

A bill for an act

relating to planning and zoning; requiring certain local governments to consider certain natural heritage data and consider adopting goals to protect open space and the environment when adopting or updating comprehensive plans or ordinances; requiring certain local governments in greater Minnesota to consider adopting certain goals to preserve agriculture, forest, wildlife, and open space and minimize certain shoreland development when adopting or updating comprehensive plans or ordinances; establishing an agricultural and open space preservation task force; amending Minnesota Statutes 2006, sections 394.232, subdivision 6; 462.355, subdivision 1; 462.357, by adding subdivisions; Minnesota Statutes 2007 Supplement, section 394.23; proposing coding for new law in Minnesota Statutes, chapter 394.

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

Section 1. Minnesota Statutes 2007 Supplement, section 394.23, is amended to read:

394.23 COMPREHENSIVE PLAN.

The board has the power and authority to prepare and adopt by ordinance, a comprehensive plan. A comprehensive plan or plans when adopted by ordinance must be the basis for official controls adopted under the provisions of sections 394.21 to 394.37. The commissioner of natural resources must provide the natural heritage data from the county biological survey, if available, to each county for use in the comprehensive plan. When adopting or updating the comprehensive plan, the board must, if the data is available to the county, consider natural heritage data resulting from the county biological survey. The board must consider adopting goals and objectives that will protect open space and the environment.

Sec. 2. **[394.231] COMPREHENSIVE PLANS IN GREATER MINNESOTA; OPEN SPACE.**

A county adopting or updating a comprehensive plan in a county outside the metropolitan area as defined by section 473.121, subdivision 2, shall consider adopting goals and objectives for the preservation of agricultural, forest, wildlife, and open space land, and minimizing development in sensitive shoreland areas. Within three years of updating the comprehensive plan, the county shall consider adopting ordinances as part of the county's official controls that encourage the implementation of the goals and objectives. The county shall consider the following goals and objectives:

(1) minimizing the fragmentation and development of agricultural, forest, wildlife, and open space lands, including consideration of appropriate minimum lot sizes;

(2) minimizing further development in sensitive shoreland areas;

(3) minimizing development near wildlife management areas, scientific and natural areas, and nature centers;

(4) identification of areas of preference for higher density, including consideration of existing and necessary water and wastewater services, infrastructure, other services, and to the extent feasible, encouraging full development of areas previously zoned for nonagricultural uses;

(5) encouraging development close to places of employment, shopping centers, schools, mass transit, and other public and private service centers;

(6) identification of areas where other developments are appropriate; and

(7) other goals and objectives a county may identify.

Sec. 3. Minnesota Statutes 2006, section 394.232, subdivision 6, is amended to read:

Subd. 6. **Plan update.** The county board, or the board of the joint planning district, shall review and update the community-based comprehensive plan periodically, but at least every ten years, and submit the updated plan to the office of strategic and long-range planning for review and comment. When updating the plan, the county board or the board of the joint planning district must consider natural heritage data resulting from the county biological survey. The board must consider adopting goals and objectives that will protect open space and the environment.

Sec. 4. Minnesota Statutes 2006, section 462.355, subdivision 1, is amended to read:

Subdivision 1. **Preparation and review.** The planning agency shall prepare the comprehensive municipal plan. In discharging this duty the planning agency shall consult with and coordinate the planning activities of other departments and agencies of the municipality to insure conformity with and to assist in the development of the comprehensive municipal plan. In its planning activities the planning agency shall

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take due cognizance of the planning activities of adjacent units of government and other affected public agencies. The planning agency shall periodically review the plan and recommend amendments whenever necessary. When preparing or recommending amendments to the comprehensive plan, the planning agency must consider adopting goals and objectives that will protect open space and the environment.

Sec. 5. Minnesota Statutes 2006, section 462.357, is amended by adding a subdivision to read:

Subd. 1h. Comprehensive plans in greater Minnesota; open spaces. When adopting or updating a comprehensive plan in a municipality outside the metropolitan area, as defined by section 473.121, subdivision 2, the municipality shall consider adopting goals and objectives for the preservation of agricultural, forest, wildlife, and open space land and the minimization of development in sensitive shoreland areas. Within three years of updating the comprehensive plan, the municipality shall consider adopting ordinances as part of the municipality's official controls that encourage the implementation of the goals and objectives.

Sec. 6. Minnesota Statutes 2006, section 462.357, is amended by adding a subdivision to read:

Subd. 9. Development goals and objectives. In adopting official controls after July 1, 2008, in a municipality outside the metropolitan area, as defined by section 473.121, subdivision 2, the municipality shall consider restricting new residential, commercial, and industrial development so that the new development takes place in areas subject to the following goals and objectives:

(1) minimizing the fragmentation and development of agricultural, forest, wildlife, and open space lands, including consideration of appropriate minimum lot sizes;

(2) minimizing further development in sensitive shoreland areas;

(3) minimizing development near wildlife management areas, scientific and natural areas, and nature centers;

(4) identification of areas of preference for higher density, including consideration of existing and necessary water and wastewater services, infrastructure, other services, and to the extent feasible, encouraging full development of areas previously zoned for nonagricultural uses;

(5) encouraging development close to places of employment, shopping centers, schools, mass transit, and other public and private service centers;

(6) identification of areas where other developments are appropriate; and

4.1 (7) other goals and objectives a municipality may identify.

4.2 Sec. 7. **TITLE.**

4.3 Sections 1 to 6 shall be known as the President Theodore Roosevelt Memorial Act to
4.4 Preserve Agricultural, Forest, Wildlife, and Open Space Land.

4.5 Sec. 8. **AGRICULTURAL AND OPEN SPACE PRESERVATION TASK FORCE.**

4.6 An agricultural and open space preservation task force is created to study state and
4.7 local policies and incentives related to encouraging farms, privately owned forest lands,
4.8 and other privately owned open spaces to be preserved. The task force shall consist of
4.9 one member of the majority party of the senate appointed by the majority leader and one
4.10 member of the minority party of the senate appointed by the minority leader; one member
4.11 of the majority party in the house of representatives, appointed by the speaker of the house
4.12 of representatives, and one member of the minority party in the house of representatives
4.13 appointed by the minority leader; and one representative each from the Association of
4.14 Minnesota Counties, the League of Minnesota Cities, and the Minnesota Association of
4.15 Townships. The task force shall consult with representatives of agricultural groups such as
4.16 Farm Bureau and Farmer's Union and may consult with other interested parties, including
4.17 appropriate state agencies, as needed. No public member of the task force shall be entitled
4.18 to compensation or reimbursements for expenses. Appointments shall be made by July 1,
4.19 2008, and the first meeting shall be convened by agreement of the senate members no later
4.20 than August 1, 2008. The task force shall elect a chair from among its members at the
4.21 first meeting. The task force must report its findings with recommendations for proposed
4.22 legislation to the chairs and ranking minority members of the committees in the house of
4.23 representatives and senate with jurisdiction over land use planning no later than January
4.24 30, 2009. The task force shall expire on June 30, 2009.

4.25 Sec. 9. **EFFECTIVE DATE.**

4.26 Sections 1 to 7 are effective July 1, 2008. Section 8 is effective the day following
4.27 final enactment.