



## 2017 CGMC Policy Positions: Annexation & Land Use

CGMC believes that smart annexation and land use policies are necessary to ensure the long-term economic growth of Minnesota's cities, maximize cost efficiencies in delivering public services, protect Minnesota's environmental and natural assets, and curb Minnesota's greenhouse gas emissions.

### **1. Functions of Cities, Counties and Towns**

CGMC believes that as historically understood cities, counties, and towns have served specific and unique roles in land use planning and the administration of governmental services. CGMC opposes any and all legislation that would extend town powers into services over which cities have historically been responsible and supports legislation that would re-establish the primacy of cities and counties in land use planning decisions.

### **2. CGMC supports reform of Minnesota's annexation laws that accomplishes the following objectives:**

- Strengthening the legislative findings and goals contained in Minnesota State Statutes 414.01 that state a preference for urban development to be contained within incorporated municipalities that provide sewer and water service;
- Providing a definition for "urban or suburban in character" tied to quantifiable measures such as a specific density for residential housing;
- Restricting payments from cities to townships negotiated through orderly annexation agreements to reimbursement of lost property tax base for no longer than 5 years, and limiting payments to utilities for loss of service territory to an amount that reasonably compensates the utility for their capital investment related to the area and that includes a calculation of fair market value;
- Supporting the consolidation of local units of government, such as the merger of townships with existing cities, and providing transition aid to encourage mergers;
- Prohibiting or restricting the incorporation of new municipalities. If new incorporations are not prohibited, annexation laws should include a provision allowing a neighboring city's annexation of a previously identified urban growth area by contested case over the incorporation of the entire township into a new city;
- Creating a more streamlined and flexible annexation by ordinance procedure and removing acreage limits for annexations by ordinance based on property owner petitions;
- Limiting the role of the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings to only review and comment and enforcement of annexations conducted pursuant to an orderly annexation agreement;
- Ensuring that the annexation process is open to all cities with an annexation claim, even when there may be a competing annexation claim from another city over the same area; and
- Promoting annexations that are done in an environmentally sensitive way and that accomplish preservation and improvement of water quality, and the preservation of Minnesota's other natural resources.



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### **3. CGMC opposes changes to the Municipal Boundary Adjustment Chapter (Minn. Stat. 414) that would do the following:**

- Change the findings and goals contained in Minnesota Statutes 414.01 to imply that there is no functional difference in the roles of townships and cities;
- Unduly restrict a city's current regulatory authority to plan, zone, and enact and enforce regulations in areas surrounding cities;
- Statutorily allow townships to create designated township "growth" or "development" areas that would not be subject to annexation by a city; or
- Impose delays, additional or unnecessary costs, or otherwise make annexations more difficult to accomplish.

### **4. CGMC supports land use reform that accomplishes the following objectives:**

- Supporting Minnesota's objectives related to greenhouse gas emissions through strategies that encourage fewer and shorter vehicle trips, encourages the use of transit and non-motorized forms of transportation through land use that targets housing development near existing employment, and targets new commercial and industrial development near existing housing;
- Increasing the efficiency and reducing the cost of providing municipal services through controlling urban sprawl by prohibiting new urban development in townships and unorganized territory;
- Encouraging the establishment of urban growth areas by counties that are determined by municipalities and counties working together, based on projected population or economic development and the municipalities' ability to do land use planning and provide services upon development of the area;
- Encouraging sound land use planning and implementation through the provision of state grants to assist municipalities; and
- Encouraging redevelopment of brownfield properties.

### **5. Detachment**

CGMC opposes any efforts to lower the threshold or ease the criteria for detachment. CGMC also opposes the creation of a detachment by ordinance process.

### **6. State Planning Assistance**

CGMC supports the re-establishment of a state-wide agency to provide technical assistance and research current trends and issues regarding land use policy and practices in the state of Minnesota

### **7. Eminent Domain**

Eminent domain is an important tool that allows cities to balance the rights of private property owners with the cities' ability to act in the best interest of the health, safety, and welfare of its citizens. CGMC supports changes to current eminent domain laws that would make the process



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more efficient and less costly for local governments. CGMC opposes legislation that would increase barriers to using eminent domain.

### **8. Update MN Department of Ag Study on Cost of Infrastructure**

Support legislation that would update MN Department of Agriculture's "Cost of Public Services Study" of infrastructure and services costs as it relates to sprawl in exurban and rural areas. This study was done in 1999 and now contains dated information.