete comprehensive plans and many find it to be a challenge for their staff and financial resources. But this kind of planning and coordination brings great benefit to the region and State. We would like the process to remain as effective and efficient as possible, for the benefit of local communities as well as the entire region. Thank you for your support.

Yours Truly,

A handwritten signature in black ink, appearing to be 'JF', written in a cursive style.

Mayor Jacob Frey,
City of Minneapolis