

MnAPA Legislative Committee Meeting
First meeting for 2009 Legislative Session

Friday, December 5th

2:00 to 4:00

New Prague City Hall, 118 Central Avenue North, New Prague, MN 56071

phone 952-758-1128

Proposed Agenda

- 2:00-2:05 Welcome and introductions – Andrew Mack, co-chair
- 2:05-2:10 Approve agenda – Andrew Mack
- 2:10-2:30 Review work plan and budget – Jean Coleman, co-chair (see materials below)
- 2:30-2:40 Nominate Legislative Committee leadership to be appointed by Chapter President – Jean Coleman
- 2:40-2:45 Establish a Day at the Capitol subcommittee – Andrew Mack
- 2:45-3:00 Discuss Legislative Committee Part-time Coordinator position responsibilities – Andrew Mack
- 3:00-3:20 Discuss possible collaboration with 1000 Friends of Minnesota - John Bailey, Policy Director, 1000 Friends of Minnesota to present (see materials below)
- 3:20-3:30 Discuss possible support for City of Minneapolis legislative initiative – Jean Coleman (see materials below)
- 3:30-3:50 Discuss items that may be brought forth in the legislative session
- 3:40-4:00 Establish meeting schedule for 2009
- 4:00 Adjourn

Potential future meeting dates:

Friday, January 9th

Friday, February 6th

Friday, March 6th

Friday, April 10th

Friday, May 8th

MnAPA Legislative Committee Approved 2008/9 Workplan

At its 9/23/08 meeting, the members of the MnAPA Legislative Committee agreed to undertake the following activities for the period November 2008 through October 2009.

1. **Create policy positions on legislative topics of interest to planners.** The goal of this activity is to create a policy platform for MnAPA. This activity will involve identifying topics, developing draft positions by the Legislative Committee, seeking approval on draft positions from the MnAPA Board of Directors, and publishing the positions. It is anticipated that this activity would start slowly and develop over time. The Legislative Committee anticipates drafting positions on 2 or 3 topics over the next year. No funding is required for this activity.
2. **Communicate regularly with the MnAPA Board of Directors on Legislative Committee activities.** The goal of this activity is to keep the official body of the MnAPA informed of Legislative Committee activities to ensure oversight. This activity will involve Legislative Committee reports at all regular MnAPA Board meetings, an official liaison to the Legislative Committee from the Board, communication on issues that arise between board meetings, and development and approval of a yearly committee workplan. No funding is required for this activity.
3. **Organize a *Planner's Day at the Capitol* during the Minnesota legislative session.** The goals of this activity are: familiarize MnAPA members with the legislative process and lobbying limitations; establish contacts between members and legislators; and raise awareness of legislative issues of interest to planners. This activity will involve organizing a program in cooperation with the MnAPA Program Committee, inviting members, arranging for speakers, and working with legislators and other interested organizations to create a successful event. This activity would require funding to pay for various incidental expenses to put on the event. Estimated Cost - \$1,000.
4. **Educate MnAPA members on potential legislation and introduced legislation of interest to planners.** The goal of this activity is to keep members informed in a timely manner about legislative issues upon which they may choose to act. It is not intended to be used as an avenue to organize for lobbying on specific issues. This activity will involve tracking legislative activity, including pre-bill introduction efforts, creating e-alerts, creating content for the MnAPA website and newsletter. This activity would require funding to pay for someone to complete these tasks in a timely manner. Estimated Cost - \$3,000.
5. **Build coalitions with other associations (e.g. LMC, MAT, AMC, MCPZA) and participate in efforts relating to developing legislation and rulemaking (e.g. Shoreland Rulemaking, Annexation Task Force, Main Street Task Force, Agriculture and Open Space Task Force).** The goals of this activity are to establish relationships with associations that are active on legislative issues of interest to planners and to represent MnAPA in official efforts that may affect planners. This activity will involve inviting association representatives to observe Legislative Committee activities, meeting with association representatives, tracking activities of legislation and rulemaking efforts, and requesting appointment of official MnAPA representatives to selected task forces. No funding is required for this activity.

RECONNECTING COMMUNITIES

OVERVIEW

As an important step to protect our Great Outdoors and quality of life, Minnesota set a goal in 2007 of reducing global warming pollution 80 percent by 2050. Changes in land use will be critical for Minnesota to meet this goal. Patterns of development – where and how we grow – have serious consequences for energy use and global warming because they have a profound impact on the amount we drive. Neighborhoods where services are closer together give residents the opportunity to walk, bike, take transit, and just drive shorter distances than in more spread out communities, which typically require people to drive for every activity. This drop in driving could reduce total global warming emissions by up to 10 percent overall.

Adoption of this legislative package would begin to align Minnesota's land use policies with the state's global warming pollution reduction goals. As Minnesota adds 1.3 million people in the next thirty years, decisions about growth and development should be informed by the new realities of erratic and rising energy prices, global warming, changing demographics, and the need for fiscally prudent infrastructure investments. Changes in land use require neither technological breakthroughs nor large infrastructure investments and can result in big cost savings.

While reducing global warming pollution is the primary goal of this legislative proposal, Minnesotans would also benefit from a host of other economic, environmental and social benefits. These benefits include lower transportation costs, fewer tax increases, increased physical activity, enhanced protection of natural resources, and expanded housing options.

PROBLEM

The evidence is clear that:

- The amount we drive is driving up carbon dioxide emissions; and
- The average Minnesotan drives much more today than in previous decades largely because of development patterns and a lack of convenient alternatives; and
- Without changes to standard land use planning practices, driving will continue to rise; and so
- **We cannot meet the state's global warming pollution reduction goals without changes in land use and development patterns that will reduce the need to drive.**

Recent national and statewide evidence makes clear that even with the implementation of new auto efficiency standards and aggressive clean fuel standards we cannot meet global warming pollution reduction goals without changes in land use policies and development patterns. The Minnesota Climate Change Advisory Group (MCCAG) unanimously recommends "improved land use planning and development strategies" as an important part of reaching the state's global warming pollution reduction goals set forth by the *Next Generation Energy Act of 2007*. MCCAG's recent report estimates that fully implementing such strategies could reduce Minnesota' global warming emissions by 14.9 million metric tons by 2025.

POSITION

The specific legislative pieces of this proposal build on last year's historic transportation bill in a thoughtful, cost-effective, and realistic way, and are intended as an additional step toward giving Minnesotans more choices in how they move around the state. In the 2009 legislative session, MEP seeks legislation that would:

- *Amend the Metropolitan Council's comprehensive planning process to incorporate global warming reduction targets;*
- *Create financial incentives for metro and greater Minnesota communities to implement land use planning practices that would achieve global warming pollution reduction goals;*
- *Amend the statutory goals of MnDOT to include a reduction in per capita vehicle miles driven and propose similar changes in other state agencies' goals or mission;*
- *Require analysis of energy use and direct and indirect global warming emissions as part of the existing environmental review process.*

Potential Legislative Change

Statute of Limitations for Appeals of Municipal Land Use Decisions

It has come to our attention that the Municipal Planning Act (Minn. Stat. Sec. 462.361) does not specify a statute of limitations for appeals of municipal land use decisions to district court. Based on another state statute, the default statute of limitations is 6 years. The City of Minneapolis has become aware of this issue because of a suit recently brought based on a decision made several years ago.

County planning law (Minn. Stat. §394.27) establishes a 30 day period after a decision in which an appeal can be made to the appeals court. In addition, the statute that covers a municipal quasi-judicial decision (for example a business license revocation) (Minn. Stat. §606.01) requires an appeal within 60 days of the decision. Is it reasonable to expect the Municipal Planning Act section on land use decisions to be similar to the 30 or 60 day appeal period for county decisions or quasi-judicial decisions?

The City of Minneapolis may propose a statute of limitations period inserted into the judicial review provision in the Municipal Planning Act.

Minn. Stat. § 462.361 currently states as follows:

Any person aggrieved by an ordinance, rule, regulation, decision or order of a governing body or board of adjustments and appeals acting pursuant to sections [462.351](#) to [462.364](#) may have such ordinance, rule, regulation, decision or order, reviewed by an appropriate remedy in the district court, subject to the provisions of this section.

This is particularly confounding when you compare it to a similar review provision in the county planning statutes, which contains a 30-day period in which to bring suit after receipt of the notice of the land use decision. *See* Minn. Stat. § 394.27, subd. 9. It states as follows:

All decisions by the board of adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the district court in the county in which the land is located on questions of law and fact.

In addition, the statute that provides a right to appeal a municipal quasi-judicial decision in general (for example a business license revocation) via writ of cert to the Court of Appeals provides that the appeal must be filed within 60 days of the effective date of the municipal action. *See* Minn. Stat. § 606.01.

The City of Minneapolis' current thinking is that 30 days is too short of a time period because there may be value in allowing someone to rework their project rather than immediately sue. They think 60 or 90 days may be appropriate.

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