



March 3, 2024

Members of the Senate and House of Representatives,

We are writing in support of HF4028/SF4183, which would both provide needed clarity on City Comprehensive Plans and also ensure that the Minnesota Environmental Rights Act (MERA) will continue to protect our environment for future generations.

Thoughtful land use reforms are an essential component of climate action because pro-sprawl policies are very damaging to the climate in multiple, significant ways. First, **since undeveloped and natural lands sequester carbon and provide habitat, destroying more and more of those natural and undeveloped lands year after year at the perimeter of the metropolitan area is hugely detrimental.**

We also know that new development at the fringe of the metropolitan area is the most inefficient and polluting. The #1 source of climate emissions from Minnesota – and the nation –

Policy tiers	Strategy	Potential impact per household (● = 5%)	MnDOT role
1. More and better travel options	Walking and biking	●○○○○○○○○○○○○○○○○○○○○	●
	Transit	●●○○○○○○○○○○○○○○○○○○	●
2. Transportation demand management	TDM and broadband	●●○○○○○○○○○○○○○○○○○○	●
	Constrained highway capacity spending	●●○○○○○○○○○○○○○○○○○○	●
3. Coordinated transportation and land use	Road pricing	●●●●○○○○○○○○○○○○○○○○	●
	Parking policy	●●●●○○○○○○○○○○○○○○○○	○
4. Commercial travel	Land use patterns	●●●●●●●●●●●●●●●●●●●●	●
	Commercial VMT	?	●

Figure 3. Various policy levers, potential impact on household VMT, and approximate MnDOT role.

is transportation. Our land use policies force more people to be dependent on car travel and also to drive longer and longer distances. In their [Transportation Options and Vehicle Miles Traveled \(VMT\) Reduction Field Scan](#), MnDOT ranked land use patterns as the most impactful by far. Notably, MNDOT ranked land use #1 even while breaking out “parking policy” as a separate category.

Unfortunately, the work to sustainably plan cities in Minnesota is now threatened. The ability to plan for denser infill development is vital to reducing emissions and protecting natural lands. But due to the litigation over the Minneapolis 2040 Plan, *all cities*, from Richfield to

Roseville and Saint Louis Park to Stillwater, are at risk of bad faith lawsuits based on a faulty analysis of the relationship of land use to climate emissions.

The threat of litigation impairs other economic and community development goals as well. To their great credit, many suburban communities (e.g. Hopkins) are seeking to revitalize their pre-war downtowns or main streets with new multi-story housing that allows new residents to walk to local businesses. Other suburban cities, like Burnsville and St Louis Park, are creating new downtowns and main streets, also with new housing. City leaders in these communities recognize that young adults should be able to afford to live in the communities they grew up in and senior citizens shouldn't have to move out of their local communities when they need to downsize.

City leaders should be able to plan for housing for the full lifecycle of all their residents. When they are able to do so, **those cities are also helping to reduce climate pollution**. Decades of studies show that where people live makes a huge impact on how much they pollute. People living in denser areas are able to pollute much less per capita than people who don't. Higher climate emissions in low-density sprawling areas are due to a long list of factors including not just longer driving distances and less access to transit, but also less walkability, less heating and cooling efficiencies from multi-family housing, and the greater carbon intensity of building new infrastructure to connect people who are farther apart from one another.

Between the 1950s and the 1990s, many cities in the metro area lost population due to the decrease in the number of people per household. Thanks to thoughtful planning, cities have been restoring their populations by adding housing units. Regaining lost populations in older cities stabilizes property tax bases, supports basic city services, **and also reduces emissions**. At least eleven municipalities are still underneath their previous peak populations and should not be prevented from making further progress.

The legal arguments made in current litigation misuse existing environmental protection laws to challenge city planning decisions that were adopted to address the climate crisis. The legislature should provide clarity and take needed action to protect cities who are trying to do the right thing for their residents and our climate.

The proposed compromise language is significantly more narrow than what was originally proposed in 2023. The proposed compromise includes findings which accurately describe the relationship of land use to climate emissions and clarifies that "residential density, that is approved by the Metropolitan Council, or that is determined by a municipality to result in environmental and public health benefits, shall not constitute conduct that causes or is likely to cause pollution, impairment, or destruction, as defined (under MERA)." As always, individual development projects remain subject to MERA.

The Minnesota Environmental Rights Act (MERA) is landmark legislation. It is a cornerstone which has protected current and future Minnesotans. It is precisely because of MERA's essential role that we ask the legislature to support this language. We must not allow our environmental laws to be weaponized against the environment. To protect our environment, the effectiveness of MERA must be preserved. We urge you to support HF4028/SF4183.

Signed,

Sierra Club North Star Chapter

Minnesota Environmental Partnership

Land Stewardship Project

Health Professionals for a Healthy Climate

MN350

Clean Water Action

Pollinator Friendly Alliance

Resilient Cities and Communities

Alliance for Sustainability

Bicycle Alliance of MN

Minnesota Interfaith Power & Light

Move Minnesota

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March 4, 2024

Boilermakers #647
Bricklayers & Allied
Craftworkers #1
Carpenters #322
Cement Masons #633
City Employees #363
Construction & General
Laborers #563
Electrical Workers #110
Electrical Workers #292
Elevator Constructors #9
Glaziers & Glassworkers
#L-1324
Heat & Frost Insulators
& Allied Workers #34
Iron Workers #512
Iron Workers Shopmen #535
Millwrights #548
MN State Interior Systems #68
Operating Engineers #49
Painters #386
Pile Drivers & Dock Builders
#1847
Pipefitters #539
Plasterers #265
Plumbers #15
Roofers #96
Sheet Metal Workers #10
Sign, Display & Allied workers
#880
Sprinkler Fitters #417
Teamsters Local #120

Senator Scott Dibble
Chairman
Senate Transportation committee

Dear Chair Dibble,

I write on behalf of the 14,000 members of the Minneapolis Building Trades in strong support of SF 4183, carried by Senator Fateh, which will finally ensure that frivolous lawsuits cannot be brought against a City's comprehensive plan under MERA for increasing density.

The Building Trades unions support pro-density zoning and those aspects of the Minneapolis 2040 plan that would bring more housing and development to the City. Suing the City under MERA for increasing density should not be allowed because that zoning is a benefit to the environment.

Further, the uncertainty faced by developers since this lawsuit started has led to confusion and a slowdown in building in the city that is already impacting our members. We appreciate this compromise legislation that has been agreed to with environmental organizations and encourage you to vote Yes on it so we can get back to building.

Sincerely,

Dan McConnell
Business Manager



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March 4, 2024

Senator Scott Dibble
Chair of the Committee on Transportation

Re: SF 4183— Fateh: Environmental and public health considerations in comprehensive development guide requirement provision

Dear Transportation Committee members,

We are writing in support of SF 4183 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 4183 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,



Mayor Jacob Frey
City of Minneapolis



Council President Elliott Payne
City of Minneapolis



Council Member Aurin Chowdhury
Chair, Intergovernmental Relations Committee
City of Minneapolis



March 1, 2024

Dear Chair Dibble and Members of the Senate Transportation Committee:

Metro Cities, representing the collective interests of cities in the metropolitan area, appreciates the opportunity to comment on SF 4183 (Fateh), as it is heard in the Transportation Committee on Monday.

Metro Cities supports legislative changes to clarify that cities' comprehensive plans are exempt from review under the Minnesota Environmental Rights Act (MERA). SF 4183 provides municipalities this exemption for elements of a comprehensive plan that authorize increased residential density. Metro Cities supports this provision in the bill.

Comprehensive plans are long range guiding documents for cities and lay out a range of future land use scenarios intended to allow for the orderly and economic development of the region. To allow for local flexibility and functionality, as well as to best align local goals with regional requirements, it is essential that local comprehensive plans remain high-level visioning documents that serve to guide future development and other local goals and policies.

Recent litigation, if successful, could require local comprehensive plans to meet the standards of the Minnesota Environmental Rights Act (MERA), which is not possible given that comprehensive plans are high-level documents and not development plans. Comprehensive plans, under state law, are expressly exempt from the Minnesota Environmental Protection Act (MEPA), unlike development projects, which are regularly reviewed under MEPA. This litigation threatens the ability of cities to conduct long-term planning for their local communities.

Thank you for your consideration of this letter. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Lund'.

Mike Lund
Government Relations Specialist
Metro Cities