

**SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION**

S.F. No. 3004

(SENATE AUTHORS: OSMEK)

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03/21/2016		Introduction and first reading Referred to State and Local Government

A bill for an act

relating to the Metropolitan Council; modifying regional planning processes; amending Minnesota Statutes 2014, sections 473.145; 473.146, subdivision 1; 473.147; 473.856; 473.857.

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

Section 1. Minnesota Statutes 2014, section 473.145, is amended to read:

473.145 DEVELOPMENT GUIDE.

The Metropolitan Council shall prepare and adopt, after appropriate study and such public hearings as may be necessary, a comprehensive development guide for the metropolitan area. It shall consist of a compilation of policy statements, goals, standards, programs, and maps prescribing guides for the orderly and economical development, public and private, of the metropolitan area. The comprehensive development guide shall recognize and encompass physical, social, or economic needs of the metropolitan area and those future developments which will have an impact on the entire area including but not limited to such matters as land use, parks and open space land needs, the necessity for and location of airports, highways, transit facilities, public hospitals, libraries, schools, and other public buildings.

In order to ensure regional planning that is accepted at all levels, the procedure for preparing and adopting the comprehensive development guide is iterative. The council shall prepare a draft guide and draft policy plans that will serve as the basis for draft system statements under section 473.856. The system statements must be approved by the affected local governments before the development guide and policy plans are adopted.

Sec. 2. Minnesota Statutes 2014, section 473.146, subdivision 1, is amended to read:

2.1 Subdivision 1. **Requirement.** The council shall adopt a long-range comprehensive
2.2 policy plan for transportation and wastewater treatment. The council must not adopt the
2.3 plan until each local governmental unit approves the local governmental unit's system
2.4 statements. The plans must substantially conform to all policy statements, purposes, goals,
2.5 standards, and maps in the development guide developed and adopted by the council under
2.6 this chapter. Each policy plan must include, to the extent appropriate to the functions,
2.7 services, and systems covered, the following:

2.8 (1) forecasts of changes in the general levels and distribution of population,
2.9 households, employment, land uses, and other relevant matters, for the metropolitan area
2.10 and appropriate subareas;

2.11 (2) a statement of issues, problems, needs, and opportunities with respect to the
2.12 functions, services, and systems covered;

2.13 (3) a statement of the council's goals, objectives, and priorities with respect to the
2.14 functions, services, and systems covered, addressing areas and populations to be served,
2.15 the levels, distribution, and staging of services; a general description of the facility systems
2.16 required to support the services; the estimated cost of improvements required to achieve the
2.17 council's goals for the regional systems, including an analysis of what portion of the funding
2.18 for each improvement is proposed to come from the state, Metropolitan Council levies, and
2.19 cities, counties, and towns in the metropolitan area, respectively, and other similar matters;

2.20 (4) a statement of policies to effectuate the council's goals, objectives, and priorities;

2.21 (5) a statement of the fiscal implications of the council's plan, including a statement
2.22 of: (i) the resources available under existing fiscal policy; (ii) the adequacy of resources
2.23 under existing fiscal policy and any shortfalls and unattended needs; (iii) additional
2.24 resources, if any, that are or may be required to effectuate the council's goals, objectives,
2.25 and priorities; and (iv) any changes in existing fiscal policy, on regional revenues and
2.26 intergovernmental aids respectively, that are expected or that the council has recommended
2.27 or may recommend;

2.28 (6) a statement of the relationship of the policy plan to other policy plans and
2.29 chapters of the Metropolitan Development Guide;

2.30 (7) a statement of the relationships to local comprehensive plans prepared under
2.31 sections 473.851 to 473.871; and

2.32 (8) additional general information as may be necessary to develop the policy plan or
2.33 as may be required by the laws relating to the metropolitan agency and function covered
2.34 by the policy plan.

3.1 Sec. 3. Minnesota Statutes 2014, section 473.147, is amended to read:

3.2 **473.147 REGIONAL RECREATION OPEN SPACE SYSTEM POLICY PLAN.**

3.3 Subdivision 1. **Requirements.** The Metropolitan Council after consultation with
3.4 the Parks and Open Space Commission, municipalities, park districts and counties in
3.5 the metropolitan area, and after appropriate public hearings, shall prepare and adopt a
3.6 long-range system policy plan for regional recreation open space as part of the council's
3.7 Metropolitan Development Guide. The council must not adopt the plan until each local
3.8 governmental unit approves the local governmental unit's system statements. The plan
3.9 shall substantially conform to all policy statements, purposes, goals, standards, and maps
3.10 in development guide sections and comprehensive plans as developed and adopted by
3.11 the council pursuant to the chapters of the Minnesota Statutes directly relating to the
3.12 council. The policy plan shall identify generally the areas which should be acquired by
3.13 a public agency to provide a system of regional recreation open space comprising park
3.14 district, county and municipal facilities which, together with state facilities, reasonably
3.15 will meet the outdoor recreation needs of the people of the metropolitan area and shall
3.16 establish priorities for acquisition and development. The policy plan shall estimate the
3.17 cost of the recommended acquisitions and development, including an analysis of what
3.18 portion of the funding is proposed to come from the state, Metropolitan Council levies,
3.19 and cities, counties, and towns in the metropolitan area, respectively. In preparing or
3.20 amending the policy plan the council shall consult with and make maximum use of the
3.21 expertise of the commission. The policy plan shall include a five-year capital improvement
3.22 program, which shall be revised periodically, and shall establish criteria and priorities for
3.23 the allocation of funds for such acquisition and development. The legislature in each
3.24 bonding measure shall designate an anticipated level of funding for this acquisition and
3.25 development for each of the two succeeding bienniums.

3.26 Subd. 2. **Review, comment, hearing; revision.** Before adopting ~~the~~ a policy plan
3.27 for use in developing system statements, the council shall submit the proposed plan to
3.28 the parks and open space commission for its review, and the commission shall report its
3.29 comments to the council within 60 days. The council shall hold a public hearing on the
3.30 proposed policy plan at such time and place in the metropolitan area as it shall determine.
3.31 Not less than 15 days before the hearing, the council shall publish notice thereof in a
3.32 newspaper or newspapers having general circulation in the metropolitan area, stating
3.33 the date, time and place of hearing, and the place where the proposed policy plan and
3.34 commission comments may be examined by any interested person. At any hearing
3.35 interested persons shall be permitted to present their views on the policy plan, and the
3.36 hearing may be continued from time to time. After receipt of the commission's report and

4.1 hearing, the council may revise the proposed plan giving appropriate consideration to all
 4.2 comments received, and thereafter shall adopt the plan by resolution. An amendment
 4.3 to the policy plan may be proposed by the council or by the parks and open space
 4.4 commission. At least every four years the council shall engage in a comprehensive review
 4.5 of the policy plan, development guide sections, comprehensive plans, capital improvement
 4.6 programs and other plans in substantial conformance with the requirements of subdivision
 4.7 1 which have been adopted by the council.

4.8 Sec. 4. Minnesota Statutes 2014, section 473.856, is amended to read:

4.9 **473.856 METROPOLITAN SYSTEM STATEMENTS; AMENDMENTS.**

4.10 The council shall prepare and transmit to each affected local governmental unit a
 4.11 metropolitan system statement when the council proposes updates or revises revisions to
 4.12 its comprehensive development guide for the metropolitan area in conjunction with the
 4.13 decennial review required under section 473.864, subdivision 2, and when the council
 4.14 ~~amends or modifies~~ proposes amendments or modifications to a metropolitan system plan.
 4.15 The statement shall contain information relating to the unit and appropriate surrounding
 4.16 territory that the council determines necessary for the unit to consider in reviewing the
 4.17 unit's comprehensive plan. The statement may include:

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

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

4.23 Within nine months after ~~receiving~~ approving a system statement for an amendment
 4.24 to a metropolitan system plan, and within three years after receiving a system statement
 4.25 issued in conjunction with the decennial review required under section 473.864,
 4.26 subdivision 2, each affected local governmental unit shall review its comprehensive
 4.27 plan to determine if an amendment is necessary to ensure continued conformity with
 4.28 metropolitan system plans. If an amendment is necessary, the governmental unit shall
 4.29 prepare the amendment and submit it to the council for review pursuant to sections
 4.30 462.355, 473.175, and 473.851 to 473.871.

4.31 Sec. 5. Minnesota Statutes 2014, section 473.857, is amended to read:

4.32 **473.857 SYSTEM STATEMENTS; RECONCILIATION PROCEDURES.**

4.33 Subdivision 1. **Request for hearing.** If a local governmental unit and the council
 4.34 are unable to resolve disagreements over the content of a system statement, the unit may

5.1 by resolution request that a hearing be conducted by the advisory committee or by the
5.2 state Office of Administrative Hearings for the purpose of considering amendments to the
5.3 system statement. The request shall be made by the unit within 60 days after receipt of the
5.4 system statement and shall be accompanied by a description of the disagreement together
5.5 with specified proposed amendments to the system statement. If no request for a hearing is
5.6 received by the council within 60 days, the statement shall be final and is deemed approved.

5.7 Subd. 2. **Within 60 days; report.** A hearing shall be conducted within 60 days after
5.8 the request, provided that the advisory committee or the administrative law judge shall
5.9 consolidate hearings on related requests. The 60-day period within which the hearing shall
5.10 be conducted may be extended or suspended by mutual agreement of the council and the
5.11 local governmental unit. ~~The hearing shall not consider the need for or reasonableness~~
5.12 ~~of the metropolitan system plans or parts thereof.~~ The hearing shall afford all interested
5.13 persons an opportunity to testify and present evidence. The advisory committee or
5.14 administrative law judge may employ the appropriate technical and professional services
5.15 of the office of dispute resolution for the purpose of evaluating disputes of fact. The
5.16 proceedings shall not be deemed a contested case. Within 30 days after the hearing, the
5.17 advisory committee or the administrative law judge shall report to the council respecting
5.18 the proposed amendments to the system statements. The report shall contain findings of
5.19 fact, conclusions, and recommendations and shall apportion the costs of the proceedings
5.20 among the parties.

5.21 Subd. 3. **Final determination; approval.** ~~Within 30 days of receipt of the report,~~
5.22 ~~the council, by resolution containing findings of fact and conclusions, shall make a~~
5.23 ~~final determination respecting the proposed amendments. The council must accept the~~
5.24 ~~recommendations of the report if the local governmental unit approves them or takes no~~
5.25 ~~action on them within 30 days of receipt of the report. The local governmental unit may~~
5.26 ~~reject some or all of the recommendations within 30 days of receipt of the report by~~
5.27 ~~providing to the council written findings for the rejection and information on what will~~
5.28 ~~allow the local governmental unit to approve the system statement. At any point in the~~
5.29 ~~reconciliation procedure established by this section, the council and a local governmental~~
5.30 ~~unit may resolve their disagreement by stipulation and the system statement is then~~
5.31 ~~approved.~~

5.32 Sec. 6. **APPLICATION.**

5.33 Sections 1 to 5 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
5.34 Scott, and Washington.