

April 30, 2025

Re: County Comments on DE amendment to SF2229

Dear Chair Xiong and Members of the Senate State and Local Government Committee:

The Association of Minnesota Counties (AMC) and Minnesota Association of County Planning and Zoning Administrators (MACPZA) thank the committee for the opportunity to submit comments on Delete Everything amendment SF2229. Counties are concerned with Sections 1 - 3, preempting county authorities in MS Chapter 394.

We appreciate the work of the Working Group on Common Interest Communities (CIC) and Homeowners Associations that was done in the past interim, but regret that a county perspective was absent from the discussions.

Although it has been implied that Section 1 has limited impacts and is focused on requirements for unnecessary amenities, the impact goes well beyond that and would allow these types of developments with minimal local government oversight.

The LGU review of development agreements is important for many reasons, including ensuring that the declaration provides for maintenance of roads and common areas and assessment of costs when warranted, serving as check on basic requirements and safety matters.

CICs are sometimes used to establish a use that would normally not be allowed by the local government, but due to the nature of a CIC, it was acceptable. **The permitting authority and nearby communities should not be surprised by developments that can change without restriction.** This provision also conflicts with Minnesota Shoreland Rules (6120.3800 Subd. 5.C) that require a homeowner's association to be created for residential PUD self-governing.

Parking requirements are generally within a county's zoning ordinance, and if approving a commercial PUD, there may be additional standards that would be addressed on a case-by-case basis through a CUP.

Restriction on materials and standards disregards local conditions or risks that may call for specific requirements. This ties the hands of counties in approving developments that may require the use of specific standards to mitigate very specific impacts to neighboring properties or important public natural resources.

Counties are not aware of any data, beyond anecdotal offerings, that indicates these controls have prevented developments or impacted costs in a material way in county-regulated areas. Many counties are actively seeking housing growth and have considered higher density developments through CICs where this makes sense. **Restrictions on local government authorities will result in counties discouraging these developments or adopting prohibitions on CIC developments.**

We do appreciate connecting with the author and look forward to further discussions about these proposals.

Thank you for your consideration. If you have any questions about our position, please feel free to contact Brian Martinson at bmartinson@mncounties.org or 651-246-4156.

Sincerely,



Brian Martinson, Policy Analyst
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Garry Johanson, President
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