

CHAPTER 194—H.F.No. 3285

An act relating to metropolitan land use planning; removing the requirement for metropolitan council review of school district capital improvement programs; amending Minnesota Statutes 2004, sections 473.175; 473.851; 473.852, subdivision 4; 473.854; 473.856; 473.857, subdivisions 1, 3; 473.864.

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

Section 1. Minnesota Statutes 2004, section 473.175, is amended to read:

473.175 REVIEW OF COMPREHENSIVE PLANS; ~~SCHOOL CAPITAL PROGRAMS.~~

Subdivision 1. **For compatibility, conformity.** The council shall review the comprehensive plans of local governmental units ~~and the capital improvement programs of school districts~~, prepared and submitted pursuant to Laws 1976, chapter 127, sections 1 to 23, 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 ~~and capital improvement programs~~ 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.

Subd. 2. **120-day limit, hearing.** ~~Within 120 days following receipt of a capital improvement program of a school district, unless a time extension is mutually agreed to, the council shall return to the school district a statement containing its comments.~~ Within 120 days following receipt of a comprehensive plan of a local governmental unit, unless a time extension is mutually agreed to, the council shall return to the local governmental unit a statement containing its comments and, by resolution, its decision, if any, to require modifications to assure conformance with the metropolitan system plans.

No action shall be taken by any local governmental unit ~~or school district~~ to place any such comprehensive plan, ~~capital improvement program~~ or part thereof into effect until the council has returned the statement to the unit ~~or district~~ and until the local governmental unit has incorporated any modifications in the plan required by a final decision, order, or judgment made pursuant to section 473.866. Promptly after submission, the council shall notify each city, town, county, or special district which may be affected by the plans ~~or programs~~ submitted, of the general nature of the plans ~~or programs~~, the date of submission, and the identity of the submitting unit ~~or district~~. Political subdivisions contiguous to or within the submitting unit ~~or district~~ shall be notified in all cases. Within 30 days after receipt of such notice any governmental unit or district so notified or the local governmental unit ~~or district~~ submitting the plan ~~or program~~ may request the council to conduct a hearing at which the submitting unit ~~or district~~ and any other governmental unit or subdivision may present its views. The council may attempt to mediate and resolve differences of opinion which exist among the participants in the hearing with respect to the plans ~~or programs~~ submitted. If within 120 days, unless a time extension is mutually agreed to, the council fails to complete its written statement the plans ~~or programs~~ shall be deemed approved and may be placed into effect. Any amendment to a plan ~~or program~~ subsequent to the council's review shall be submitted to and acted upon by the council in the same manner as the original plan ~~or program~~. The written statement of the council shall be filed with

the plan of the local government unit ~~or the program of the school district~~ at all places where the plan ~~or program~~ is required by law to be kept on file.

Subd. 3. **Enforcement to get conforming plan.** If a local governmental unit fails to adopt a comprehensive plan in accordance with Laws 1976, chapter 127, sections 1 to 23 or if the council after a public hearing by resolution finds that a plan substantially departs from metropolitan system plans and that the local governmental unit has not adopted a plan with modifications required pursuant to section 473.866 within nine months following a final decision, order, or judgment made pursuant to section 473.866, the council may commence civil proceedings to enforce the provisions of Laws 1976, chapter 127, sections 1 to 23 by appropriate legal action in the district court where the local governmental unit is located.

Sec. 2. Minnesota Statutes 2004, section 473.851, is amended to read:

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 ~~and school districts~~ 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, subdivision 4, 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 ~~and school districts~~ within the metropolitan area for the preparation of plans and official controls appropriate for their areas and consistent with metropolitan system plans.

Sec. 3. Minnesota Statutes 2004, section 473.852, subdivision 4, is amended to read:

Subd. 4. **Capital improvement program.** "Capital improvement program" means an itemized program for a five year prospective period, and any amendments thereto, subject to at least biennial review, setting forth the schedule, timing, and details of specific contemplated capital improvements by year, together with their estimated cost, the need for each improvement, financial sources, and the financial impact that the improvements will have on the local governmental unit ~~or school district~~.

Sec. 4. Minnesota Statutes 2004, section 473.854, is amended to read:

473.854 GUIDELINES.

The council shall prepare and adopt guidelines and procedures relating to the requirements and provisions of sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871 which will provide assistance to local governmental units ~~and school districts~~ in accomplishing the provisions of sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871.

Sec. 5. Minnesota Statutes 2004, section 473.856, is amended to read:

473.856 METROPOLITAN SYSTEM STATEMENTS; AMENDMENTS.

Local governmental units shall consider in their initial comprehensive plans submitted to the council, ~~and school districts shall consider in their initial capital improvement programs submitted to the council,~~ any amendments or modifications to metropolitan system plans which were made by the council

and transmitted prior to January 1, 1978. Thereafter, within nine months after receiving an amendment to a metropolitan system plan, each affected local governmental unit shall review its comprehensive plan ~~and each affected school district shall review its capital improvement program~~ to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit ~~or school district~~ shall prepare the amendment and submit it to the council for review pursuant to sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871.

Sec. 6. Minnesota Statutes 2004, section 473.857, subdivision 1, is amended to read:

Subdivision 1. **Request for hearing.** If a local governmental unit ~~or school district~~ and the council are unable to resolve disagreements over the content of a system statement, the unit ~~or district~~ may by resolution request that a hearing be conducted by the advisory committee or by the state Office of Administrative Hearings for the purpose of considering amendments to the system statement. The request shall be made by the unit ~~or district~~ within 60 days after receipt of the system statement and shall be accompanied by a description of the disagreement together with specified proposed amendments to the system statement. If no request for a hearing is received by the council within 60 days, the statement shall be final.

Sec. 7. Minnesota Statutes 2004, section 473.857, subdivision 3, is amended to read:

Subd. 3. **Final determination.** Within 30 days of receipt of the report, the council, by resolution containing findings of fact and conclusions, shall make a final determination respecting the proposed amendments. At any point in the reconciliation procedure established by this section, the council and a local governmental unit ~~or district~~ may resolve their disagreement by stipulation.

Sec. 8. Minnesota Statutes 2004, section 473.864, is amended to read:

473.864 PLANS AND PROGRAMS; ADOPTION; AMENDMENT.

Subdivision 1. **When adopted.** Each local governmental unit shall adopt its comprehensive plan with required modifications within nine months following a final decision, order, or judgment made pursuant to section 473.866. ~~Each school district shall adopt its capital improvement program, after receiving and considering the council's review statement sent pursuant to section 473.175 and making any amendments which the school district determines may be appropriate.~~

Subd. 2. **Decennial review.** By December 31, 1998, and at least once every ten years thereafter, each local governmental unit shall review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls. Such review and, if necessary, amendment shall ensure that, as provided in section 473.865, the fiscal devices and official controls of each local government unit are not in conflict with its comprehensive plan. Upon completion of review and, if necessary, amendment of its comprehensive plan, fiscal devices, and official controls as required by this section, each local government unit shall either:

(a) submit to the Metropolitan Council the entire current comprehensive plan together with written certification by the governing body of the local government unit that it has complied with this section and that no amendments to its plan or fiscal devices or official controls are necessary; or

(b)(1) submit the entire updated comprehensive plan and amendment or amendments to its comprehensive plan necessitated by its review to the Metropolitan Council for review; and

(2) submit the amendment or amendments to its fiscal devices or official controls necessitated by its review to the Metropolitan Council for information purposes as provided by section 473.865.

Except as otherwise provided in this paragraph, local governments shall consider, in preparing their updated comprehensive plans, amendments to metropolitan system plans in effect on December 31, 1996. For metropolitan system plans, or amendments thereto, adopted after December 31, 1996, local governments shall review their comprehensive plans to determine if an amendment is necessary to conform

to the metropolitan system plans. If an amendment is necessary, the local government shall prepare the amendment and submit it to the council for review by September 30, 1999, or nine months after the council transmits the metropolitan system plan amendment to the local government, whichever is later.

The periodic review required in this subdivision shall be in addition to the review required by section 473.856.

The Metropolitan Council may grant extensions to local government units in order to allow local government units to complete the review and, if necessary, amendment required by this subdivision. Such extensions, if granted by the Metropolitan Council, must include a timetable and plan for completion of the review and amendment.

Amendments to comprehensive plans of local governmental units ~~and to capital improvement programs of school districts~~ shall be prepared, submitted, and adopted in conformance with guidelines adopted by the Metropolitan Council pursuant to section 473.854.

Sec. 9. **APPLICATION.**

Sections 1 to 8 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Presented to the governor May 8, 2006

Signed by the governor May 11, 2006, 12:30 p.m.