

SENATE

STATE OF MINNESOTA

EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1667

(SENATE AUTHORS: CHAMBERLAIN, Limmer and Lillie)

DATE	D-PG	OFFICIAL STATUS
02/02/2012	3704	Introduction and first reading Referred to Local Government and Elections
03/12/2012	4309a 4311	Comm report: To pass as amended Second reading

1.1

A bill for an act

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relating to metropolitan government; making certain Metropolitan Council

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guidelines and plans advisory; amending Minnesota Statutes 2010, sections

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473.145; 473.175, subdivision 1; 473.206; 473.852, subdivision 8; 473.856;

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repealing Minnesota Statutes 2010, section 473.851.

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

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Section 1. Minnesota Statutes 2010, section 473.145, is amended to read:

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473.145 DEVELOPMENT GUIDE.

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The Metropolitan Council shall prepare and adopt, after appropriate study and

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such public hearings as may be necessary, a comprehensive development guide for the

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metropolitan area. It shall consist of a compilation of policy statements, goals, standards,

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programs, and maps prescribing guides for the orderly and economical development,

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public and private, of the metropolitan area. The comprehensive development guide shall

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recognize and encompass physical, social, or economic needs of the metropolitan area and

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those future developments which will have an impact on the entire area including but not

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limited to such matters as land use, parks and open space land needs, the necessity for

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and location of airports, highways, transit facilities, public hospitals, libraries, schools,

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and other public buildings. The development guide is advisory in nature and no local unit

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of government shall be required to comply or conform to the guide, unless specifically

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required by law. A local unit of government may, by a vote of the governing body, decide

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that all provisions of the development guide are binding on it.

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Sec. 2. Minnesota Statutes 2010, section 473.175, subdivision 1, is amended to read:

Subdivision 1. **For compatibility, conformity.** (a) The council shall review the comprehensive plans of local governmental units, prepared and submitted pursuant to sections 473.851 to 473.871, to determine their ~~compatibility with each other and~~ conformity with metropolitan system plans. ~~The council shall review and comment on the apparent consistency of the comprehensive plans with adopted plans of the council.~~ The council may require a local governmental unit to modify any comprehensive plan or part thereof if, upon the adoption of findings and a resolution, the council concludes that the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans. A local unit of government may challenge a council action under this subdivision by following the procedures set forth in section 473.866.

(b) The council may comment on the apparent consistency of the comprehensive plans with adopted plans of the council and the compatibility of a plan in relation to other comprehensive plans in the metropolitan area, but these comments are advisory in nature and no change may be required, unless authorized by paragraph (a).

Sec. 3. Minnesota Statutes 2010, section 473.206, is amended to read:

473.206 LOCAL ORDINANCES.

Each county, city or town in the metropolitan area shall be provided with standards, criteria and suggested model ordinances and may, after review and comment by the Metropolitan Council, adopt ordinances which provide for the protection of the resources that are the subject of the standards, criteria, and model ordinances. The council shall not require any changes or amendments to the ordinances submitted, unless specifically authorized by law.

Sec. 4. Minnesota Statutes 2010, section 473.852, subdivision 8, is amended to read:

Subd. 8. **Metropolitan system plans.** "Metropolitan system plans" means the transportation portion of the Metropolitan Development Guide; and the policy plans; and capital budgets for metropolitan wastewater service; and transportation; ~~and regional recreation open space.~~

Sec. 5. Minnesota Statutes 2010, section 473.856, is amended to read:

473.856 METROPOLITAN SYSTEM STATEMENTS; AMENDMENTS.

The council shall prepare and transmit to each affected local governmental unit a metropolitan system statement when the council updates or revises its comprehensive development guide for the metropolitan area in conjunction with the decennial review

required under section 473.864, subdivision 2, and when the council amends or modifies a metropolitan system plan. The statement shall contain information relating to the unit and appropriate surrounding territory that the council ~~determines necessary for~~ recommends that the unit to consider in reviewing the unit's comprehensive plan. The statement may include:

(1) the timing, character, function, location, projected capacity, and conditions on use for existing or planned metropolitan public facilities, as specified in metropolitan system plans, and for state and federal public facilities to the extent known to the council; and

(2) the population, employment, and household projections which have been used by the council as a basis for its metropolitan system plans.

Within nine months after receiving a system statement for an amendment to a metropolitan system plan, and within three years after receiving a system statement issued in conjunction with the decennial review required under section 473.864, subdivision 2, each affected local governmental unit shall review its comprehensive plan to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit shall prepare the amendment and submit it to the council for review pursuant to sections 462.355, 473.175, and 473.851 to 473.871.

Sec. 6. REVISOR'S INSTRUCTION.

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>473.146</u>	<u>473.851</u>	<u>473.852</u>
<u>473.175</u>	<u>473.851</u>	<u>473.852</u>
<u>473.852</u>	<u>473.851</u>	<u>473.852</u>
<u>473.854</u>	<u>473.851</u>	<u>473.852</u>
<u>473.856</u>	<u>473.851</u>	<u>473.852</u>
<u>473.858</u>	<u>473.851</u>	<u>473.852</u>
<u>473.859</u>	<u>473.851</u>	<u>473.852</u>
<u>473.867</u>	<u>473.851</u>	<u>473.852</u>
<u>473.869</u>	<u>473.851</u>	<u>473.852</u>
<u>473.871</u>	<u>473.851</u>	<u>473.852</u>

Sec. 7. REPEALER.

Minnesota Statutes 2010, section 473.851, is repealed.

Sec. 8. APPLICATION.

4.1 This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
4.2 Scott, and Washington.

4.3 Sec. 9. **EFFECTIVE DATE.**

4.4 Sections 1 to 8 are effective August 1, 2012, and apply to all policies, plans,
4.5 ordinances, applications, or other matters submitted on or after August 1, 2012.

APPENDIX
Repealed Minnesota Statutes: S1667-1

473.851 LEGISLATIVE FINDINGS AND PURPOSE.

The legislature finds and declares that the local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution and water shortages, and that developments in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports, water supply, and regional recreation open space. Since problems of urbanization and development transcend local governmental boundaries, there is a need for the adoption of coordinated plans, programs and controls by all local governmental units in order to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly, and economic development. Therefore, it is the purpose of sections 462.355, 473.175, and 473.851 to 473.871 to (1) establish requirements and procedures to accomplish comprehensive local planning with land use controls consistent with planned, orderly and staged development and the metropolitan system plans, and (2) to provide assistance to local governmental units within the metropolitan area for the preparation of plans and official controls appropriate for their areas and consistent with metropolitan system plans.