



CITY ENGINEERS ASSOCIATION OF MINNESOTA

Engineering Our Cities' Futures

February 19, 2024

Representative Michael Howard
Chair – House Housing Finance and Policy Committee

RE: Comments on Representative Kraft Bill: Legalizing Missing Middle housing and creating pathways to build more homes

Chair Howard and Committee Members:

On behalf of the City Engineers Association of Minnesota (CEAM) thank you for the opportunity to share the following comments on the above referenced bill from Representative Kraft.

CEAM has many concerns about the details of this bill and the significant limits it places on local authority and control as it pertains to land use policies. Primarily, we have concerns about how the cities will be able to enforce engineering and operational limits and requirements on proposed developments given the language in this bill.

Many of our concerns are related to the “one size fits all” language for this bill. While there are different allowances for proposed developments in cities of the first class versus non-first class cities, there is no differentiation between suburban, exurban, rural or other city types and locations. The needs and operational considerations for these different types of cities do vary and do matter.

We appreciate the ability of cities to set controls and limitations as set in Subdivision 9, paragraph (a), but it seems unclear whether important limitations such as impervious surface maximums, storm water management systems, sanitary sewer capacity restrictions, water service limitations and setback requirements that are important for public infrastructure maintenance are allowed conditions and requirement for the affordable housing and lots within certain radii of major transit stops. Given the work that cities across the state have done to provide resiliency for our sewer, water and stormwater systems, we worry that the intent of this bill could prevent us from limiting characteristics that could jeopardize these factors in high impact areas.

In general, we are also concerned about the precedent of statewide zoning and density requirements. We feel that incentivizing density in areas that make sense in each community is a better tactic towards meeting bigger picture density goals than to create instant division and controversy towards these goals.

Also, while we understand that far too many developments have been subject to “Not In My Backyard” stereotypes and opposition, we also feel that this bill will not get the public debate and input that such a far reaching policy should receive due to the nature of the legislative process. Further, the bill itself eliminates any opportunity for the public ability to petition government agencies 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.

Thank you for the opportunity to share CEAM's comments and concerns on this bill. We appreciate your consideration and remain open to working with the legislature to provide zoning density incentives while maintaining local control over such.

Sincerely,

Mark DuChene, P.E.
2024 CEAM President
City of Faribault