

Community-Based Planning  
Minnesota Session Laws 1997  
Chapter 202, Article 4, Sections 1-22  
Community-Based Planning Act (Sections 1-13)

ARTICLE 4

COMMUNITY-BASED PLANNING

Section 1. [4A.08] [COMMUNITY-BASED PLANNING GOALS.]

The goals of community-based planning are:

(1) [CITIZEN PARTICIPATION.] To develop a community-based planning process with broad citizen participation in order to build local capacity to plan for sustainable development and to benefit from the insights, knowledge, and support of local residents. The process must include at least one citizen from each affected unit of local government;

(2) [COOPERATION.] To promote cooperation among communities to work towards the most efficient, planned, and cost-effective delivery of government services by, among other means, facilitating cooperative agreements among adjacent communities and to coordinate planning to ensure compatibility of one community's development with development of neighboring communities;

(3) [ECONOMIC DEVELOPMENT.] To create sustainable economic development strategies and provide economic opportunities throughout the state that will achieve a balanced distribution of growth statewide;

(4) [CONSERVATION.] To protect, preserve, and enhance the state's resources, including agricultural land, forests,

surface

water and groundwater, recreation and open space, scenic areas, and significant historic and archaeological sites;

(5) [LIVABLE COMMUNITY DESIGN.] To strengthen communities by following the principles of livable community design in development and redevelopment, including integration of all income and age groups, mixed land uses and compact development, affordable and life-cycle housing, green spaces, access to public transit, bicycle and pedestrian ways, and enhanced aesthetics and beauty in public spaces;

(6) [HOUSING.] To provide and preserve an adequate supply of affordable and life-cycle housing throughout the state;

(7) [TRANSPORTATION.] To focus on the movement of people and goods, rather than on the movement of automobiles, in transportation planning, and to maximize the efficient use of the transportation infrastructure by increasing the

availability

and use of appropriate public transit throughout the state through land-use planning and design that makes public transit economically viable and desirable;

(8) [LAND-USE PLANNING.] To establish a community-based framework as a basis for all decisions and actions related to land use;

(9) [PUBLIC INVESTMENTS.] To account for the full environmental, social, and economic costs of new development, including infrastructure costs such as transportation, sewers and wastewater treatment, water, schools, recreation, and open space, and plan the funding mechanisms necessary to cover the

costs of the infrastructure;

(10) [PUBLIC EDUCATION.] To support research and public education on a community's and the state's finite capacity to accommodate growth, and the need for planning and resource management that will sustain growth; and

(11) [SUSTAINABLE DEVELOPMENT.] To provide a better quality of life for all residents while maintaining nature's ability to function over time by minimizing waste, preventing pollution, promoting efficiency, and developing local resources to revitalize the local economy.

Sec. 2. [4A.09] [TECHNICAL ASSISTANCE.]

The office shall provide local governments technical and financial assistance in preparing their comprehensive plans to meet the community-based planning goals in section 4A.08.

Sec. 3. [4A.10] [PLAN REVIEW AND COMMENT.]

The office shall review and comment on community-based comprehensive plans prepared by counties, including the community-based comprehensive plans of municipalities and towns that are incorporated into a county's plan, as required in section 394.232, subdivision 3.

Sec. 4. Minnesota Statutes 1996, section 394.23, is amended to read:

394.23 [COMPREHENSIVE PLAN.]

The board ~~shall have~~ has the power and authority to prepare and adopt by ordinance, a comprehensive plan. A comprehensive plan or plans when adopted by ordinance ~~shall~~ must be the basis for official controls adopted under the provisions of sections 394.21 to 394.37.

Sec. 5. [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 trade and economic development, the board of soil and water 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.

and  
county  
this  
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, towns, that are geographically contiguous, to adopt a single community-based comprehensive plan for the district. The  
may delegate its authority to adopt official controls under 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. The plan is deemed approved 60 days after submittal to the office, unless the office disagrees with the plan as provided in paragraph (c).

(b) The office may not disapprove a community-based comprehensive plan if the office determines that the plan meets the requirements of this section.

(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 the plan deficiencies and suggested changes. Upon receipt of the office's written comments, the county or district has 60 days  
to  
to  
revise the community-based comprehensive plan and resubmit it 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 30 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 shall refund any state grant received for community-based planning activities through the office.

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.

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

in

plan to be consistent with the community-based planning goals  
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.

Sec. 6. Minnesota Statutes 1996, section 394.24,  
subdivision 1, is amended to read:

Subdivision 1. [ADOPTED BY ORDINANCE.] Official controls  
which shall further the purpose and objectives of the  
comprehensive plan and parts thereof shall be adopted by  
ordinance. The comprehensive plan must provide guidelines for  
the timing and sequence of the adoption of official controls to  
ensure planned, orderly, and staged development and  
redevelopment consistent with the comprehensive plan.

Sec. 7. Minnesota Statutes 1996, section 462.352,  
subdivision 5, is amended to read:

Subd. 5. [COMPREHENSIVE MUNICIPAL PLAN.] "Comprehensive  
municipal plan" means a compilation of policy statements,

goals,

standards, and maps for guiding the physical, social and  
economic development, both private and public, of the  
municipality and its environs, including air space and  
subsurface areas necessary for mined underground space  
development pursuant to sections 469.135 to 469.141, and may  
include, but is not limited to, the following: statements of  
policies, goals, standards, a land use plan, including proposed  
densities for development, a community facilities plan, a  
transportation plan, and recommendations for plan execution. A  
comprehensive plan represents the planning agency's  
recommendations for the future development of the community.

Sec. 8. Minnesota Statutes 1996, section 462.352,  
subdivision 6, is amended to read:

Subd. 6. [LAND USE PLAN.] "Land use plan" means a  
compilation of policy statements, goals, standards, and maps,  
and action programs for guiding the future development of  
private and public property. The term includes a plan  
designating types of uses for the entire municipality as well

as

a specialized plan showing specific areas or specific types of  
land uses, such as residential, commercial, industrial, public  
or semipublic uses or any combination of such uses. A land use  
plan may also include the proposed densities for development.

Sec. 9. Minnesota Statutes 1996, section 462.352, is  
amended by adding a subdivision to read:

Subd. 18. [URBAN GROWTH AREA.] "Urban growth area" means  
the identified area around an urban area within which there is

a

sufficient supply of developable land for at least a  
prospective

20-year period, based on demographic forecasts and the time  
reasonably required to effectively provide municipal services

to

the identified area.

Sec. 10. [462.3535] [COMMUNITY-BASED PLANNING.]

Subdivision 1. [GENERAL.] Each municipality is encouraged

to prepare and implement a community-based comprehensive municipal plan. A community-based comprehensive municipal plan is a comprehensive plan that is consistent with the goals of community-based planning in section 4A.08.

Subd. 2. [COORDINATION.] A municipality that prepares a community-based comprehensive municipal plan shall coordinate its plan with the plans, if any, of the county and the municipality's neighbors both in order to prevent the plan from having an adverse impact on other jurisdictions and to complement the plans of other jurisdictions. The municipality shall prepare its plan to be incorporated into the county's community-based comprehensive plan, if the county is preparing or has prepared one, and shall otherwise assist and cooperate with the county in its community-based planning.

Subd. 3. [JOINT PLANNING.] Under the joint exercise of powers provisions in section 471.59, a municipality may establish a joint planning district with other municipalities

or

counties that are geographically contiguous, to adopt a single community-based comprehensive plan for the district. A municipality may delegate its authority to adopt official controls under sections 462.351 to 462.364, to the board of the joint planning district.

Subd. 4. [CITIES; URBAN GROWTH AREAS.] (a) The community-based comprehensive municipal plan for a statutory or home rule charter city, and official controls to implement the plan, must at a minimum, address any urban growth area identified in a county plan and may establish an urban growth area for the urbanized and urbanizing area. The city plan must establish a staged process for boundary adjustment to include the urbanized or urbanizing area within corporate limits as the urban growth area is developed and provided municipal services.

(b) Within the urban growth area, the plan must provide for the staged provision of urban services, including, but not limited to, water, wastewater collection and treatment, and transportation.

Subd. 5. [URBAN GROWTH AREA BOUNDARY ADJUSTMENT PROCESS.] (a) After an urban growth area has been identified in a county or city plan, a city shall negotiate, as part of the comprehensive planning process and in coordination with the county, an orderly annexation agreement with the townships containing the affected unincorporated areas located within the identified urban growth area. The agreement shall contain a boundary adjustment staging plan that establishes a sequencing plan over the subsequent 20-year period for the orderly growth of the city based on its reasonably anticipated development pattern and ability to extend municipal services into

designated

unincorporated areas located within the identified urban growth area. The city shall include the staging plan agreed upon in the orderly annexation agreement in its comprehensive plan. Upon agreement by the city and town, prior adopted orderly annexation agreements may be included as part of the boundary adjustment plan and comprehensive plan without regard to

whether

the prior adopted agreement is consistent with this section. When either the city or town requests that an existing orderly

annexation agreement affecting unincorporated areas located within an identified or proposed urban growth area be renegotiated, the renegotiated plan shall be consistent with this section.

(b) After a city's community-based comprehensive plan is approved under this section, the orderly annexation agreement shall be filed with the municipal board or its successor agency. Thereafter, the city may orderly annex the part or parts of the designated unincorporated area according to the sequencing plan and conditions contained in the negotiated orderly annexation agreement by submitting a resolution to the municipal board or its successor agency. The resolution shall specify the legal description of the area designated pursuant

to

the staging plan contained in the agreement, a map showing the new boundary and its relation to the existing city boundary, a description of and schedule for extending municipal services to the area, and a determination that all applicable conditions in the agreement have been satisfied. Within 30 days of receipt

of

the resolution, the municipal board or its successor shall review the resolution and if it finds that the terms and conditions of the orderly annexation agreement have been met, shall order the annexation. The boundary adjustment shall become effective upon issuance of an order by the municipal board or its successor. The municipal board or its successor shall cause copies of the boundary adjustment order to be

mailed

to the secretary of state, department of revenue, state demographer, and the department of transportation. No further proceedings under chapter 414 or 572A shall be required to accomplish the boundary adjustment. This section provides the sole method for annexing unincorporated land within an urban growth area, unless the parties agree otherwise.

(c) If a community-based comprehensive plan is updated, the parties shall renegotiate the orderly annexation agreement as needed to incorporate the adjustments and shall refile the agreement with the municipal board or its successor.

Subd. 6. [REVIEW BY ADJACENT MUNICIPALITIES; CONFLICT RESOLUTION.] Before a community-based comprehensive municipal plan is incorporated into the county's plan under section 394.232, subdivision 3, a municipality's community-based comprehensive municipal plan must be coordinated with adjacent municipalities within the county. As soon as practical after the development of a community-based comprehensive municipal plan, the municipality shall provide a copy of the draft plan

to

adjacent municipalities within the county for review and comment. An adjacent municipality has 30 days after receipt to review the plan and submit written comments.

Subd. 7. [COUNTY REVIEW.] (a) If a city does not plan for growth beyond its current boundaries, the city shall submit its community-based comprehensive municipal plan to the county for review and comment. A county has 60 days after receipt to review the plan and submit written comments to the city. The city may amend its plan based upon the county's comments.

(b) If a town prepares a community-based comprehensive

plan, it shall submit the plan to the county for review and comment. As provided in section 394.33, the town plan may not be inconsistent with or less restrictive than the county plan. A county has 60 days after receipt to review the plan and

submit

written comments to the town. The town may amend its plan

based

on the county's comment.

Subd. 8. [COUNTY APPROVAL.] (a) If a city plans for growth beyond its current boundaries, the city's proposed community-based comprehensive municipal plan and proposed urban growth area must be reviewed and approved by the county before the plan is incorporated into the county's plan. The county

may

review and provide comments on any orderly annexation agreement during the same period of review of a comprehensive plan.

(b) Upon receipt by the county of a community-based comprehensive plan submitted by a city for review and approval under this subdivision, the county shall, within 60 days of receipt of a city plan, review and approve the plan in accordance with this subdivision. The county shall review and approve the city plan if it is consistent with the goals stated in section 4A.08.

(c) In the event the county does not approve the plan, the county shall submit its comments to the city within 60 days. The city may, thereafter, amend the plan and resubmit the plan to the county. The county shall have an additional 60 days to review and approve a resubmitted plan. In the event the county and city are unable to come to agreement, either party may initiate the dispute resolution process contained in chapter 572A. Within 30 days of receiving notice that the other party has initiated dispute resolution, the city or county shall send notice of its intent to enter dispute resolution. If the city refuses to enter the dispute resolution process, it must refund any grant received from the county for community-based planning activities.

Subd. 9. [PLAN ADOPTION.] The municipality shall adopt and implement the community-based comprehensive municipal plan

after

the office of strategic and long-range planning has reviewed

and

commented on the county's plan that incorporates the municipality's plan. The municipality shall thereafter, where it deems appropriate, incorporate any comments made by the office into its plan and adopt the plan.

Subd. 10. [NO MANDAMUS PROCEEDING.] A mandamus proceeding may not be instituted against a municipality under this section to require the municipality to conform its community-based comprehensive plan to be consistent with the community-based planning goals in section 4A.08.

Sec. 11. Minnesota Statutes 1996, section 462.357, subdivision 2, is amended to read:

Subd. 2. [GENERAL REQUIREMENTS.] At any time after the adoption of a land use plan for the municipality, the planning agency, for the purpose of carrying out the policies and goals of the land use plan, may prepare a proposed zoning ordinance

for

and submit it to the governing body with its recommendations

adoption. Subject to the requirements of subdivisions 3, 4 and 5, the governing body may adopt and amend a zoning ordinance by a two-thirds vote of all its members. ~~If the comprehensive municipal plan is in conflict with the zoning ordinance, the zoning ordinance supersedes the plan.~~ The plan must provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the plan.

Sec. 12. [473.1455] [METROPOLITAN DEVELOPMENT GUIDE GOALS.]

The metropolitan council shall amend the metropolitan development guide, as necessary, to reflect and implement the community-based planning goals in section 4A.08. The office of strategic and long-range planning shall review and comment on the metropolitan development guide. The council may not

approve

local comprehensive plans or plan amendments after July 1,

1999,

until the metropolitan council has received and considered the comments of the office of strategic and long-range planning.

Sec. 13. [ADVISORY COUNCIL ON COMMUNITY-BASED PLANNING.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] An advisory council on community-based planning is established to provide a forum for discussion and development of the framework for community-based planning and the incentives and tools to implement the plans.

Subd. 2. [DUTIES.] The advisory council shall propose legislation for the 1998 legislative session relating to the framework to implement community-based planning. The advisory council shall:

(1) develop a model process to involve citizens in community-based planning from the beginning of the planning process;

(2) hold meetings statewide to solicit advice and information on how to implement community-based planning;

(3) develop specific, measurable criteria by which plans will be reviewed for consistency with the goals in Minnesota Statutes, section 4A.08, and commented on by the office of strategic and long-range planning;

(4) recommend a procedure for review and comment on community-based plans;

(5) recommend a process for coordination of plans among local jurisdictions;

(6) recommend an alternative dispute resolution method for citizens and local governments to use to challenge proposed plans or the implementation of plans;

(7) recommend incentives to encourage state agencies to implement the goals of community-based planning;

(8) recommend incentives for local governments to develop community-based plans, including for example, assistance with computerized geographic information systems, builders' remedies and density bonuses, and revised permitting processes;

(9) describe the tools and strategies that a county, city, or town may use to achieve the goals, including, but not

limited



to, densities, urban growth areas, purchase or transfer of development rights programs, public investment surcharges, transit and transit-oriented development, and zoning and other official controls;

(10) recommend the time frame in which the community-based plans must be completed;

(11) consider the need for ongoing stewardship and oversight of sustainable development initiatives and the community-based planning process;

(12) review and recommend changes to the community-based planning framework established in this act; and

(13) make other recommendations to implement community-based planning as the advisory council determines would be necessary or helpful in achieving the goals.

Subd. 3. [MEMBERSHIP.] The advisory council consists of 18 voting members who serve at the pleasure of the appointing authority as follows:

(1) two members of the majority caucus of the house of representatives appointed by the speaker, and two members of

the

minority caucus appointed by the minority leader;

(2) four members of the senate appointed by the subcommittee on committees of the committee on rules and administration of the senate, two of whom shall be members of the minority caucus;

(3) the director, or the director's designee, of the office of strategic and long-range planning;

(4) three public members, at least one of whom must be knowledgeable about and have experience in local government issues or planning, appointed by the speaker of the house of representatives;

(5) three public members, at least one of whom must be knowledgeable about and have experience in local government issues or planning, appointed by the subcommittee on committees of the committee on rules and administration of the senate; and

(6) three public members, at least one of whom must be knowledgeable about and have experience in local government issues or planning, appointed by the governor.

The commissioners, or their designees, of the departments of natural resources, agriculture, transportation, and trade

and

economic development, and the chair, or the chair's designee,

of

the metropolitan council shall serve as ex-officio members.

The advisory council may form an executive committee to facilitate the work of the council.

Subd. 4. [FIRST MEETING; CHAIR.] The director of the office of strategic and long-range planning, or the director's designee, shall convene the first meeting of the advisory council. At its first meeting, the advisory council shall select from among its members a person to serve as chair.

Subd. 5. [ADMINISTRATION.] The office of strategic and long-range planning, with assistance from other state agencies and the metropolitan council as needed, shall provide administrative and staff assistance to the advisory council. The attorney general shall provide advice on legal issues to

the

advisory council.

Subd. 6. [EXPENSES.] The office of strategic and long-range planning shall compensate members of the advisory council. Members shall receive per diem and expenses as provided by Minnesota Statutes, section 15.059, subdivision 3.

Subd. 7. [EXPIRATION.] This section expires June 30, 1998.

Sec. 14. [CITATION.]

Sections 1 to 13 may be cited as the "Community-based Planning Act."

Sec. 15. [APPLICATION.]

Section 12 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 16. [PILOT PROJECTS ESTABLISHED.]

The office of strategic and long-range planning shall establish community-based comprehensive land use planning pilot projects as specified in sections 17 to 21.

Sec. 17. [PLAN SUBMITTAL; REVIEW.]

A county or joint planning district participating in a pilot project must prepare a community-based comprehensive plan as specified in Minnesota Statutes, section 394.232. The

county

or joint powers board must submit the plan to the office of strategic and long-range planning within 24 months of the county's or district's selection as a pilot project. The

office

shall review each plan to determine if it is consistent with

the

community-based planning goals in Minnesota Statutes, section 4A.08. The office shall complete its review and comment as specified in Minnesota Statutes, section 394.232, subdivision

5.

Sec. 18. [PLAN CONTENT.]

Subdivision 1. [GOALS.] The plan must address the community-based planning goals in Minnesota Statutes, section 4A.08.

Subd. 2. [MUNICIPAL AND TOWN PLAN INCORPORATION.] The plan must incorporate the community-based comprehensive plan of each municipality and town in the county. Incorporation of a municipal or town plan is sufficient if the county or joint powers board adopts a resolution approving and incorporating by reference the plan or any subsequent amendments to the plan.

Subd. 3. [URBAN GROWTH AREAS.] The plan must identify, establish, and address urban growth areas, as defined in Minnesota Statutes, section 462.352, subdivision 18, within the county. The land outside an urban growth area must be zoned as permanent rural or agricultural land, or other appropriate land use, and must be maintained at density levels consistent with those uses. The plan must also identify the density at which the municipality wishes to develop.

Subd. 4. [EXISTING PLANS.] If the county has a previously adopted plan, the county board or joint powers board shall review, update, and submit to the office of strategic and long-range planning a revised plan and official controls

meeting

the requirements of this section, including the community-based comprehensive municipal plan for each municipality or town in the county, if any, within 24 months of the county's or

district's selection as a pilot project.

Sec. 19. [COORDINATION WITH ADJACENT COUNTIES.]

Before submitting the community-based comprehensive plan to the office of strategic and long-range planning, the county or joint powers board shall coordinate its plan with adjacent counties. The adjacent counties shall review and submit

written

comments on the proposed plan to the board within 60 days of receiving the plan.

Sec. 20. [COORDINATION WITH METROPOLITAN COUNCIL.]

A county or joint planning district adjacent to the metropolitan area shall coordinate its plan with the metropolitan council, in relation to the council's development guide.

The county or joint planning district shall not submit its plan to the office of strategic and long-range planning until the metropolitan council has had 60 days for review and comment on the plan.

Sec. 21. [LIMITATION ON PLAN AMENDMENT.]

The county or joint powers board shall not amend its plan for an area inside an urban growth area that is outside a municipality's jurisdiction without the municipality's

approval.

Sec. 22. [EFFECTIVE DATE.]

This article is effective the day following final enactment.