

394.232 COMMUNITY-BASED PLANNING.

Subdivision 1. **General.** Each county is encouraged to prepare and implement a community-based comprehensive plan. A community-based comprehensive plan is a comprehensive plan that is consistent with the goals of community-based planning in section 4A.08.

Subd. 2. **Notice and participation.** Notice must be given at the beginning of the community-based comprehensive planning process to the Office of Strategic and Long-Range Planning, the Department of Natural Resources, the Department of Agriculture, the Department of Employment and Economic Development, the Board of Water and Soil Resources, the Pollution Control Agency, the Department of Transportation, local government units, and local citizens to actively participate in the development of the plan. An agency that is invited to participate in the development of a local plan but declines to do so and fails to participate or to provide written comments during the plan development process waives the right during the office's review and comment period to submit comments, except for comments concerning consistency of the plan with laws and rules administered by the agency. In determining the merit of the agency comment, the office shall consider the involvement of the agency in the development of the plan.

Subd. 3. **Coordination.** A county that prepares a community-based comprehensive plan shall coordinate its plan with the plans of its neighbors and its constituent municipalities and towns in order both to prevent its plan from having an adverse impact on other jurisdictions and to complement plans of other jurisdictions. The county's community-based comprehensive plan must incorporate the community-based comprehensive plan of any municipality or town in the county prepared in accordance with section 462.3535. A county may incorporate a municipal or town community-based comprehensive plan by reference.

Subd. 4. **Joint planning.** Under the joint exercise of powers provisions in section 471.59, a county may establish a joint planning district with other counties, municipalities, and towns, that are geographically contiguous, to adopt a single community-based comprehensive plan for the district. The county may delegate its authority to adopt official controls under this chapter to the board of the joint planning district.

Subd. 5. **Review and comment.** (a) The county or joint planning district shall submit its community-based comprehensive plan to the Office of Strategic and Long-Range Planning for review of the extent to which the plan promotes local citizen participation, promotes cooperation among adjacent communities, and demonstrates consideration of the community-based planning goals in section 4A.08. The office has 60 days after submittal to comment on the plan.

(b) The office may not disapprove a community-based comprehensive plan if the office determines that the plan promotes local citizen participation, promotes cooperation among adjacent communities, and demonstrates consideration of the community-based planning goals in section 4A.08.

(c) If the office disagrees with a community-based comprehensive plan or any elements of the plan, the office shall notify the county or district in writing of how the plan specifically fails to address the goals of community-based planning. Upon receipt of the office's written comments, the county or district has 120 days to revise the community-based comprehensive plan and resubmit it to the office for reconsideration.

(d) If the county or district refuses to revise the plan or the office disagrees with the revised plan, the office shall within 60 days notify the county or district that it wishes to initiate the dispute resolution process in chapter 572A.

(e) Within 60 days of notice from the office, the county or joint planning district shall notify the office of its intent to enter the dispute resolution process. If the county or district refuses to enter the dispute resolution process, the county or district is ineligible for any future grant disbursements related to community-based planning activities through the office.

(f) Priority for other state grants, loans, and other discretionary spending must not be given to local units of government based on their participation in community-based planning.

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. In a county that is not a greater than 80 percent area, as defined in section 103G.005, subdivision 10b, the board must consider adopting goals and objectives that will protect open space and the environment.

Subd. 7. **No mandamus proceeding.** A mandamus proceeding may not be instituted against a county under this section to require the county to conform its community-based comprehensive plan to be consistent with the community-based planning goals in section 4A.08.

Subd. 8. **Planning authority.** Nothing in this section shall be construed to prohibit or limit a county's authority to prepare and adopt a comprehensive plan and official controls under this chapter.

History: 1997 c 202 art 4 s 5; 1998 c 366 s 78; 1Sp2003 c 4 s 1; 2008 c 297 art 1 s 58