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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4028

02/22/2024 Authored by Jordan, Howard, Elkins, Vang, Coulter and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy
03/18/2024 Adoption of Report: Re-referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to Metropolitan Council; requiring environmental and public health
1.3 considerations in comprehensive development guide; amending Minnesota Statutes
1.4 2022, section 473.851; Minnesota Statutes 2023 Supplement, section 473.145.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 473.145, is amended to read:

1.7 473.145 DEVELOPMENT GUIDE.

1.8 (a) The legislature finds the following:

1.9 (1) because global warming is real and caused by human activity, it is beneficial to the
1.10 environment and public health to combat global warming;

1.11 (2) because undeveloped and natural lands sequester carbon and provide habitat, it is
1.12 beneficial to the environment and public health to protect undeveloped and natural lands
1.13 from development;

1.14 (3) because destruction and development of undeveloped and natural lands is detrimental
1.15 to the environment and public health, it is beneficial to the environment and public health
1.16 to allow and incentivize more housing in urban and suburban areas where parks, libraries,
1.17 schools, retail, utilities, and transportation infrastructure already exist; and

1.18 (4) the benefits to the environment and public health of allowing and incentivizing greater
1.19 residential density in already-developed urban and suburban areas increase with greater
1.20 proximity to either the urban core or to the transit network.

1.21 (a)(b) The Metropolitan Council must prepare and adopt, after appropriate study and
1.22 such public hearings as may be necessary, a comprehensive development guide for the

2.1 metropolitan area. It must consist of a compilation of policy statements, goals, standards,
 2.2 programs, and maps prescribing guides for the orderly, sustainable, and economical
 2.3 development, public and private, of the metropolitan area in a manner that benefits the
 2.4 environment and public health as described in paragraph (a). The comprehensive development
 2.5 guide must recognize and encompass physical, social, environmental, public health, or
 2.6 economic needs of the metropolitan area and those future developments which will have
 2.7 an impact on the entire area including but not limited to such matters as land use, climate
 2.8 mitigation and adaptation, parks and open space land needs, the necessity for and location
 2.9 of airports, highways, transit facilities, public hospitals, libraries, schools, and other public
 2.10 buildings.

2.11 ~~(b)~~ (c) For the purposes of this section, "climate mitigation and adaptation" includes
 2.12 mitigation goals and strategies that meet or exceed the greenhouse gas emissions-reduction
 2.13 goals established by the state under section 216H.02, subdivision 1, and transportation
 2.14 targets established by the commissioner of transportation, including vehicle miles traveled
 2.15 reduction targets established in the statewide multimodal transportation plan under section
 2.16 174.03, subdivision 1a, as well as plans and policies to address climate adaptation in the
 2.17 region. The commissioner of transportation must consult with the Metropolitan Council on
 2.18 transportation targets prior to establishing the targets.

2.19 (d) The adoption or amendment of any provision that authorizes increased residential
 2.20 density in a comprehensive plan, fiscal device, or official control that is approved by the
 2.21 Metropolitan Council or that is determined by a municipality to result in environmental and
 2.22 public health benefits does not constitute conduct that causes or is likely to cause pollution,
 2.23 impairment, or destruction, as defined under section 116B.02, subdivision 5.

2.24 **EFFECTIVE DATE.** This section is effective the day following final enactment, except
 2.25 paragraph (d) is effective retroactively from March 1, 2018.

2.26 Sec. 2. Minnesota Statutes 2022, section 473.851, is amended to read:

2.27 **473.851 LEGISLATIVE FINDINGS AND PURPOSE.**

2.28 The legislature finds and declares that the local governmental units within the
 2.29 metropolitan area are interdependent, that the growth and patterns of urbanization within
 2.30 the area create the need for additional state, metropolitan and local public services and
 2.31 facilities and increase the danger of air and water pollution and water shortages, and that
 2.32 developments in one local governmental unit may affect the provision of regional capital
 2.33 improvements for sewers, transportation, airports, water supply, and regional recreation
 2.34 open space. Since problems of urbanization and development transcend local governmental

3.1 boundaries, there is a need for the adoption of coordinated plans, programs and controls by
3.2 all local governmental units in order to protect the health, safety and welfare of the residents
3.3 of the metropolitan area to rapidly mitigate and adapt to global warming and to, at a
3.4 minimum, preserve natural and undeveloped lands that will sequester carbon and provide
3.5 habitat; preserve agricultural lands; and increase residential density in areas where parks,
3.6 libraries, schools, retail, utilities, transportation infrastructure, and transit access already
3.7 exist and to ensure coordinated, orderly, and economic development. Therefore, it is the
3.8 purpose of sections 462.355, 473.175, and 473.851 to 473.871 to (1) establish requirements
3.9 and procedures to accomplish comprehensive local planning with land use controls consistent
3.10 with planned, orderly and staged development and the metropolitan system plans, and (2)
3.11 to provide assistance to local governmental units within the metropolitan area for the
3.12 preparation of plans and official controls appropriate for their areas and consistent with
3.13 metropolitan system plans.

3.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.