



2012 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. CGMC supports reform of Minnesota's annexation laws that accomplishes the following objectives:

- Provide a definition for "urban or suburban in character." This definition should be tied to quantifiable measures such as a specific density for residential housing;
- Restrict payments negotiated through orderly annexation agreements from cities to townships to reimbursement of lost property tax base for no longer than 5 years, and limit 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;
- Prohibit the incorporation of new municipalities;
- Create an alternative annexation procedure whereby a municipality may annex an area by 1) ordinance, upon finding that population or commercial/industrial demands require new municipal territory, 2) an update of their comprehensive plan to include the new area, 3) the creation of a plan to provide municipal services to the area, and 4) a public hearing;
- Strengthens 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;
- Update the findings and goals in Minnesota Statutes 414.01 to include the reduction of vehicle miles travelled;
- Remove acreage limits for annexations by ordinance based on property owner petitions;
- Limit the role of the state office of municipal boundary adjustments to only review and comment on enforcement of annexations conducted pursuant to an orderly annexation agreement;
- Ensure through statute 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.
- Promote 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.

2. CGMC opposes annexation-related proposals that would:

- 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;
- Limit the use of streamlined, automatic annexations that are permitted under current law;
- Unduly restrict a city's current regulatory authority to plan, zone, and enact and enforce regulations in areas surrounding cities;
- Reinstate the annexation election requirement;
- Impose unnecessary and costly mandates on cities prior to the initiation of an annexation proceeding;
- Impose unnecessary delays on any annexation proceeding;
- Restrict the property owner petitioned annexation process that is available under current law;
- Statutorily allow townships to create designated township "growth" or "development" areas that would not be subject to annexation by a city.

3. CGMC supports land use reform that accomplishes the following objectives:

- Support 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;
- Increases the efficiency and reduces the cost of providing municipal services through controlling urban sprawl by prohibiting new urban development in townships and unorganized territory;
- Encourage the establishment of urban growth areas that are determined by municipalities based on projected population or economic development and the municipalities' ability to do land use planning and provide services upon development of the area;
- Encourage land use planning and implementation through the provision of grants to help municipalities plan with the reduction of vehicle miles travelled as its primary goal;
- Encourage redevelopment of brownfield properties through the extension of tax increment financing provisions, which would encourage higher commercial and industrial densities.

4. 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.

5. The Legislature’s Role in Annexation & Land Use Laws

CGMC believes that it is important that the Legislature take a leading role in reforming annexation and land use laws for the state of Minnesota. The Legislature should not continue to cede its authority and responsibilities to task forces and study groups, but rather take action so as to prevent further environmental degradation, loss of natural resources, loss and fragmentation of agricultural and forest lands, inefficient delivery of governmental services, and local property tax unfairness.

6. State-wide Planning Authority

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

7. Eminent Domain

In response to a recent U.S. Supreme Court decision upholding the authority of local governments to use eminent domain to condemn private property for purely economic development purposes, the Legislature amended the eminent domain law by placing additional burdens on condemning authorities that apply even in uncontroversial actions for traditional public purposes, except in limited situations where the condemning authority acts as a public service corporation by operating utilities or providing other preferred services. These recent amendments have made the process in the vast majority of eminent domain actions inequitable and too costly for taxpayers and undermine the fundamental responsibility of cities to protect the public health, safety, and welfare of its citizens. The CGMC supports changes to the eminent domain laws that would remove recently added attorney fees and cost penalty provisions in actions involving public infrastructure improvements.

8. Detachments from Municipalities

Support legislation that ensures that detachments from municipalities are rare and accomplished in such a way as to ensure that the property is not part of the city’s reasonable growth plans and will remain rural post-detachment. Legislation should further ensure that the petitioner asking for the detachment bear the cost of the proceedings and that the affected township approve the detachment before it is approved by the state.

9. 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.