MINNESOTA'S LAND USE PLANNING PROCESS

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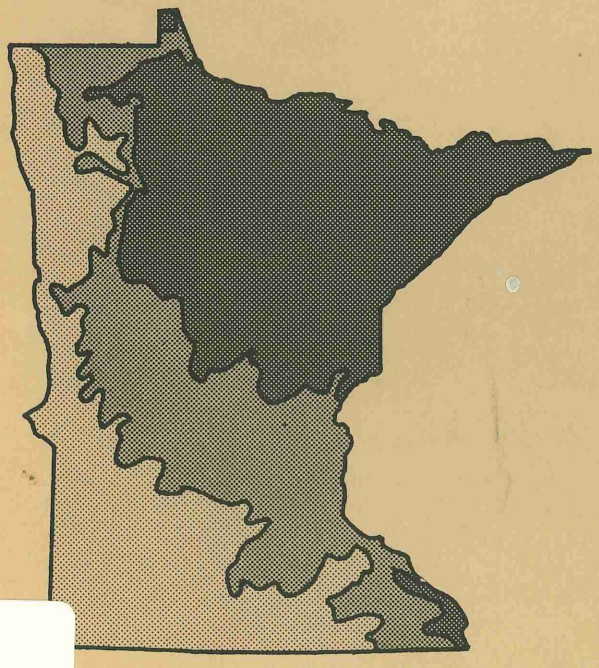

PREPARED FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 701 LAND USE PLANNING REQUIREMENT, APRIL 1978

ENVIRONMENTAL PLANNING
STATE PLANNING AGENCY

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OUTLINE

Consistency Statements

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
REGIONAL OFFICE
300 SOUTH WACKER DRIVE, CHICAGO, ILLINOIS 60606

July 10, 1978

REGION V

IN REPLY REFER TO:
RW:vrh 5C

The Honorable Rudy Perpich
Governor
State of Minnesota
Office of the Governor
St. Paul, Minnesota 55155

Dear Governor Perpich:

We have reviewed the housing and land use elements and additional documentation for the State of Minnesota submitted in accordance with Section 701 of the Housing Act of 1954, as amended and Paragraph 600.67(b) of the Regulations for Comprehensive Planning Assistance, dated August 22, 1975.

Based on this review, we are pleased to advise you that the housing and land use elements are hereby approved. The elements as submitted are consistent with each other and adequately meet the requirements of the Regulations outlined in Paragraphs 600.70 and 600.72 for housing and land use, and Paragraphs 600.65 and 600.66 for environmental assessment and historic preservation.

In making this approval we recognize that the Housing Allocation Plan component of the State of Minnesota's Housing Element is not consistent with the HUD St. Paul Area Office Section 8 distribution plan for the State of Minnesota. We encourage the State to continue to work with our Area Office to achieve greater consistency between the two plans.

We congratulate you on successful formulation of the housing and land use elements as part of the comprehensive planning process for your state and hope that they will provide vital tools for subsequent decision-making. In your review and update of these elements, please be reminded that a biennial review and update of these elements, per Paragraph 600.73(1), will be required.

If you have any questions on the foregoing, please contact John W. Peters, of the Regional Community Planning and Development Staff, at (312) 353-1682.

Sincerely,

Ron Gatton
Regional Administrator

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

RUDY PERPICH
GOVERNOR

April 13, 1978

Mr. Ron Gatton
Regional Administrator for
Community Planning and Development
Department of Housing and Urban
Development
300 South Wacker Drive
Chicago, Illinois 60606

Dear Mr. Gatton:

I am pleased to transmit to you the land use element required as a condition of maintaining eligibility for the continued receipt of 701 planning monies. This element was prepared by the Minnesota State Planning Agency; it has my support and endorsement.

Land use planning activities in Minnesota are directed toward the management of those problems that are the most difficult to resolve, rather than a program that attempts to manage every conceivable land use issue in the state. To accomplish this, the Legislature has enacted a series of specific land use laws and programs, i.e., Power Plant Siting; Critical Areas; Shoreland Management; Wild, Scenic, and Recreational Rivers; and Environmental Impact Statements to assign management responsibility for major land use issues.

These programs and a large data management system to provide necessary information to the decision-makers are described in this land use element. A variety of strong coordinating mechanisms are functioning within the state to maintain the close working relationship necessary to minimize conflicts in land use decisions and maximize the consistency of each program in the implementation of state policies.

I will continue to support this state's commitment to land use planning and the process to order and effectively manage land use decisions in our state. The coordinating mechanisms are put to the test on a regular basis in the various planning programs and in the review of specific developments. I have supported these wholeheartedly to provide assurance to the members of these bodies that their efforts are providing the type of guidance needed for sound land use decisions.

I anticipate the continued cooperation of the Department of Housing and Urban Development with the state and local governments in the implementation of this state's land use element. The support of HUD will be especially useful in meeting the goals and objectives which we have established. I look forward to your cooperation.

Sincerely,

Rudy Perpich
Governor

RP:bk

RUDY PERPICH
GOVERNOR

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

PHONE: _____

May 11, 1978

Mr. Ron Gatton
Regional Administrator for
Community Planning and Development
Department of Housing and Urban Development
300 South Wacker Drive
Chicago, Illinois 60606

SUBJECT: Additional Endorsement of 701 Housing and Land Use Elements

Dear Mr. Gatton:

In the endorsement letters attached to the Minnesota Housing and Land Use 701 Elements, I thought I made it quite clear that my endorsement was of the total product.

In order that Minnesota not be penalized, let me make it clear that I do endorse the summaries, the elements themselves, as well as all the attached appendices and additional materials.

I wish you to understand that these documents have my full support. I intend to continue the excellent record Minnesota has made in both housing and land use policies. I also remind you of my interest in ensuring that federal agencies adhere to state housing and land use elements.

Sincerely,

Rudy Perpich
Governor

/bk

STATE OF MINNESOTA

STATE PLANNING AGENCY
101 CAPITOL SQUARE BUILDING
550 CEDAR STREET
ST. PAUL, 55101

May 11, 1978

Mr. Peter Vanderpoel, Director
State Planning Agency
101 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

RE: Minnesota State Planning Agency - Land Use Element and Summary Statement (Comprehensive Planning Assistance "701" Program)

Dear Mr. Vanderpoel:

This is to certify that the Minnesota State Clearinghouse is in receipt of a copy of the State Planning Agency's Land Use Element and Summary Statement and is reviewing the documents under the procedures established by the Office of Management and Budget (OMB) Circular A-95. State agencies that may be interested in or affected by the Land Use Element have been notified by this office.

When the review of these documents has been completed the comments will be forwarded to you.

Sincerely,

Thomas N. Harren, Administrator
State Clearinghouse

TNH:dlg

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT Pollution Control Agency

Office Memorandum

TO : Peter Vanderpoel, Director
State Planning Agency

DATE: 5/10/78

FROM : Sandra Gardebring, Executive Director
Minnesota Pollution Control Agency

PHONE: 296-7301

SUBJECT: Consistency of the State Land Use Element with: 1) The State Implementation Plan of the Clean Air Act, as amended; and 2) The 208 Water Quality Management Plan

The Pollution Control Agency has reviewed the State Land Use Element and has no negative comments.

Consistency of the above PCA Plans with the State Land Use Element is assured by the following:

1. Both plans will be submitted by PCA to the State Planning Agency for review according to Minn. Stat. 1977, Chap. 455, Sec. 66 which requires SPA to review all state plans. At that time, any inconsistencies with the Land Use Element will be noted and negotiated.

2. The State Planning Agency, under PT3 of OMB Circular A-95, is also the Governor's Designated Review agency for the review of all state plans required by the federal government. This section would apply to both air quality and water quality plans.

3. Consistency between the State Land Use Element and the land-use related provisions of the 208 plan are ensured through an Interagency Agreement between the Department of Housing and Urban Development and the Environmental Protection Agency (EPA-1AG-P5-0662).

   This agreement requires that the responsible agencies agree to a review procedure to determine consistency and a procedure for negotiating conflicts if they do occur. This agreement also requires that common data bases be used. The 208 planning effort is utilizing the State Demographer's population projections and, where applicable, the resource data contained in the Minnesota Land Management Information System, the same data base described in the Land Use Element.

   The schedule for the development of the 208 plan currently calls for:

   a) a draft plan to be ready by June 30, 1979
   b) Regional A-95 review during September 1979
   c) State A-95 review during October 1979
   d) an approved plan to be submitted by November 1, 1979

4. The State Implementation Plan of the Clean Air Act as amended will be subject to the same consistency provisions noted above.

   This plan is scheduled for completion by January, 1979. At that time, the PCA will submit the plan to the State Planning Agency which will use the Land Use Element as a guide in reviewing the plan under the A-95 process.

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT Department of Natural Resources **Office Memorandum**

TO : Peter Vanderpoel

DATE: 5/10/78

FROM : William Nye

PHONE: 296-2549

SUBJECT: Consistency of the State Comprehensive Outdoor Recreation Plan, as amended, with the State Land Use Element

The Department of Natural Resources is in the process of updating the State Comprehensive Outdoor Recreation Plan. It is anticipated that the plan will be completed by June, 1979.

The amended Comprehensive Outdoor Recreation Plan will be submitted to the State Planning Agency for the review required by both the A-95 process and by Minn. Stat., 1977, Chapter 455, Section 66.

I heartily endorse such a coordinative review procedure which will ensure consistency of all state plans.

/bk

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT Environmental Planning

Office Memorandum

TO : Peter Vanderpoel, Director
State Planning Agency

DATE: 5/4/78

FROM : Roger Williams, Director
Minn. Coastal Zone Management Program

PHONE: 6-2633

SUBJECT: Consistency between the Coastal Zone Management Plan and the State Land Use Element.

The current draft CZM plan, which is presently being amended, is consistent with the land use policies described in the State Land Use Plan.

An amended draft plan, which is scheduled for completion by December 31, 1978, will be reviewed for consistency by the State Planning Agency using the State Land Use Element as a guide.

The studies in the development of the CZM plan have utilized the State Demographer's population projections and the MLMIS resource data base described in the Land Use Element.

Consistency between the two documents is further insured by a signed Interagency Agreement between DHUD and NOAA.

/pj

INTRODUCTION AND SUMMARY STATEMENT

On August 22, 1975, the U.S. Department of Housing and Urban Development published in the Federal Register new requirements for Comprehensive Planning Assistance (701). Under these requirements, each State and areawide planning organization must, as part of its overall program design, develop a land use element containing the following:

1. "Broad goals and objectives in measurable terms where possible;
2. Long and short term policies, and where appropriate administrative procedures and legislative proposals, with regard to where growth should and should not take place;
3. The type, intensity and timing of growth;
4. Studies, criteria, standards and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall and shall not take place; and
5. Policies, procedures, and mechanisms necessary for coordinating local, areawide, and State land use policies with functional planning and capital investment strategies, when available, and improvements in governmental structures, systems and procedures that will facilitate the achievement of land use objectives."

This report constitutes the Land Use Element for the State of Minnesota. While considerable work in land use planning at the state level remains to be done, this report demonstrates that Minnesota meets the preceding requirements. Generally, the status of land use planning in Minnesota can be summarized as follows:

BROAD GOALS AND OBJECTIVES

The goals for Minnesota's land use planning process are described in the State Planning Agency's Overall Program Design and the biennual budget of other state agencies. They represent broad statements of what is to be achieved in major functional and coordinating activities affecting land use. In general, these goals have been developed independently; however, the long-term objective is to develop information to further define, quantify and integrate these statements to reflect regional variations in natural resources and socio-economic conditions.

The state agency goals relating to the functional areas of pollution, health, natural resources, agriculture, energy, transportation and the comprehensive planning process are as follows:

1. Energy

   "To bring energy demand and supply into balance and to provide the information needed to deal with energy problems (1978-1979 Energy Agency Biennial Budget)."

2. Pollution

   "To preserve the environmental resources including air, water and land in order to protect the health and welfare of the residents (1978-1979 Pollution Control Agency Biennial Budget)."

3. Health

   "To emphasize the evaluation of human health considerations in environmental management matters (1978-1979 Health Department Biennial Budget)."

4. Natural Resources

   "To achieve optimum beneficial use of natural resources via planning, protection and development that is responsive to the public's needs and consistent with resource potential for the social and economic well being of both present and future generations (1978-1979 Department of Natural Resources Biennial Budget)."

5. Agriculture

"To assure an abundance of high quality food and other agriculturally related products, for purchase with knowledge of quality and safety (1978-1979 Department of Agricultural Biennial Budget)."

6. Transportation

"To provide a balanced transportation system for the state (1978-1979 Department of Transportation Biennial Budget)."

7. Planning

"To engage in a systematic planning process in specific functional areas identifying issues, gathering relevant information, and portraying alternative solutions (1978-1979 State Planning Agency Biennial Budget)."

"To assist local governments regional units to establish a competent planning capacity and to provide for assistance to local and regional units to improve their management capability and utilization of federal grants-in-aid (1978-1979 State Planning Agency Biennial Budget)."

"To provide for services to the executive and legislative branches of Minnesota state government to insure (1) effective policy formulation, (2) the preparation of a systematic strategy for state growth and development, (3) effective coordination of state programs and federal grants-in-aid, and (4) effective planning in other state agencies (1978-1979 State Planning Agency Biennial Budget)."

State agency goals are also implemented through stated objectives for each program activity. State Agency objectives are reviewed by the legislature, the Governor's Office and the State Planning Agency for consistency with broad goals and state policies. During the legislative review process, the objectives are evaluated and decisions made as to appropriate funding. In cases where requested funding is not received, agencies may have to recast their objectives to reflect accomplishments at that level of funding.

The Annual objective for the SPA land use planning work program in fiscal

year '78 is to coordinate the ongoing development of a state land use plan and assist in the development of land use and environmental components of regional comprehensive plans. Work elements for this objective are stated on page 32 of the Application to DHUD for 701 Funding in Fiscal Year 1978. The application also includes annual objectives for other SPA programs. Broad goals and measurable objectives are further illustrated on page 83-94.

LONG-TERM POLICIES

Long term policies relating to land use--i.e., where growth shall or shall not occur and the type, timing and intensity of growth--are defined in this report as statutory policies. Only policies enacted by the State Legislature provide statements that have the effect of law concerning land use in the state; therefore, these statutory policies provide the fundamental underpinnings of the state's ability to impact land use and guide growth. Minnesota has a body of statutory policy relating to land use that far exceeds that of most other states. It ranges from Minnesota's ability to mandate land use planning and growth management in certain areas (e.g. Critical Areas) in compliance with state standards, to direct state decisions on the location of certain major facilities and uses (e.g. Power Plant Siting, Acquisition of State Parks, Transmission Line routing). This state-level authority supplements the basic authority to guide land use development which the state has delegated to local units of government.

At the state level, Minnesota has a number of officially adopted policies that have direct and significant effect on land use. These policies may be referred to as long-term policies in that they were established by the legislature and provide ongoing guidance in land use decision-making. The major

policy areas at the state level that influence growth and development include:

1. Critical Areas
2. Shoreland Management
3. Floodplain Management
4. Power Plant Siting and Transmission Line Routing
5. Environmental Policy Act
6. Wild and Scenic Rivers
7. Solid Waste Management
8. Water Quality
9. Air Quality
10. Mineland Reclamation
11. Water Resources
12. Soil and Water Conservation
13. Outdoor Recreation, Open Space and Parkland Tax
14. Agricultural Property Tax
15. Outdoor Recreation
16. Historic Preservation
17. Municipal Industrial Development

These long term policies and other statutory authorities delegated to local government are described in Chapter 1 (see pages 1-34).

SHORT-TERM POLICIES

Policies are further defined by state agencies through the promulgation of administrative rules and regulations. Criteria and standards are established to refine legislative policy statements and in effect, often determine where or how growth and development will take place. Citizen participation and local government input are provided through a public hearing process during which concerns and needs may be expressed and the rules modified to serve the best interest of the public. Once adopted, the administrative procedures serve to guide state agencies in implementating and enforcing state policies.

Policies may also be created in situations where there is a lack of knowledge about a problem or issue to fully articulate what action should be taken. In such cases, interim policies (short-term policies) may be developed until studies or data collection can be completed. In a sense these policies may

be termed incipient in that they are in a beginning stage of development. Examples of such situations may include the state's position on copper-nickel mining or the proposal to lease 200,000 acres of state peat lands for development of an energy facility. A recent example (March, 1978) was the decision to delay siting of hazardous waste facilities until a thorough study of the economic and environmental impacts could be completed.

Short-term land use policies are in this report defined as: 1) interim policies approved by the legislature, (see page 75) or land use criteria laid out in the rules and regulations of state-level programs. The rules and regulations are extensions and refinements of the long-term statutory policies, (see pages 41-44). Rules and regulations are considered short-term in the sense that they can be modified administratively without legislative action.

TYPE, TIMING AND INTENSITY OF GROWTH

Most of Minnesota's land use policies do not specifically state where growth should or should not occur. Instead, Minnesota has policies designating areas where land use planning and growth management must occur (shorelands, critical areas, wild, scenic and recreational rivers, floodplains, the metropolitan area, generally) in a manner consistent with state or areawide criteria. Further, it has policies that impact land development or preservation via resource regulation, land and facility acquisition or management and assistance to local government. Taken together, Minnesota has in place a set of implemented policies that provide the ability to plan for and manage land use to a degree that few states can match.

1. Outside the Twin Cities Metropolitan Area, where growth has been generally

--although certainly not always--less rapid and less dense, the lion's share of authority to shape the location, intensity and timing of the majority of types of land use has been delegated to local general governmental units. This authority is permissive--it may or may not be invoked by local government. Exceptions to the preceding include:

a) certain uses or activities that are directly regulated, managed or otherwise controlled by state rather than local government. These uses include, for example:
   - -- power plants and transmission lines
   - -- state highways
   - -- state parks
   - -- state trails
   - -- alteration of beds of public waters
   - -- water appropriation
   - -- use of minerals

b) certain areas where local land use management is, for various reasons, mandated and must be performed according to state standards. These areas include:
   - -- wild, scenic, and recreational rivers
   - -- critical areas
   - -- shorelands
   - -- floodplains

Regional Development Commissions are authorized to plan at the regional level to facilitate coordination of local, state and federal land use activity. Local governments are provided technical assistance and financial assistance to undertake land use planning and program implementation.

2. Within the Twin Cities Metropolitan Area, all of the above applies except:

   a) units of local government must develop land use plans and implementation programs according to the Metropolitan Land Planning Act (see page 10 and 11).

   b) local land use plans and implementation programs must be consistent with metropolitan-level plans. The Metropolitan Council has authority to review and approve local land use planning and can intervene in projects that are of metropolitan significance--authority far beyond that of the counterparts of the Council outside the metropolitan area, the RDCs.

Examples of the relationship between state land use policies and the type, timing and intensity of growth are further summarized in TABLE 1.

STUDIES, STANDARDS AND CRITERIA FOR IMPLEMENTATION

Chapter 2 contains a description of operating programs authorized by each of the policies described in Chapter 1. Criteria and implementing procedures are contained in the rules and regulations that are required for program implementation. Chapter 2 describes briefly for each program the nature of the criteria contained in the rules and regulations. In addition, a number of major studies and planning efforts related to the implementation of state land use policies are described in Chapter 2 (see pages 69-83). In every case, agencies are assigned responsibility for the implementation of land use policies and programs. These policies serve as the substantive basis for review under the A-95 process.

Examples of state land development ordinances where the state is authorized to act in the absence of adequate local controls include the following:

Table 1

THE RELATIONSHIP OF POLICY TO THE TYPE, TIMING AND INTENSITY OF GROWTH

POLICY AREA	TYPE	TIMING	INTENSITY
Critical Areas M.S. 116G.02 MEQC 51-57	Addresses any development that would make a material change in the use or appearance of any structure or land.	Development could be delayed for up to three years while plans are being developed and approved.	Guidelines or standards can be developed to address the intensity of land use change.
Shoreland Management M.S. 105.485 Cons. 70-77	Regulations classify shoreland based on suitability for development, and shoreland ordinances indicate types of permissible uses.	Certain land uses can be restricted from land use districts but the timing of development is primarily left to discretion of local government.	Intensity of development is controlled by statewide standards for the placement of structures, setbacks, lot sizes and other land use zoning and building code measures.
Flood Plain Management M.S. 104.01 NR 85-93	All types of developments having high flood damage potential are regulated by statewide standards adopted through county and municipal ordinances.	If growth complies with flood plain regulations, the timing of development in flood plains would be under jurisdiction of local government.	Flood plain regulations limit the permissible encroachments on the flood plain which in turn affects the intensity and amount of development.
Power Plant Siting and Transmission Line Routing M.S. 116.55 MEQC 71-90	Environmental Quality Council designates power plant sites and transmission line routes.	Timing of development is controlled by the Minnesota Energy Agency through the "Certificate of Need" process.	Selection criteria for large electrical generating plants prefer sites that allow for larger generating capacities, therefore minimizing disruption to settlement patterns.
Environmental Policy Act M.S. 116D.02 MEQC 21-33	Environmental Impact Statements may be prepared for various types of private and governmental actions.	Local government units consider the informational documents in decision-making. At the state level, permits or licenses could be withheld until compliance with environmental standards is assured.	Environmental Impact Statements could affect the intensity of certain developments by requiring plan modifications before receiving approval at the state or local level.

Table 1 Cont.

POLICY AREA	TYPE	TIMING	INTENSITY
Wild and Scenic Rivers M.S. 104.32 NR 78-81	Regulations provide for the classification of rivers and describe permitted use, conditional uses and those types of developments that may be prohibited in each class.	Some land uses are specifically prohibited, otherwise timing of development is controlled by local government. If lands are determined unsuitable for development they would be prohibited from being subdivided.	Intensity of development along rivers is affected by statewide standards relating to lot size, density, setbacks, and placement and height of structures.
Solid Waste Management M.S. 116F.01 SW 1-12, SW 51-55, SW 80-83	Locations of feedlots and sanitary landfills are controlled through statewide standards and criteria.	The scheduling and planning for solid waste facilities is primarily the responsibility of county government.	Intensity of development is under the auspices of local government provided state rules and regulations to prevent pollution are fulfilled.
Water Quality M.S. 115.42 WPC 2-34	Any project or development that pollutes the waters of the state is required to meet the standards for the river classification and for its own effluent.	If water quality standards are exceeded, new pollution sources would be prohibited until standards are modified or until pollution is reduced.	Increased development along a river may result in stricter effluent standards which may affect locational decisions. If all development was using the best abatement technology and river standards were still violated either the standards would have to be modified or new development prohibited.
Air Quality M.S. 116.01 APC 1-16 NPC 1-4	Major industrial air polluters are regulated. Also when air quality standards are exceeded, all growth and development contributing to pollution problems would be addressed.	If air quality standards are exceeded, growth and development could be delayed until an area is reclassified or pollution is reduced.	The intensity of air polluting sources would be regulated within air quality regions to maintain standards.
Mineland Reclamation M.S. 93.01-93.58	All types of metallic mining activities within the state.	Mining activities cannot occur without obtaining approval from the DNR.	The effects of mining on the environment, communities and other land uses is considered in granting permits.
Water Resources M.S. 36.25-36.26 Chapter 702 1973 Laws, Subd. 1 M.S. 105,106 Executive Order 71	All types of residential, agricultural and industrial development dependent on the appropriation of water or some action related to works on public waters would be directly affected.	Statewide standards and criteria for water surface zoning allow for the determination of when permitted uses may take place on water bodies.	Surface zoning standards address the size of watercraft and minimum distance between watercraft. The intensity of a development is considered when granting water resource permits.
Soil and Water Conservation M.S. 40.02-40.03	Methods of cultivation, the growing of vegetation, cropping patterns, tillage practices and changes in the use of land may be reviewed by Soil and Water Conservation Districts.	Timing of development is not addressed.	Recommendations may be made as to the intensity of agricultural practices and their affect on soil and water erosion.

Shoreland Management Act, Wild and Scenic Rivers Act, and the Critical Areas Act. Model ordinances have been developed to assist units of local government including model municipal, township and county zoning ordinances and model subdivision regulations. (See model ordinances enclosed).

State land use policy is further carried out through formulation and use of regulatory systems for power plant siting (see page 41-44), agricultural land (Green Acres Law, see page 59), air and water resources (see pages 44-47), and the environmental review process (Minnesota Environmental Policy Act, see pages 27, 48, 108, 109).

The state has passed enabling legislation for land use planning and management of all uses of land in the Twin Cities Metropolitan Area, in "critical areas", floodplains, shorelands, and on wild, scenic and recreational rivers as well as on all state-owned land. These areas and activities reflect the priority land use issues in Minnesota, as identified by the legislature. In the remaining areas of the state, the state delegates the authority to plan for and manage all uses of land to local units of government.

To aid in describing, analyzing and prioritizing land use issues, the State of Minnesota has invested well over $1,000,000 in a computerized land information data base system which contains information on land use and location of physical and cultural resources. The state has also prepared documents on projected land use needs (see attached Notebook of Land Use Projections), projected population trends (see attached Faces of the Future - State Demographer), projected needs for large electrical generating facilities (Future Electrical Energy Resource Demands), an inventory of acceptable study areas for power plant locations, an inventory of productive cropland, a document on housing needs and allocation policies (see the Housing Element). In addition, comprehensive

plans are being prepraed that address multi-modal transportation needs, open space and recreation facilities (see Outdoor Recreation Plan. Outdoor Recreation Act of 1975), and needs for resource recovery and conservation.

Consistency

Because state land use policies are statutory, specialized planning efforts, such as Coastal Zone Management, air and water quality planning, Metropolitan land use planning, and outdoor recreation planning must comply with mandated state policies.

Such consistency is or will be achieved primarily through three general policy provisions:

(1) Formal federal and state interagency agreements which include consistency clauses (e.g. the DHUD agreement with EPA with regard to 208 planning).

(2) Under Minn. Stat. § 1977, Chap.455, Sec. 66: The State Planning Agency is required to review all state plans. It will use the Land Use Element as a guide in this process.

(3) Under PT3, OMB Circular A-95: The State Planning Agency is also the Designated Review Agency for all state plans that are required by federal law.

Potential conflicts and inconsistencies are most often worked out informally during the planning process, well before final and formal reviews take place. Such resolutions occur through the many coordinative procedures described in Chapter 3 of the Land Use Element.

EVALUATION OF LAND USE POLICY IMPLEMENTATION

Minnesota's planning process includes several methods of evaluating state

land use mechanisms, which center on the process of developing and implementing legislation. The first is a preliminary evaluation of the economic and programmatic impacts of a piece of proposed legislation through the "Fiscal Note" Requirement. The second is an evaluation of current program activity through the regular biennial budgetary process. And, a third involves the State Planning Agency's mandate to review and coordinate all other state agency planning programs.

A. Fiscal Notes

The State now requires fiscal notes to accompany all proposed legislation before it is submitted to the legislative process. The purpose of this information is to enable the Governor and his advisors to determine the financial and program implications of the proposed legislation.

The full disclosure of proposed new legislation provides an excellent source of information to evaluate new legislation within the context of existing programs. It also permits the reviewer to identify immediately the client group served and program area that is strengthened and to determine the total state commitment to that need.

B. Biennial Budgetary Process

When a major legislative act is passed in Minnesota, it often is accompanied by a statement of policy. Implementation begins with the legislature's funding a budget (or program) activity in a State Department or Agency. A major function of this activity involves the continued refinement and interpretation of the legislative policy. This is usually accomplished through the promulgation of rules and regulations which describe various standards and criteria as to how

the policy directive will be carried out.

The evaluation of the budget activity is conducted as part of the budgetary process. Each budget activity has a manager who assesses the needs and level of services to be provided. In turn, these needs are reviewed and formulated into a goal for each activit-. This goal is supported by a number of quantified objectives which are established as "benchmark" for reviewing the implementation of the program.

Budget activities are reviewed by the Department of Finance, State Planning Agency, the Governor's Office and ultimately the legislature. The biennial goals and objectives serve as the criteria for evaluating budget activities. Eventually, the Governor's recommendation and the requesting agency's recommendation are submitted to the legislature.

A substantial drawback in this process is the time required to review and evaluate several hundred budget activities. The legislature can seldom explore in depth the implementation of a large number of program activities during a legislative session. In this regard, the State Planning Agency can use its coordinative role to focus the attention of the legislature towards specific land use programs with significant implementation problems.

C. Coordinative Procedures in the Review Process

The State Planning Agency is directed by law to:

(1) Review current programming and future planning of all state departments and agencies;

(2) Act as the coordinating agency for the planning activities of all state departments and agencies and local levels of government;

(3) Review all plans filed with the federal government by state departments and agencies;

(4) Coordinate with state budgets, the items therein relating to and reflecting statewide planning as authorized by the legislature and as recommended for the consideration of the legislature.

The staff of the planning agency carries out these directives of the legislature by participating in an intensive review of the budgets of state agencies during the biennial budget review cycle. The planning programs and the implementation of those plans are items that are carefully scrutinized by the State Planning staff and discussed in considerable detail with the various agencies.

This type of coordination and review requires the staff to have a thorough and current knowledge of all state resource programs, their purpose, effectiveness, and influence or impact on other programs of state and local governments.

The agency staff is also responsible for the development and maintenance of the state land use planning process and the review and evaluation of areawide development plans for land use and the products produced as a result of those efforts. The coordination of areawide and state plans for consistency between documents and with state policies is performed as major reviews of the OPD and the

products of the studies and is monitored during the progress of the work. Information on the planning efforts of various agencies is provided to other agencies in newsletters and through meetings held throughout the year.

COORDINATION

Chapter 3 presents in considerable detail the various coordinative mechanisms used in state and local planning efforts. Specific examples include inter-agency committees such as (1) State Land Use Committee, whose membership includes: the Departments of Agriculture, Natural Resources, Energy, Pollution Control, State Planning, Transportation and a representative from the Regional Development Commissions. (2) State 208 Task Force which includes the above-mentioned agencies, plus the Health Department, representatives from each Regional Development Commission and from the Governor's Office. (3) The Water Planning Board (Departments of Agriculture, Natural Resources, Health, Energy, Soil and Water Conservation Board, and Pollution Control Agency, as well as technical representatives from the State Planning Agency, the Minnesota Geological Survey and the Department of Economic Development. In addition to the above, the Environmental Quality Board (State Planning Agency, Energy Agency, Pollution Control Agency, Department of Health, Agriculture, Transportation, and Natural Resources, a representative from the Governor's Office and four citizens) is responsible for assuring that state programs are consistent with the Minnesota Environmental Policy Act. It is also responsible for the operation and implementation of the Environmental Review Process and the determination of need for environmental impact statements on any project which alters the physical environment and has the potential for significant environmental impact.

ENVIRONMENTAL ASSESSMENT

The land use policies contained in this Land Use Element generally authorize methods of planning for and managing growth. They do not specify particular actions on given parcels of land. Therefore, it is impossible to cite specific environmental impacts until actual site-specific proposals for development take place.

When concrete, site-specific proposals for land development are proposed, the Minnesota Environmental Policy Act requires the preparation of an Environmental Impact Statement on any major public or private action that has the potential for significant environmental effects. The required content of a state Environmental Impact Statement includes a description of environmental impacts related to the proposed action, alternatives to the proposed action, the relationship between the local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible committments or resources related to the proposal.

At a general level, however, the environmental impacts of the policies contained in this Land Use Element can be assessed as follows:

(1) the impacts will, on balance, be beneficial because they allow the state to manage the allocation of uses of land in a more orderly fashion than if the policies did not exist. This management of growth will result in maximizing the efficient use of limited land and other resources.

(2) Adverse environmental effects of a wide variety cannot be avoided; that is, the policies contained in this land use element do not stop growth but only direct growth in a manner established by legislative action. All growth, regardless of how well planned or managed, entails some adverse environmental effect.

(3) One alternative to the policies in the Land Use Element is to have no state oversight of land use management. Environmental impacts of this alternative would entail significant adverse effects beyond those related to policies in this land use element. Another alternative is the addition of new state policies or amplification or refinement of existing state policies. Certainly, as time goes on, the legislature will be considering alternatives. However, until they are proposed, it is impossible to assess the impacts.

(4) Implementation of the policies in the Land Use Element will help minimize the degradation of and enhance the long-term productivity of the environment as opposed to local, short-term uses of the environment. The Minnesota land use policies are oriented to minimizing land use conflicts and to managing growth. Long-term productivity is benefitted. For example, without shoreland management, lake shore could be developed at high and unmanaged densities, which could provide short-run economic gains to some while damaging the quality and long-term usability of the resource.

(5) Irreversible and irretrievable committments of resources are diminished through implementation of the Minnesota land use policies. For example, while mining continues to take place on a large scale, mineland reclamation policies will minimize acreage devoted to tailings disposal and help insure future forest or other use of mineland areas.

(6) The two basic laws that ensure assessment of the specific environmental impacts of the Minnesota land use policies are the National

Environmental Policy Act at the federal level and the Minnesota Environmental Policy Act at the state level. Beyond these general controls, land use activities are subject to the environmental controls described in Chapter 1.

HISTORIC PRESERVATION

Minnesota has recognized valuable historic and archaelogical sites and adopted the following state policies to aid their protection:

> It is in the public interest to provide for the preservation of historic sites, buildings, structures, and antiquities of state and national significance for the inspiration, use and benefit of the people of the state (M.S. 138.51).

> In the effort to preserve the environmetal values of the state, outstanding geographic areas possessing historical, architectural and aesthetic values....in the face of ever increasing extensions of urban centers, highways, and residential, commercial and industrial developments, areas with an unusual concentration of distinctive historical and architectural values are threatened by destruction or impairment. It is in the public interest to provide a sense of community identity and preserve these historic districts (M.S. 139.71).

Minnesota law currently provides certain safeguards for protecting historical and archaeological sites from development. The director of the Minnesota Historical Society is responsible for the planning and control of land use related to designated historic sites under Minnesota Statutes, Chapter 138, and as State Historic Preservation Officer under the National Historic

Preservation Act of 1966 (P.L. 89-665). Specific prehistoric and historic sites, listed in the State Register and the National Register of Historic Places, and included in the Inventory of Historic Sites, are protected from various impacts which would adversely affect them under the above laws. The protection of archaeological sites is facilitated by requiring a license before a field archaeological investigation can be undertaken on any state site. This license is issued by the Director of the Minnesota Historical Society. Historic and archaeological sites also are protected through the review of environmental impact statements by the Historical Society.

Minnesota has incorporated historic preservation into the comprehensive planning process through the development of plans for historic sites, monitoring of growth and development and direct regulation of major land use activities.

(1) Development of Master Plans

The Outdoor Recreation Act of 1975 authorizes the establishment of an outdoor Recreation System made up of 11 different kinds of areas. The Act requires that existing state owned lands and future additions will be classified, based on the criteria contained in the act, as one of these 11 areas:

a. Natural Park
b. Recreation Park
c. Trail
d. Scientific and Natural Area
e. Wilderness Area
f. Forest
g. Wildlife Management Areas
h. Water Access Site
i. Wild, Scenic, and Recreational River
j. Historic Site
k. Rest Area

Further, the Act assures that the development and management of

state-owned lands are consistent with their classification by creating a master plan for each area including historic sites. By the end of this fiscal year 20 park plans, 5 wildlife management plans, 9 historical site plans and 12 trail plans will have been submitted to the State Planning Agency for review.

(2) Monitoring Growth and Development

The archaeological division of the Minnesota Historical Society and the land use section of the State Planning Agency held meetings to discuss the future impact of various land use activities on archaeological sites. The discussion involved SPA's analysis of probable areas of urban growth, highway and airport expansion, future mining activities, large electrical generating facilities, transmission lines and location of other large scale developments. The projected land use activities were reviewed by the Minnesota Historical Society to identify probable areas of growth and to determine which land use activities could adversely affect archaeological sites. Activities and locations of interest will be closely monitored and given a high priority for field investigation.

During the 1978 fiscal year, the Historical Society will embark on a field study to identify cultural and archaeological sites. This $250,000 study is being funded by Legislative Commission on Minnesota Resources. The legislation mandates that the information collected from this study, as well as existing information on historic and archaeological sites, be incorporated in the statewide data base (MLMIS). This historical, archaeological information will be made accessible to various land use planning efforts and the

determining of future state and regional growth policies.

(3) Regulation of Land Use Activities

Siting of electric power plants or other large-scale developments requiring federal or state (or governmental subdivisions) and/or licenses are subject to control under the Historic Preservation Act of 1966 (P.O. 89-665) and Executive Order 11593 and Minnesota Statutes, Chapter 138. These laws require the Minnesota Historical Society to review all projects so that prehistoric sites and historic sites and their environment are protected from adverse effects. For example, "the state and its governmental subdivisions shall cooperate with the Minnesota Historical Society in safeguarding 'state historic sites' and in the preservation of historical and archaeological sites" (Minnesota Statutes, Chapter 138.61). For example, the State's Power Plant Siting and Transmission Line Routing program ensures the consideration of historic preservation in the siting and routing process. A variety of nationally designated land uses including national historic sites, landmarks, and districts, wilderness areas (BWCA), Voyageurs National Park, National Landmarks, Wildlife Refuges, Monuments and Wild Scenic and Recreational Riverways are excluded from the inventory of potential power plant candidate sites. These sites have been identified and mapped (see Minnesota Environmental Quality Council (MEQC) Power Plant Siting Inventory, 1975 for Large Electrical Power Generating Plants. In addition, state registered historic sites and historic districts are designated as avoidance areas. This data, together with the environmental constraints, are to compile a composite map showing constraints for both nuclear and fossil-fuel plants.

Supporting Documentation

ENVIRONMENTAL PLANNING

100 Capitol Square Building
St. Paul, Minnesota 55101 296-3985
(Order publications in this section directly from Environmental Planning)

- ☐ Coastal Zone Management Data Atlas
- ☐ Coastal Zone Planning Program (brochure)
- ☐ Critical Areas Planning Process (brochure)
- ☐ Environmental Quality Board (brochure)
- ☐ Environmental Quality Board *Monitor* (weekly, annual subscription $8.00)
- ☐ Environmental Review Process (brochure)
- ☐ Environmental Review Program Workbook *(Available from the Documents Section, 296-2874)*
- ☐ 15-Year Advance Forecast, 1976
- ☐ 15-Year Advance Forecast Update, 1977
- ☐ Governor's Report on the Quality of the Environment (annual)
- ☐ Information on Mississippi River Corridor Critical Areas Handbook
- ☐ Map of Electric Power Plants over 50 Megawatts in Minnesota
- ☐ Minnesota Coastal Zone Management Programs — Summary of First-Year Activities
- ☐ Opinions on Land Use Planning: A Survey of County Zoning Administrators *(Available from the Documents Section, 296-2874)*
- ☐ Outdoor Recreation Act (brochure)
- ☐ Power Plant Sites and Routes Designated by EQB
- ☐ Power Plant Siting and Transmission Line Routing Program
- ☐ Programs, Policies, and Legal Authorities Affecting the Use of Land in Minnesota *(Available from the Documents Section, 296-2874)*

MINNESOTA ENVIRONMENTAL EDUCATION BOARD (MEEB)

257 Hennepin Square Building
Minneapolis, Minnesota 296-2368
(Order publications in this section directly from MEEB)

- ☐ Environmental Poetry Collection
- ☐ Metro Focus (quarterly)
- ☐ Metro Regional Environmental Education Council (brochure)
- ☐ Regional Council Newsletter (bimonthly)

LAND MANAGEMENT INFORMATION CENTER (LMIC)

15 Capitol Square Building
St. Paul, Minnesota 55101 296-1211
(Order publications in this section directly from LMIC)

- ☐ Catalog of Aerial Photography in the Map Division, Wilson Library, University of Minnesota, Minneapolis, Minnesota *(Available from the Documents Section, 296-2874)*
- ☐ A Directory of Minnesota Maps *(Available from the Documents Section, 296-2874)*
- ☐ Geologic Maps (brochure)
- ☐ Inventory of Aerial Photography and Other Remotely Sensed Imagery *(Available from the Documents Section, 296-2874)*
- ☐ LMIC Newsletter (monthly)
- ☐ Minnesota Public Map Collections
- ☐ Minnesota Topographic Mapping, 1976 (brochure)
- ☐ Soil Maps (brochure)
- ☐ SPA Base Map #1 — County Names
- ☐ SPA Base Map #2 — County Names and County Seats
- ☐ SPA Base Map #3 — Regional Commissions
- ☐ SPA/CURA Wall Map Series Map #1 — Population Distribution, 1970
- ☐ SPA/CURA Wall Map Series Map #2 — Population Change, 1960-1970
- ☐ SPA/CURA Wall Map Series Map #4 — Population Projections, 1970-1980
- ☐ State of Minnesota Interim Remote Sensing Plan *(Available from the Documents Section, 296-2874)*
- ☐ Topographic Maps (brochure)

GENERAL PUBLICATIONS

101 Capitol Square Building
St. Paul, Minnesota 55101 296-2981

- ☐ Activities of the State Planning Agency (annual)
- ☐ Federal Grants-in-Aid in Minnesota (annual)
- ☐ Publications of the State Planning Agency (annual)

OFFICE OF LOCAL AND URBAN AFFAIRS (OLUA)

200 Capitol Square Building
St. Paul, Minnesota 55101 296-3091
(Order publications in this section directly from OLUA)

- ☐ Capitol Improvement Programs
- ☐ Comprehensive Planning for Minnesota Communities
- ☐ Community Development Briefs (monthly, as insert in "Minnesota City" magazine)
- ☐ County Planning Act
- ☐ County Zoning Administration
- ☐ Directory of Regional Development Commissions
- ☐ Downtown Improvements
- ☐ Interlocal Cooperation: A Manual About the Minnesota Joint Powers Act
- ☐ Land Use Planning and Zoning for Minnesota Towns
- ☐ Minneapolis-St. Paul Study – Summary Report of Part I: City Financial Conditions
- ☐ Minnesota Housing and Redevelopment Act
- ☐ Municipal Planning Act
- ☐ City Zoning Administration
- ☐ Publications, Slide/Tape Shows, and Workshops Available from OLUA
- ☐ Regional Development Act
- ☐ Subdivision Control
- ☐ Tax Increment Financing

HUMAN RESOURCES PLANNING

101 Capitol Square Building
St. Paul, Minnesota 55101 296-3865
(Order publications in this section directly from Human Resources)

- ☐ Alternatives for Lifelong Learning in Minnesota: The Nonformal Educational Sector – Summary Report
- ☐ Child Development Needs Assessment Manual
- ☐ Family Impact Analysis
- ☐ Needs Assessment: A Guide for Human Services Planning
- ☐ Planning Assistance Manual for Human Services Agencies (Available July 1978)
- ☐ Planning for Declining Enrollments – Planning Assistance Manual and 5 Case Studies
- ☐ The Condition of Education
- ☐ Thinking About Children

OFFICE OF STATE DEMOGRAPHER

101 Capitol Square Building
St. Paul, Minnesota 55101 296-2557
(Order publications in this section directly from the State Demographer)

- ☐ Faces of the Future
- ☐ Median Income Estimates for Minnesota Counties, 1973, 1974, 1975
- ☐ Minnesota Labor Force Projections
- ☐ Minnesota Population Projections (1970-2000)
- ☐ North Branch School District: A Profile of a Growing Area
- ☐ Population Estimates for Minnesota Counties, 1976

GENERAL PUBLICATIONS

101 Capitol Square Building
St. Paul, Minnesota 55101 296-2981

- ☐ Activities of the State Planning Agency (annual)
- ☐ Federal Grants-in-Aid in Minnesota (annual)
- ☐ Publications of the State Planning Agency (annual)

HEALTH PLANNING

101 Capitol Square Building
St. Paul, Minnesota 55101 296-2407
(Order publications in this section directly from Health Planning)

- ☐ Credentialing Health Personnel in Minnesota – A Report to the Legislature
- ☐ Dialog (published periodically)
- ☐ Goals for Comprehensive Health Planning
- ☐ Health Planning Data Series – A Technical Report on Health Manpower
- ☐ Physicians in Minnesota
- ☐ Proceedings of the Conference on Health Maintenance Organizations
- ☐ Recommendations for Action – Improving Parent and Infant Health
- ☐ Report of the Task Force on Behavioral Disabilities
- ☐ State Policies Plan for the Provision of Residential Care

LAND MANAGEMENT INFORMATION CENTER

MINNESOTA LAND MANAGEMENT INFORMATION SYSTEM

PUBLICATIONS

The Minnesota Land Management Information System (MLMIS) offers a series of publications which describe aspects of the MLMIS' work. Some of these publications are researched and written by MLMIS staff; others are publications related by virtue of a common data base or common topic to the Land Management Information System's efforts. All of them have been important to the project's development. Because the products of the MLMIS range from maps to a variety of types of reports, publications are grouped into categories for easier referencing. The following categories are used:

0. Introductory Information: Includes basic information about the system and the data base in non-technical language. This material serves as an overview to potential users of MLMIS. Items in this category are not in a number sequence.

1. Maps and Atlases: Includes all maps produced by the project or by project participants. Individual variable display maps and overlays are available to the public; aggregated variable display maps and overlays of a single study region are issued as atlases for limited distribution to public planners and other direct users of the land management data system. Items in this category are numbered in a 1,000 series.

2. Reports: Comprise the major studies produced by the project which have the attributes of an extensive study region, comprehensive analysis and description of the region, and implicit or explicit broad-gauged policy implications for state land and water management. Numbered in a 2,000 series.

3. Manuals: Includes the continuously revised operations guide and data manuals created for users and potential users of the land management data system. For every major study region atlas there is compiled a users output manual and a data manual. The former describes how mapped and tabular output may be obtained from the system; the latter details the variables mapped. Numbered 3,000 series.

4. Technical Reports: Designed to document technical aspects of the land management system. The reports should make it possible for users and others to replicate findings, substantiate criteria and assumptions in variable selection, and carry out coding procedures. 4,000 series.

5. Related Papers: Includes reports and papers that are not a central part of the project's work program but are related to the development of the project.

6. Theses: Produced by students working for MLMIS; or of topics related to the project.

*Indicates that publication is out of stock and needs to be duplicated. Recipient will be charged only for the cost of photo copy duplication.

All publications listed in this brochure are available from:

Minnesota State Planning Agency
Land Management Information Center
15 Capitol Square Building
St. Paul, Minnesota 55101

Introductory Information

Managing Natural Resource Data: Minnesota Land Management Information System (1977). The Council of State Governments, Lexington, Kentucky. 37 pages.

Overview - Land Management Information Center
Chapter 1 - Introduction to the Land Management Information Center. 6 pages

Newsletter - Land Management Information Center
Monthly Issues - beginning Volume 1, Number 1, January 1978.

Maps and Atlases

1004-1006 Major Peat Resources in Minnesota. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455.

A description of peat resources in Minnesota in terms of potential for energy and land ownership.

1004 Peat Resources of Koochiching County

A wall map of approximately 26" x 20" at 1:500,000 scale showing 3 classes of peat resources and four classes of ownership.

1005 Peat Resources of the Southern Arrowhead Region

A wall map of approximately 32" x 28" at 1:500,000 scale showing 3 classes of peat resources and four classes of ownership.

1006 Peat Resources of the Northern Arrowhead Region

A wall map of approximately 32" x 28" at 1:500,000 scale showing 3 classes of peat resources and four classes of ownership.

1007 North Shore Data Atlas - Minnesota Coastal Zone. State Planning Agency, Capitol Square Building, St. Paul, Minnesota 55101, 40 pages.

An atlas including 17 maps along with photographs and illustrations portraying the regional and detail natural and cultural characteristics of the North Shore of Lake Superior.

Reports

2001 Land Management Information in Northwest Minnesota (1972). George Orning and Les Maki. Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 76 pages.

Describes the Minnesota Land Management Information System, its history and purposes. Details the application of the system to Development Region 1. Land use and resource development in the region are discussed as well as human impact on the presettlement landscape.

*2002 Land for Development Adjoining Northern Minnesota's National Recreation Corridor (1972). Pamela G. Rusch, John R. Borchert, George W. Orning. Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 59 pages.

Assesses the abundance and types of land available for the recreation related development predicted for the nearly 200 mile long corridor of land along Minnesota's northern border. Making the assumption that the high development impact areas of this corridor lie within one hour's driving time of access points to the three federal recreation units, the report inventories the locations in the corridor that occur on privately owned land, near existing development, close to transportation nodes, most proximate to access points to federal units, on water frontage, and in areas of good soils. Forty acre parcels are the smallest analysis units.

2004 Lakes in Ramsey County (1973). Keith Wietecki and George Orning. Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 106 pages.

Describes watercraft use on Ramsey County, Minnesota lakes for the multiple purposes of creating a basis for formulating water surface use regulations, developing a methodology for researching water surface problems statewide, and providing procedural guidelines for evolving statewide water surface use conflicts.

*2005 Minnesota Land Use Laws: A Classification of State Powers (1973). Wayne Gilbert and Douglas Gregor. Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 214 pages.

Written to answer the questions: "What are the statutory control powers that currently exist in the state?" "What is the nature and scope of these controls?", and "To what agencies have control powers been delegated?".

2006 Perspectives on Minnesota Land Use (1974). John Borchert, et al. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 56 pages.

Functionally defines land use planning and addresses four principal questions arising out of the call for state land use planning in Minnesota:

What are the physical elements of the existing land use system?

What is the nature of the processes of change operating in the land use system?

What are the main types of land use problems and remedies?

What is the present ability of the state to encounter these problems in accord with a plan?

Manuals

3001A-3110 Data Manuals for Development Regions (1975. Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455.

A periodically updated description of the individual variables mapped for counties within the development regions. The manual describes each variable's date of collection, accuracy, source(s), interpretation (modification of primary data), and the levels (classes of each variable) for each. The manual is designed primarily for direct users of the land management system such as regional commission planners and municipal and local government planners.

3001A	Data Manual for Itasca County
3010	Data Manual for Region 1
3020	Data Manual for Region 2
3030	Data Manual for Region 3
3040	Data Manual for Region 4
3050	Data Manual for Region 5
3060	Data Manual for Region 6E
3065	Data Manual for Region 6W
3070	Data Manual for Region 7E
3075	Data Manual for Region 7W
3080	Data Manual for Region 8
3090	Data Manual for Region 9
3100	Data Manual for Region 10
3110	Data Manual for Region 11

Technical Reports

4001 A Guide to the MLMIS CRT Data Entry System (1974). Kenneth Kozar and John Schmitt. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 38 pages.

A step by step instruction guide designed to aid the novice user of CRT data entry system.

4002 A Test Using System 2000 with MLMIS Data (1974). Kenneth Kozar. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 27 pages.

Demonstrates the application of the land management system to a specific case.

*4003 Forestry Demonstration Case Using the MLMIS (1974). Jeffrey Anderson, Kenneth Kozar, and Jack Shea. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 17 pages.

Develops the application of forestry productivity indices found in MLMIS variable file by searching out sites using the computer, then confirming the computer's selection success by field checking the locations.

4004 Soils Information and Interpretive Procedures (1976). Jeffrey Anderson. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota 55455. 33 pages.

Discusses the types of soils information stored in MLMIS computer files and their interpretation for use in land use analysis.

4005 MLMIS Geocoding Procedures (1976). Will Craig. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota 55455. 27 pages.

This report gives the procedure for assigning a geocode to each parcel in the information system. Part II is a brief discussion of the history and structure of the Public Land Survey. Part III details the MLMIS code format used to arrange parcels in the computer. Part IV discusses the coding procedures for identifying the geopolitical attributes of parcels.

Related Papers

5001 Minnesota's Lakeshore, Part 1 (1970). John R. Borchert, George W. Orning, Joseph Stinchfield, and Les Maki. Department of Geography and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 47 pages.

Minnesota's Lakeshore, Part 2 (1970). John R. Borchert, George W. Orning, Joseph Stinchfield, Donna Pederson and Les Maki. Department of Georgraphy and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 72 pages.

Summary report of the Minnesota Lakeshore Development Study, a project conducted to inventory Minnesota's lake resources, their extent of development, problems of development, patterns of ownership and public management and responsibility for the resource.

*5002 Upper Great Lakes Regional Recreation Planning Study, Part 1A: Environmental Considerations - Minnesota (1973). Center for Urban and REgional Affairs, University of Minnesota, Minneapolis, Minnesota 55455 and the Institute for Environmental Studies, University of Wisconsin, Madison, Wisconsin 54306. Funded by the Upper Great Lakes Regional Commission. 47 pages.

A study of private land, public land management, and existing lodging facilities for an impact area defined as the area within one hour's driving time of access points for the three federal recreation areas, Voyageurs National Park, Boundary Waters Canoe Area, and Isle Royale National Park.

5003 Minnesota Lane Use and Settlement 1985 (1970). John R. Borchert and Donald D. Carroll. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 43 pages.

The study constitutes a narrative projection of likely future settlement and land use patterns given Minnesota's history of settlement and present investment trends.

*5004 Minnesota Region 9 Report No. 1, Lakeshore Development (1973). Blue Earth County Geographical Society and Department of Geography, Mankato State College, Mankato, Minnesota 56001. 73 pages.

A survey and inventory of 195 lakes of 25 acres or larger in the nine county area of Region 9. The report's purposes are to update for Region 9 the lakeshore information presented in an earlier statewide report on lakeshore development (item 5001 in this category) and to compare lakeshore development trends for the period 1961 and 1971 in Region 9.

*5005 Natural Resources Protection Study (1970). Enviromedia Inc., St. Paul, Minnesota 55114 and Steinitz Rogers Associates, Inc., Cambridge, Massachusetts 02138. 119 pages.

A study prepared for the Metropolitan Council of the Twin Cities in order to assess protection needs and priorities for areas under consideration (then) as airport sites. Its objectives are to determine environmentally sensitive zones, activities potentially detrimental to the environment, and actions which could be taken to minimize environmental impacts.

*5006 Redwing (1973). Department of Landscape ARchitecture, University of Minnesota, Minneapolis, Minnesota 55455. 267 pages.

A planning study produced in part by twenty students in a university landscape architecture course. For a 30 square mile study area, site suitability, environmental assessment, the development of alternate land use plans, and a comparison of alternative plans were implemented.

*5007 Land Use Prototype, Empire Township, Dakota County, Minnesota (1972). Department of Landscape Architecture, University of Minnesota, Minneapolis, Minnesota 55455. 105 pages.

A study of 36 square miles in suburban Twin Cities: computer-aided land planning approach to site selection and land use planning. Participants were seven landscape architecture students and instructor.

*5008 Pig's Eye Coal Terminal Assessment (1974). Kenneth Pekarek. Department of Landscape Architecture, University of Minnesota, Minneapolis, Minnesota 55455. 73 pages.

A visual assessment of the proposed facility by means of computer view simulation (presented at a court trial brought by MECCA).

*5009 A Computer-Aided Planning Process for Outdoor Recreation Facilities (1974). State Planning Agency, Department of Landscape Architecture and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 108 pages.

This report introduces the reader to the computer-aided planning process through an evaluation of the proposed Black Bear and Sunrise Park sites. The study was commissioned by the Minnesota State Planning Department and implemented by the Agency and the Center for Urban and Regional Affairs for the Minnesota Resources Commission.

*5010 Muscatatuck National Wildlife Refuge (1973). Department of Landscape Architecture and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 23 pages.

Preparation of a concept master plan for facilities and management of an 8,000 acre wildlife refuge in Indiana. The project required the preparation of a computer-aided planning procedure, formulation of resource/wildlife planning criteria, development of trade-off techniques and formulation of a standardized data collection procedure. For the U.S. Department of the Interior, Bureau of Sports, Fisheries and Wildlife through the Center for Urban and Regional Affairs.

*5011 Lower Saint Croix Scenic Corridor Study (1973).

Utilizes the unique "view" capability of a computer programming language in use at the Center for Urban and Regional Affairs. The study determines which areas of land can be viewed from the St. Croix River.

*5012 Wildlife Habitat Change and Seasonal Cultivation (1975). Dwight Brown, et al. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 22 pages. (See description of item 5014 below)

*5012A ERTS-1 Applications to Minnesota Land Use Mapping Dwight Brown, et al. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. (See description of item 5014 below)

5013 Mapping Twin Cities Minnesota Metropolitan Area Land Use With ERTS-1 Imagery (1975).. Dwight Brown, Joseph Gibson, Deborah Pile, and Rob Warwick, State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. (See description of item 5014 below)

5014 Monitoring Surface Water Dynamics in Minnesota (1975). Dwight Brown, Richard Skaggs, John M. Smiley and Eliahu Stern. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 46 pages.

This publication item and the three above it explore the utility of satellite imagery for a variety of planning problems, as the titles indicate. The project responsible for these four reports is a cooperative one between NASA, Minnesota State Planning Agency, and CURA/MLMIS.

*5015 A Landfill Site Selection Study for Washington and Ramsey Counties (1975). Alan Robinette and Dennis Asmussen. Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 56 pages.

Discusses the methodology of a computer site selection process employed by an inter-agency study team assigned to select the best (environmentally-socially) landfill site for metropolitan solid waste.

*5016 Public participation in Natural Resource Management in the Arrowhead Region (1974). Nancy I. Onkka. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 139 pages.

Extensive tables and textual analysis demonstrate the complex and sometimes chaotic nature of public agency behavior and interaction in the pursuance of rational resource management in Northeastern Minnesota's Region 3.

5017 A Comparative Analysis of the Land Use Laws of Minnesota and Selected Other States (1975). John Hoeft and William Borchers. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 83 pages.

Features investigations of legislative intent, the content of land use laws of various states, and a series of recommendations for the improvement of land use legislation priorities, with special emphasis on Minnesota.

*5018 DNR Land Use Classification Project Report (1976). Kirk Dahl, State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455.

An evaluation of the DNR classification scheme for Itasca County using the MLMIS data bank. The DNR scheme was compared with a new scheme developed from the MLMIS system.

5019 The Contribution of a Water Information System for Environmental Planning in Minnesota (1976). Bryan R. Higgins. Water Resources Research Center, University of Minnesota, Graduate School, Minneapolis, Minnesota 55455. 70 pages.

This publication presents a pilot water information system for a small multi-watershed river basin in northeastern Minnesota.

5020 Land Cover Change in the Mesabi Iron Range 1969 - 1975 (1976). Dwight Brown, Martin Roller, James Kenna, John Smiley and Letitia Cavalier. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 59 pages.

A study to demonstrate feasibility of using LANDSAT imagery for monitoring land use changes.

5021 The Persistance and Condition of Douglas County, Minnesota Lakes (1977). Dwight Brown, Robert Warwick, Letitia Cavalier and Martin Roller. State Planning Agency and Center for Urban and Regional Affairs, University of Minnesota, Minneapolis, Minnesota 55455. 43 pages.

This study classifies the lakes in Douglas County in terms of change patterns throughout summer months as determined from LANDSAT images. A comparison is also made between a drought year and a normal year.

5022 Reconnaissance Analysis of Lake Condition in East Central Minnesota (1977). Dwight Brown, Robert Warwick and Richard Skaggs. State Planning Agency and the Center for Urban and Regional Affairs, University of Minnesota, Minneapolis, Minnesota 55455. 17 pages.

The condition of East Central Minnesota lakes is examined using LANDSAT digital data on lake reflectance for August 7, 1975. Lakes are grouped into condition classes by multiple discriminant function analysis, which groups lakes of unknown condition around lakes of known condition, according to the satellite measured reflectance.

*5023 Non-Point Pollution Analysis Using Computer-Based Resource Data (1978). J.L. Anderson, Hennepin County Soil and Water Conservation District and Alan Robinette, State Planning Agency. 21 pages.

This study evaluates soil erosion by applying the universal soil loss equation through a computer model.

*5024 Hennepin County Landfill Site Selection (1977). Center for Urban and Regional Affairs, University of Minnesota, for the Hennepin County Department of Public Works, Environmental Division, 60 pages.

*5025 Sanitary Landfill Site Selection - Phase I Candidate Site Reviews and Recommended Site (1977). Hennepin County Department of Environment and Energy. 180 pages.

These two landfill studies describe a method of site selection for landfills. The first study evaluates the county for areas that should be excluded based on regulations and planning judgements. The second study evaluates 48 candidate areas and recommends 10 site finalists.

Theses

6001 Differential Assessment of Farmland in Anoka County (1975). Gregg Larson. State Planning Agency and Center for Urban and Regional Affairs, MLMIS, University of Minnesota, Minneapolis, Minnesota 55455. 78 pages.

*6002 Management of Urban Lakes for Recreation: A Study of Ramsey County (1973). Keith Wietecki. Department of Geography, University of Minnesota, Minneapolis, Minnesota 55455. 515 pages.

*6003 Management of Hydrographic Features in West-Central Minnesota from ERTS-1 Imagery (1974). Steven J. Prestin. Department of Geography, University of Minnesota, Minneapolis, Minnesota 55455. 96 pages.

*6004 A Statistical Evaluation of the Minnesota Land Management Information System's Land Use Study (1972). Joseph Stinchfield. Department of Geography, University of Minnesota, Minneapolis, Minnesota 55455. 123 pages.

CHAPTER 1: STATE LAND USE POLICY

The purpose of this chapter is to describe the existing base of Minnesota statutory policy relating to land use. Minnesota state law is the sole foundation for all sub-federal public actions affecting the type, timing and intensity of growth within Minnesota. Thus, land use planning and management within the state can be understood and assessed only within the context of what has been enabled by the Minnesota Legislature.

The following statutory policies described can be considered as long-term policy of the state. Shorter term or incipient policy is in part treated in the following chapter under "State-Level Studies and Special Planning Efforts" and in part under "Goals and Objectives." Additionally, not all statutory policy having an impact on where growth occurs, or on the type, timing and intensity of growth, is described here. What is included is a comprehensive listing of major statutory policy that has a relatively direct and intentional impact on land use. Thus, property tax law, for example, is not described here, even though it may have a profound effect on land use patterns in Minnesota.

THE ROLE OF LOCAL GOVERNMENT

Minnesota, like most states, has delegated the bulk of its authority to affect land use directly to general purpose local government -- municipalities, townships, and counties.

A. Municipalities are given the authority to prepare and adopt comprehensive municipal plans and to implement those plans through a variety of implementation measures, including zoning and subdivision ordinances (Minn. Stat. §§ 462.351 - 462.364.) Municipal planning and adoption of implementation measures is not mandatory.

   All municipalities are considered incorporated areas, and therefore, are not under the jurisdiction of the county or the town for planning and land use control purposes. Municipalities may extend zoning regulations and subdivision controls up to two miles beyond their boundaries into unincorporated territory except in towns or counties which have adopted zoning regulations or subdivision controls. If the boundaries of two municipalities are closer than 4 miles, the land use controls may be exercised up to a point equidistant between boundaries of the two cities.

B. Townships also may plan and zone (Minn. Stat. §§ 394.33, 366.10-181; 368.01). Townships or towns, as they are called, are of two types -- urban towns and other towns. The authorities of each are quite different. Urban towns have been granted the same land use authorities by the legislature as municipalities. Other towns require voter approval to plan and zone. As in the case of municipalities, planning and zoning is voluntary. Legislation requires that township regulations must be consistent with and not less restrictive than adopted official controls of the county. Any municipalities within the town are not governed by the town board.

C. Counties are authorized to prepare and adopt comprehensive plans for unincorporated territory and to implement those plans through a variety of implementation measures; to enter into agreements with the federal government for various programs of land conservation and utilization; and to enter into agreements with other counties for the conduct of regional planning activities. (Minn. Stat. §§ 394.21-394.37; 375.471; 462.371.)

Strong similarities exist between counties and municipalities. The preparation of comprehensive plans and the adoption of official controls are voluntary. Official controls may be used for a variety of purposes, including sewage disposal, protection of slopes and soils, preservation of wetlands, open space, forests, wildlife habitat, agricultural lands and other uses.

The planning and implementation authority granted to municipalities, townships and counties under the statutes cited above represent the fundamental state policy relating to land use: with certain exceptions described later in this chapter, it is up to general purpose units of local government to initiate and approve plans and implementation strategies relating to the type, timing and intensity of all uses of land within their boundaries. Again, with certain exceptions under existing state law, the state cannot force local governments to plan and implement plans -- the legislation is permissive rather than mandatory. Nor does the state have approval power over local plans and ordinances. In addition to the general purpose local governments, Minnesota statutory policy enables a variety of special purpose districts.

D. Special Purpose Districts include:

1. Soil and Water Conservation Districts

It is the state's policy to provide for the conservation of soil and soil resources and for the control and prevention of soil erosion, for land resource planning and development, and for the implementation of land resource use practices that effectively reduce siltation and loss of the land base through various activities. Soil and water conservation districts may be organized to conduct erosion control projects and to develop a comprehensive plan for the conservation of soil and water resources. They have no regulatory authority. A district may provide technical assistance to landowners and request assistance from the state. (Minn. Stat. §§ 40.005-40.15.)

2. Watershed Districts

State policy provides for the formation of watershed districts. The districts are established to "regulate, conserve, and control the use of water...regulate the use of streams, ditches...for the purpose of disposing of waste and preventing pollution." (Minn. Stat. §§ 112.34 et. seq.) The watershed districts are authorized to adopt rules and regulations to effectuate the above cited ends.

3. Public Water and Sewer System Controls

Minnesota counties, except the seven counties of the metropolitan area and Mower County, can -- in conjunction with a district court -- construct and maintain public water or sewer systems in unincorporated areas. Counties are authorized to purchase, receive by gift or condemn land, charge for use of water or sewer services, levy assessments and sell county bonds in causing a system to be constructed and maintained.

Before a system can be established, a petition must be filed with the county auditor (for systems entirely in one county) or with the district court (for systems within two or more counties). This petition must be signed by the owners of at least 50% of the area of such land (Minn. Stat. §§ 116.01 et. seq.)

4. Regional Sanitary Sewer Districts

State policy allows for the creation of sanitary sewer districts established for the purpose of setting up and maintaining sewer systems within the limits of its boundaries. Sanitary sewer districts are authorited to acquire land to include the authority to condemn land,

to enter contracts, to borrow money and to charge for their services (Minn. Stat. §§ 115.61 - 115.67.)

THE ROLE OF AREA-WIDE ORGANIZATIONS

A. Regional Development Commissions

It is the policy of the state to facilitate intergovernmental cooperation and to insure the orderly and harmonious coordination of state, federal, and local comprehensive planning of development programs for the solution of economic, social, physical, and governmental problems. To achieve these ends, Regional Development Commissions (RDCs) may be established by combinations of counties and municipalities (Minn. Stat. SS 462.381 - 462.397.)

The Regional Development Act mandates RDC preparation of comprehensive regional plans. The comprehensive plan is to address: land use, highways, transit facilities, public hospitals, libraries, schools, public and private housing, and other public buildings.

The Regional Development Act requires that "Each city, town, county, watershed district, and soil and conservation district, all or part of which lies within the region, shall submit to the Commission, for comment and recommendation thereon, its long-term comprehensive plans or any other matter which in the judgement of the commission has a substantial effect on regional development, including but not limited to plans for land use..." RDCs are responsible for attempting to mediate land use planning differences between two or more units of local government. RDC review of the comprehensive plans of independent agencies is mandated in Section 462.391, Subd. 2. This subdivision states that "The Commission shall review all long-term comprehensive plans of each independent commission, board, or agency, prepared for its operation and development within the region but only if such plan is determined by the commission to have a regional effect, a multi-community effect, or to have a substantial effect on regional development." The requirements of regional effect or multi-community effect are key to the RDCs statutory responsibility to review the plans of independent agencies. However, once the RDC establishes its right to review, it is given broader implementation powers in this subdivision of the section. The implementation

of coordination between the RDCs comprehensive regional plan and the plans of independent agencies is provided by allowing the RDC to suspend indefinitely the plan, or any portion of a plan, prepared by an independent agency which the commission has determined to be inconsistent with the comprehensive plan for the region. The authority to suspend is the strongest legislative sanction which an RDC has at its disposal.

The last area of RDC review authority deals with the project review and comment process. 462.391, Subd. 3 directs that "The Commission shall review all applications of governmental units, independent commissions, boards, or agencies, operating in the region for a loan or grant from the Unites States of America or any agency, including state agencies and colleges or universities, for public facilities, studies, or any other purpose if the application clearly is related to the region, whether or not such review is required by the federal government."

The RDC A-95 regional clearinghouse is another tool RDCs may use in their efforts to implement their regional land use planning responsibilities. This review and comment process may be used by RDCs to coordinate state and federal service delivery and capital improvement projects with the provisions of the RDCs regional comprehensive development plan. A key element of Minnesota's regional development policy is that while RDCs are given regional comprehensive planning authority and broad local planning review responsibility, they have virtually no power of enforcement.

B. Metropolitan Council

Because of the magnitude, intensity and rate of development of the seven-county Twin Cities Metropolitan Area, the legislature has created dramatic area-wide responsibilities unique to this metropolitan area.

In creating the Metropolitan Council in 1967, the legislature granted the Council certain planning and review responsibilities relating to land use and associated concerns. Some of those responsibilities were revised in 1974 by specific provisions of the Metropolitan Reorganization Act (MRA). The Metropolitan

Council Act (MSA 473B), as modified by the MRA, includes the following land use related responsibilities:

The Council shall prepare and adopt, after appropriate study and public hearings, a development guide for the metropolitan area consisting of policy statements, goals, standards, programs and maps prescribing guides for an orderly and economic development, both public and private. The guide shall recognize and encompass physical, social or economic needs of the area and those further developments which will have an impact on the entire area including, but not limited to, land use, parks and open space land needs, the necessity for and location of highways, transit facilities, public hospitals, libraries, schools, and other public buildings.

The development guide will include long-range comprehensive policy plans for each commission established under the MRA amendments (presently the Metropolitan Waste Control Commission and Metropolitan Transit Commission). When adopted, the policy plans shall be followed by the Council and affected Commissions. The policy plan for each commission includes a statement of the metropolitan needs relating to the function of the Commission and their locations, priorities for development and a statement of expenditure.

The Council shall review all long-term operation and development comprehensive plans of each independent commission, board or agency within the metropolitan area, if the Council determines it to have an areawide effect, multi-community effect or to have a substantial effect on metropolitan development. If the Council finds that a plan, or any part of the plan, is inconsistent with its development guide or detrimental to the orderly and economic development of the metropolitan area or any part of the area, it may direct that the operation of the plan or such part be indefinitely suspended. An appeal procedure is provided.

The Council shall adopt regulations establishing standards and guidelines for determining whether any proposed matter is of metropolitan significance and establish a procedure for the review of all proposed matters required to be considered and reviewed by the Council. The purpose of the regulations is to promote the orderly and economic development, public and private, of the metropolitan area. The Council shall review all proposed matters of metropolitan significance, all grant and loan applications made to the federal or state government for matters of metropolitan significance and all other matters requiring approval by a regional agency.

The Council shall engage in a continuous program of research and study on many subjects including acquisition and fundings of recreation open space, water pollution control, air pollution control, solid waste management, tax structure, etc., for the metropolitan area. Studies will include recommendations as to the governmental organization, governmental subdivision, or governmental district best suited to discharge the powers recommended.

In a series of 1969 statutes, the legislature gave to the Metropolitan Council authority over special areas of concern related to land use in the metropolitan area, either through the creation of new agencies under the Council or through greater Council authority over existing special purpose agencies or governmental units within the metropolitan area.

In Minn. Stat. Section 473.03 - 473.06, the Metropolitan Council was granted planning and approval authority for all sewer service functions in the metropolitan area, and the Metropolitan Sewer Service Board was created as an agency of the Council. The Council shall prepare and adopt a policy plan for collection, treatment and disposal of sewage and "when adopted, such a plan shall be followed in the metropolitan area."

The Metropolitan Council shall prepare and adopt a comprehensive plan for the disposal of solid waste and the management and disposal

of solid waste and the management and disposal of hazardous wastes and "when adopted, such plan shall be followed in the metropolitan area." Each county must them submit a solid waste disposal report consistent with the Council's plan for approval by the Council. When approved, the counties will implement the report.

In Minn. Stat. Section 360.74 - 360.75, the Metropolitan Council was given authority to review the Metropolitan Airports Commission's (MAC) site selection of a major new airport. After a site is selected, the Council is directed to adopt "criteria and guidelines" for use of property in the metropolitan area within three miles (or five miles, if necessary) of the site. The criteria and guidelines are to include a plan and land use control measures, such as zoning ordinances and subdivision controls, for suggested adoption by local governmental units and for inclusion in the Council's metropolitan development guide.

In Minn. Stat. Section 473.05 - 473.05, the Metropolitan Transit Commission (MTC) is authorized to acquire and operate transit systems. Acquisitions of existing public transit systems must be approved by the Metropolitan Council. Moreover, MTC is authorized to plan and construct such systems and is required to prepare "with the cooperation of the (Metropolitan Council) and the Department of Highways...a plan for complete, integrated mass transit system for the metropolitan transit area."

Better tools for environmental planning and protection of environmentally sensitive areas will be provided for local governmental units as the result of legislation that provides for the Council to develop standards and model ordinances to be adopted by local units of government. Once prepared, local adoption of the standards would be voluntary.

The guidelines developed by the Council would cover such open space matters as the preservation of wetlands, groundwater recharge areas, woodlands, and natural water courses; the suitability of development on slopes and certain soils; and the prevention of premature development of prime agricultural land. In developing the guide-

lines, the Council is to seek assistance and approval from all affected agencies. The Council is to make copies of the guidelines available to local units which may, at their option, adopt the guidelines.

While the Council has the job of preparing a regional plan for major parks, park districts and counties are required to prepare plans for specific park sites in their jurisdiction showing park boundaries, proposed development and intended use of the site. Localities are to submit these plans for review to the Council, which determines whether they are consistent with the regional policy plan. If they are not, the Council returns the plan, and the locality must revise and resubmit it to the Council.

The Council was given expanded authority by the Legislature in 1974 to assist local communities by acting as their Housing and Redevelopment Authority (HR). The Council may provide such assistance only at the request of the local community. The legislation is aimed at helping communities provide needed housing with a minimum in organizational or administrative expenditures.

The 1976 legislature passed two major pieces of legislation relating to land use in the metropolitan area -- the Metropolitan Significance Act and the Metropolitan Land Planning Act. The Metropolitan Significance Act directed the Metropolitan Council to adopt and implement regulations for reviewing major development projects proposed in the Metropolitan Area. The regulations must establish criteria that identify which projects are subject to the regulations and procedures for conducting the reviews. The same advisory Metropolitan Land Use Committee created according to the Land Planning Act must also advise the Council on preparing the regulations.

The law contains numerous guidelines on procedures and content which the regulations must address. The stated purpose of the regulations is "to promote the orderly and economic development, public and private, of the metropolitan area." The regulations must consider several factors: consistency with the metropolitan development

guide, including its relationship to Council policies, standards, and programs; consistency with Council policy plans, including its impact on the development programs and functions of metropolitan commissions; and land use control functions of municipal government.

The Council must review a matter at the request of an affected local government unit, a metro commission, or a number of residents. The Council itself may also initiate a review. Proposed matters may be reviewed only once unless a proposal is materially altered and a public hearing must be held prior to final disposition of a proposed matter. The Council may suspend implementation of proposed matters during its review and for not more than one year following its final determination; however, the Council may also list conditions for ending a suspension sooner than the full year.

Matters found to be of significance must be reviewed for their consistency with and effect on metropolitan systems plans for transportation, sewers, airports, and parks, and for their adverse effects on other local governmental units. Previously approved policy plans, development programs, and areas of operating authority of metropolitan commissions are exempt from the regulations.

Also in 1976, the legislature passed the Metropolitan Land Planning Act, which requires the Council to prepare and transmit to each local governmental unit a Metropolitan Systems Statement which will contain information relating to the local units of government and appropriate surrounding territory that the Council determines necessary to be considered in the preparation of the local comprehensive plan.

In addition, the Metropolitan Systems Statement must include:

a) The timing, character, function, location, projected capacity and conditions on use for existing or planned metropolitan public facilities, as specified in Metropolitan Systems Plans and for state and federal public facilities to the extent known.

b) The population, employment and housing need projections which have been used by the Council as a basis for its Metropolitan System Plans.

c) Any parts of the Land Use Plan, public facilities plan or implementation program which the Council deems may be excluded from the plan of the local governmental units.

The Act also mandates preparation of comprehensive plans by local governmental units within the metropolitan area. The plans must contain objectives, policies, standards and programs to guide public and private land use development, redevelopment, and preservation for all lands and waters within the jurisdiction of the local governmental unit to 1990, 1995, 2000, etc. The plans must specify expected industrial and commercial development plans and population distribution, and local public facility capacities upon which the plan is based. The plans must contain a discussion of the use of public facilities specified in the Metropolitan System Statement. It must also contain a discussion of the effect of the plan on adjacent local governmental units and affected school districts.

The required land use element of the plan must designate the existing and proposed location and intensity and extent of use of land and water for agricultural, residential, commercial and industrial and other public and private purposes. It must also contain a protection element appropriate to the unit relating to historical and environmental sites.

The required public facilities element of the plan will describe the character, location, timing, sequence, function, use and capacity of existing and future public facilities of the local governmental unit. It must establish existing or potential affects on or departures from Metropolitan System Plans.

The comprehensive plan must also include an implementation program which will identify public programs, fiscal devices and other specific actions to be undertaken in stated sequence to implement the comprehensive plan and ensure conformity with the Metropolitan Systems Plan. The Council must review local government comprehensive plans. The Council, after review and comment, may require a local governmental unit to modify any comprehensive plan which may have a substantial impact on or substantially departs from Metropolitan Systems Plans.

THE ROLE OF STATE GOVERNMENT

While the dominant public role in guiding land use in Minnesota is played by local governmental units, state government also plays a significant role. Traditionally, Minnesota state government has undertaken or regulated some land use-related activities that were difficult to deal with at the local level -- e.g., construction of trunk highways or water appropriation. Over time, the state legislature has expanded the land use role of state government -- in some cases at the expense of local governmental prerogatives.

To facilitate description of the array of state-level land use-related policies and authorities, the following breakdown will be used:

A) Regulatory authorities
B) Land and facility acquisition, development, and management
C) State oversight of local land use authority
D) Tax policy
E) State-level planning and coordination
F) Technical and financial assistance to local government

A) Regulatory authorities

1. Air Quality

Air quality shall be improved by promoting, in the most practical way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the overall goal of reducing all forms of pollution. The Pollution Control Agency is charged with adopting standards of air quality and promulgating regulations or standards which may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere, or to any other matter relevant to the prevention, abatement, or control of air pollution. By regulation, the Agency has indicated its policy to require the maximum control technology that is technically practicable and economically reasonable. Specific primary and secondary air quality standards have been adopted to protect the public health and welfare and numerous permit procedures and emissions limits have been established to assure attainment of the standards. The agency is also charged with developing a biennial long-range plan and program for the effectuation of air quality policy and with

giving due consideration in the exercise of its powers to the operation and expansion of business, commerce, trade, and other economic factors affecting the feasibility and practicability of any proposed action. Local units of governments may not set standards of air quality more stringent than those set by the Pollution Control Agency. (See Minn. Stat. §§ 116.01-116.41; Minn. Reg. APC 1-31.)

2. Water Resources and Water Quality

(a) State Water Policy

To conserve and utilize the water resources of the state in the best interests of the people of the state, it is state policy that all waters of the state which serve a material beneficial public purpose are public waters subject to the control of the state; that the state, to the extent provided by law, shall control the appropriation and use of surface and underground water of the state; and that the state shall control and supervise, so far as practicable, any activity which changes or will change the course, current, or cross section of public waters. Beneficial public purposes, with regard to waters of the state, include but are not limited to waters supplied for municipal, industrial, or agricultural purposes; recharge of underground waters retention of water to prevent or reduce downstream flooding; entrapment and retention of nutrients and other material which impair the quality of natural resources; recreational activities such as swimming, boating, fishing, and hunting; public navigation other than for recreational purposes; wildlife habitat areas for the spawning, rearing, feeding, and nesting of wildlife; and areas designated as scientific and natural areas pursuant to section 84.03. Permits from the DNR are required for any surface or groundwater appropriation and for any dredging, filling, dam construction or other activity effecting the course, current or cross section of the public water. See J and K infra. (See Minn. Stat. §§ 105.37 - 105.38).

(b) Control of Public Waters

Charge and control of the public waters of the state are vested in the Commissioner of Natural Resources, who is also given the authority to institute proceedings on behalf of the state to abate or enjoin any disturbance, obstruction, or interference with the natural flow or condition of public waters beyond the boundaries of the state which seriously affects the public welfare and interests of the state. (See Minn. Stat. §§ 84.027, 84.031.)

(c) Displacement of Underground Waters

Permits from the Commissioner of Natural Resources are required before any underground waters of the state may be displaced for the underground storage of any gas or liquid under pressure. (See Minn. Stat. §§ 84.57 - 84.621.)

(d) Water Conservation Program and Public Waters Inventory

The Commissioner of Natural Resources was directed in 1947 to develop a general water resources conservation program for the state, in accordance with which permits for the use and appropriation of state waters and for the construction of water control structures would be issued. In 1974, he was redirected to prepare a statewide water and land resources plan by November 15, 1975. In 1976, he was directed to inventory the water basins of each county and to make a preliminary designation as to which constitute public waters. (See Minn. Stat. §§ 105.39, 105.391, 105.403.)

(e) Wetlands

It is in the public interest to preserve the wetlands of the state and to thereby conserve surface waters, to preserve wildlife habitat, to reduce runoff, to provide for floodwater retention, to reduce stream sedimentation, to contribute to improved subsurface moisture, to enhance the natural beauty of the landscape, and to promote comprehensive and total water management planning. The Commissioner of Natural Resources is authorized to promulgate rules with regard to these purposes and to enter into agreements with landowners for the conservation of wetlands. The program so established is intended to

supplement and complement the federal waterbank program. (See Minn. Stat. § 105.392.)

(f) Water Supply Management Policy

The Commissioner of Natural Resources is directed to develop and manage water resources to assure a supply adequate to meet long-range seasonal requirements for domestic, municipal, industrial, agricultural, fish and wildlife, recreational, power, navigation, and quality control purposes from surface or groundwater sources. (See Minn. Stat. § 105.405.)

(g) Water Appropriation and Use Permits

Permits from the Commissioner of Natural Resources are required before any appropriation or use of the waters of the state are made. The Commissioner is directed to promulgate rules to govern the allocation of permits to potential water users based upon a series of legislative priorities.

According to this legislative policy, first priority shall be given to domestic water supply, excluding industrial and commercial uses of municipal water supply. Second priority shall be given to any use of water that involves consumption of less than 10,000 gallons of water per day. Third priority is given to agricultural irrigation involving consumption in excess of 10,000 gallons per day, and to agricultural processing industries. Fourth priority will be power production, involving consumption in excess of 10,000 gallons per day. Fifth priority will go to other uses, involving consumption in excess of 10,000 gallons per day. (See Minn. Stat. §§ 105.41, 105.415, 105.44-105.47.)

(h) Permits for Work in Public Waters

Permits from the Commissioner of Natural Resources are required before any change in any reservoir, dam, or obstruction on any public water, or before any change or diminution of the course, current or cross-section of any public waters is made by any means. The Commissioner is also given, subject to the approval of county boards, power to grant permits to establish, construct, maintain

and control wharfs, docks, piers, levees, breakwaters, basins, canals, and hangers in and adjacent to public waters of the state except within the corporate limits of cities. The Commissioner is directed to promulgate standards and criteria governing the issuance and denials of permits for work in public waters. Such standards shall correspond to certain legislative policies which include restricting projects to those which will involve a minimum amount of damage to the environment, and restricting certain types of projects to those areas governed by shoreland conservation or floodplain ordinances. (See Minn. Stat. §§ 105.415, 105.42, 105.44-105.47.)

(i) Establishment of Lake Levels

Application for authority to establish and maintain levels on any public water and applications to establish the natural ordinary high water of any body of public water may be made to the Commissioner of Natural Resources by any public body or by a majority of the riparian owners thereon, for the purpose of conserving or utilizing water resources of the state. (See Minn. Stat. § 105.43 - 105.47.)

(j) Stream Maintenance

The legislature finds that the removal of debris and rubble for the purpose of cleaning of stream beds and flood plains of streams is of benefit to the public health, safety, and welfare. The Commissioner of Natural Resources has directed to establish and supervise a stream maintenance program which shall include grants in aid to participating counties. (See Minn. Stat. § 105.475.)

(k) Construction and Maintenance of Dams.

The Commissioner of Natural Resources is given the authority to construct, maintain, and operate all necessary dikes, dams, and other structures necessary to maintain uniform water levels. He is, in addition, given certain authority to facilitate the repair and restoration of dams owned by the state and local governmental units. Upon application of the governing body of any governmental subdivision of the state having authority to maintain and operate dams or other control works affecting public waters, the Commissioner,

with the approval of the Executive Council, may transfer to such subdivision the custody of any such dam or other water control works belonging to the state where he determines that the transfer will be in furtherance of the best interests of the public. (See Minn. Stat. §§ 105.48, 105.482, 105.52, 105.63.)

(l) Lake Improvements

The Commissioner of Natural Resources, with the assistance of the Pollution Control Agency, and the State Planning Agency, is directed to assess the need for particular kinds of lake improvements, including improvements related to pollution problems, water levels, and other resource management considerations, and to develop criteria for allocating state aid funds among proposed projects (See Minn. Stat. § 105.484.)

(m) Drainage or Diversion of Water to Facilitate Mining

The Commissioner of Natural Resources is authorized to grant permits for the drainage, diversion, control, or use of any waters under his jurisdiction when necessary for the mining of iron ore, taconite, copper, copper-nickel, or nickel. Such permits may only be granted if the proposed diversion will be necessary for the mining of substantial deposits of the identified metal and if no other feasible and economical method therefor is reasonably available; if the proposed diversion will not substantially impair the interests of the public in lands or waters or the substantial beneficial public use thereof and will not endanger public health or safety; and if the proposed mining operations will be in the public interest and the public benefits resulting therefrom are sufficient to warrant the proposed diversion. (See Minn. Stat. § 105.64.)

(n) Water Resources Board

The legislature finds that the code of water law in Minnesota is contained in numerous statutes which must be considered as a whole to effect a systematic administration of water policy. Seeming contradictions in the laws when applied in a specific proceeding create a need for a

forum where the conflicting aspects of public interest involved can be presented and by consideration of the whole body of water law the controlling policy can be determined and apparent inconsistencies resolved. A Water Resources Board is created to resolve certain questions of water policy, where use, disposal, pollution, or conservation of water is a purpose, incident, or factor in a proceeding. (See Minn. Stat. § 105.71 - 105.79.)

(o) Public Drainage Systems

County boards and the district courts are authorized to establish public drainage systems; to deepen, widen, straighten or change the channel or bed of any waterway; to extend the same through any municipality for the purpose of securing a suitable outlet; and to construct all needed dikes, dams, control works and power appliances in accordance with certain legislatively established criteria, including the overall environmental impact of the proposed drainage system. If the water basin or water course is determined to be public waters, however, the permissible drainage activities shall be governed by section 105.391 (3) and (6), in cooperation with the Commissioner of Natural Resources. (See Minn. Stat. §§ 106.011-106.673.)

(p) Regulation of Lake Water Levels

In certain cases, where dams, however constructed or maintained, have affected the water levels of lakes and the lakes have been used by the public for beneficial public purposes, perpetual flowage easements for all overflow and other effects of water resulting from the existance, maintenance, or operation of such dams, are presumed to be dedicated to the state. (See Minn. Stat. §§ 110.31 - 110.40.)

(q) Watershed Districts

To carry out conservation of the natural resources of the state through land utilization, flood control and other needs upon sound scientific principles for the protection of

public health and welfare and the provident use of natural resources, the Minnesota Water Resources Board is vested with jurisdiction to establish watershed districts for any or all of the following conservation purposes: control or alleviation of damage by floodwaters; improvement of stream channels for drainage, navigation and other public purposes; reclaiming or filling wet and overflowed land; providing water supply for irrigation; regulating the flow of streams and conserving the waters thereof; diverting or changing water courses in whole or in part; providing and conserving water supply for domestic, industrial, recreational, agricultural, and other public uses; providing for sanitation and public health and regulating the use of streams, ditches, or water courses for the purpose of disposing waste; repairing, improving, relocating, modifying, consolidating, and abandoning drainage systems within the watershed district; imposing preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of water courses or bodies of water affected thereby; and regulating improvements by riparian owners of beds, banks, and shores of lakes, streams, and marshes by permit or otherwise in order to preserve the same for beneficial use. (See Minn. Stat. §§ 112.34 - 112.86.)

(r) Water Pollution Control

The Pollution Control Agency is established as the successor of the Water Pollution Control Commission and is charged with meeting the variety and complexity of problems relating to water pollution in the areas of the state affected thereby, and with achieving a reasonable degree of purity of water resources of the state consistent with the maximum enjoyment and use thereof in furtherance of the welfare of the people of the state. The Pollution Control Agency is further charged with administering and enforcing all laws relating to water pollution; with establishing pollution standards; and with issuing and enforcing orders, permits, regulations, etc., with regard to the prevention and control of water pollution. It is further directed to establish standards consistent with the Federal Water Pollution Control Act

and to cooperate with any agency of another state, of the United States, or of Canada. Civil and criminal penalties are provided for violations of certain water pollution control measures established by the legislature and assigned to the PCA. The PCA has established receiving water standards, effluent standards and other water quality and treatment standards as part of a comprehensive program of water pollution control permits. It is authorized as the permitting agency under the Water Pollution Control Act Amendments of 1972. (Pub. Law 92-500). (See Minn. Stat. §§ 115.01 - 115.09; 116.01 - 116.02, Minn. Reg. WPC 1-41.)

(s) Regional Water Pollution Control

The Pollution Control Agency is authorized to create sanitary districts for any territory embracing an area or a group of two or more adjacent areas, whether contiguous or separate, but not situated entirely within the limits of a single municipality, for the purpose of promoting the public health and welfare by providing an adequate and efficient system for correcting, conveying, pumping, treating, and disposing domestic sewage and garbage and industrial wastes within the district. (See Minn. Stat. §§ 115.15 - 115.37.)

(t) Municipal Water Pollution Control

It is the policy of the state to provide for the prevention, control, and abatement of pollution of all waters of the state, so far as feasible and practical, in furtherance of the conservation of such waters and the protection of the public health and in furtherance of the development of the economic welfare of the state. The Pollution Control Agency is directed to prepare a long-range plan and program for the affectuation of said policy and to make progress reports to the legislature biannually. The PCA is also directed to give due consideration, in the exercise of its powers, to the establishment and expansion of business and to other economic factors affecting the feasibility and practicability of any proposed action, including the burden on a municipality of any tax which may result therefrom.

The PCA is further directed to group the designated waters of the state into classes and to adopt classifications and standards of purity and quality therefor. The Agency is further authorized to facilitate cooperation between two or more municipalities, if necessary, to provide for area waste management and treatment, with the Federal Water Pollution Control Act, or to prevent, control, or abate pollution. Subject to the same limitations as are applicable to statutory cities, towns are granted the power to construct, install, acquire, and maintain disposal systems and parts thereof, to levy taxes and special assessments, to issue bonds, and to do all other things necessary for such construction, installation, acquisition, and maintenance. (See Minn. Stat. § 115.41 - 115.53.)

(u) Regional Sanitary Sewer Districts

For the purpose of providing a method by which municipalities in a drainage area designated by law may join together to prevent water pollution in excess of reasonable standards of purity and quality as may be established by state regulatory agencies, the creation of sanitary sewer districts is authorized. Such districts shall be municipal corporations, responsible for acquiring, constructing, improving, extending, operating, and maintaining facilities for the collection, treatment, and disposal of sewer systems of all municipalities within its corporate limits. (See Minn. Stat. §§ 115.61 - 115.67.)

(v) Classification of Water Supply and Waste Water Treatment Facilities

The Commissioner of the State Department of Health is directed to classify all water supply systems used by the public on the basis of their degree of hazard to public health together with the type and loading of plant and the population affected. The Director of the Pollution Control Agency is directed to classify all waste water treatment facilities used by the public on the basis of their degree of hazard to the public health together with the type and loading of plant and the population served. A waste and

waste water treatment operator's certification council is established for the purpose of recommending the issuance of certificates to water supply system operators and waste water treatment facility operators attesting to their competency. (See Minn. Stat. §§ 115.71 - 115.82.)

(w) State Water Pollution Control Fund

It is determined that state financial assistance for the construction of water pollution prevention and abatement facilities for municipal disposal systems is a public purpose and proper function of state government, in that the state is trustee of the waters of the state and such financial assistance is necessary to protect the purity of state waters, and to protect the public health of the citizens of the state, which is endangered whenever pollution enters state waters at one point and flows to other points in the state. A state water pollution fund is created for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the prevention, control, and abatement of water pollution. The Commissioner of Finance is directed to issue bonds of the State of Minnesota for the purpose of providing money for municipalities from the state water pollution control fund. (See Minn. Stat. §§ 116.16 - 116.18.)

(x) Specific Pollutants

Certain limitations are established on the use of nutrients in cleaning agents and water conditioners on the use and manufacture of PCB or any product containing PCB. (See Minn. Stat. §§ 116.21 - 116.37.)

(y) Domestic Water Supplies

The Department of Health is vested with general charge of all springs, wells, ponds, and streams used as sources of water supply for domestic use and is empowered to take all necessary steps to preserve the same from such pollution as may endanger the public health. (See Minn. Stat. §§ 144.35 - 144.37.)

(z) Water Wells

To reduce and minimize the waste of groundwater resources and to protect the health and welfare by providing a means for the development and protection of the natural resource of underground water in an orderly, sanitary, and reasonable manner, the Department of Health is authorized to regulate and license the drilling and constructing of all water wells within the state, to examine and license water well contractors, and, after consultation with the Commissioner of Natural Resources and the Director of Pollution Control Agency, to establish standards for the design, location, and construction of water wells within the State. (See Minn. Stat. §§ 156A.01 - 156A.08.)

3. Mines and Minerals

(a) Powers of the Commissioner of Natural Resources

The Commissioner of Natural Resources is vested with charge and control of all of the minerals of the state and of the use, sale, leasing, or other disposition thereof. (See Minn. Stat. § 84.027.)

(b) Reservation of Minerals

The state reserves for its own use all the iron, coal, copper, gold, and other valuable minerals on land which now or hereafter may belong to it by virtue of any act of Congress, and reserves to itself all iron ores and other minerals on, in, or under lands within the state which lie beneath the waters of navigable lakes and rivers, together with the right to enter upon such lands and to explore for and mine and remove such iron ore and other minerals. (See Minn. Stat. §§ 83.01 - 93.07.)

(c) Permits and Leases for Prospecting and Mining

A system of permits and leases for prospecting and mining iron ore, taconite iron ore, copper, copper-nickel, and other minerals is established. (See Minn. Stat. §§ 93.016 - 93.335, 93.043, Minn. Reg. NR 94,99,104,109,114.)

(d) Mining and Prospecting Under Certain Waters

The discovery and mining or removing of gold, silver,

copper, cobalt, coal, graphite, petroleum, sand, gravel, stone, natural gas, and all minerals, excepting iron ore, from the land under public waters in the state is a matter of public interest. The Department of Natural Resources, with the approval of the Executive Council, is directed to adopt rules and regulations for such prospecting and mining. Certain laws governing the prospecting and mining of iron ore from under public waters are also established, and the Executive Council is given the authority to permit the draining of certain public lakes for the purpose of mining iron ore owned by the state beneath the beds of such lakes. (See Minn. Stat. §§ 93.13 - 93.14; 93.34 - 93.357; 105.44(1)(a), Minn. Reg. NR 94,99,104,109,114.)

(e) Reclamation of Mine Lands

In recognition of the effects of mining upon the environment, it is hereby declared to be the policy of this state to provide for the reclamation of certain lands hereafter subjected to the mining of metallic minerals where such reclamation is necessary, both in the interest of the general welfare and as an exercise of the police power of the state, to control possible adverse environmental effects of mining, to preserve the natural resources, and to encourage the planning of future land utilization, while at the same time promoting the orderly development of mining, the encouragement of good mining practices, and the recognition and identification of the beneficial aspects of mining. The Commissioner of Natural Resources is directed to conduct a comprehensive study to determine the extent to which the regulation of mining areas is necessary; and mining operations for metallic minerals within the state are prohibited without a permit from the Commissioner. Persons applying for a permit must submit a proposed plan for the reclamation or restoration, or both, of any mining area affected by mining operations to be conducted on and after the date on which permits are required for mining. (See Minn. Stat. SS 93.44 - 93.51).

(f) Deposits of Mining Wastes

The Commissioner of Natural Resources is authorized to grant permits and licenses or leases on and across lands owned by the state for the depositing of strippings, lean ores, tailings, or waste products of a taconite mining business. (See Minn. Stat. § 117.47).

4. Other State Regulatory Policies and Authorities

(a) Subdivided Land Sales Practices Act

Subdivided lands, unless exempted, must be registered and meet federal and local environmental quality standards and state environmental standards which are established by the Environmental Quality Board. (See Minn. Stat. §§ 83.20 - 83.42).

(b) Pollution Control Agency - Solid Waste

The Pollution Control Agency is established to meet the variety and complexity of problems relating to water, air, and land pollution in the areas of the state affected thereby, and to achieve a reasonable degree of purity of water, air, and land resources of the state consistent with the maximum enjoyment and use thereof in furtherance of the welfare of the people of the state. The agency is charged with promoting solid waste disposal control by encouraging the updating of collection systems, the elimination of open dumps, and improvements in the incinerator practices. The agency is also directed to adopt standards for the control of the collection, transportation, storage, and disposal of solid waste for the prevention and abatement of water, air, and land pollution. The agency is further authorized to issue or deny permits, under such conditions as it may prescribe, for the collection, transportation, and disposal of solid wastes. Regulations regarding solid waste have been adopted by the PCA. (See Minn. Stat. §§ 116.01 - 116.11, Minn. Reg. SW 1-11, 75-79, 51).

(c) Solid Waste Disposal Facilities

The Pollution Control Agency is authorized to classify facilities for the disposal of solid waste according to the degree of hazard to the public health or the environment involved in their operation, and according to the

volume or hazardous character of solid waste disposed of at the facility. The agency may develop standards of competence for persons operating various classes of facilities for the disposal of solid waste. (See Minn. Stat. § 116.41)

(d) Pollution Control Agency - Hazardous Waste Control
The Pollution Control Agency is directed to adopt standards for the identification of hazardous wastes and for the labeling, classification, storage, collection, transportation, and disposal of hazardous wastes. No local government is permitted to set standards of hazardous waste control which are in conflict or inconsistent with those set by the Pollution Control Agency. The agency is also directed to study and investigate the problems of hazardous waste control and to develop a state-wide Hazardous Waste Management Plan detailing the location of hazardous waste disposal facilities and storage sites throughout the state and the needs relative to the interstate transportation of hazardous wastes. Regulations are currently in hearing regarding hazardous waste. (See Minn. Stat. §§ 116.07; 116.101).

(e) Minnesota Environmental Rights Act
Each person is entitled to the protection, preservation, and enhancement of...land...located within the state and each person has a responsibility to contribute to its protection, preservation, and enhancement. It is the state's policy to create and maintain conditions under which man and nature can exist in productive harmony in order that present and future generations may enjoy... productive land... The act creates a civil action for any person to bring a lawsuit for the "protection of... land...located within the state..."
(See Minn. Stat. §§ 116B.01 - 116B.13)

(f) Power Plant Siting Act
The EQB may designate power plant sites and powerline routes via certificates of compatibility which will supersede all local controls, and such certificates must be issued in accordance with criteria established by

regulation that will minimize adverse effects on the environment, including many land use related factors such as urban land uses and settlement, agricultural uses, recreational and historic lands, visual impact, natural systems and areas, soils and geology, and forest and mineral areas. (See Minn. Stat. §§ 116C.51 - 116C.69, Minn. Reg. MEQC 71-75).

(g) Minnesota Environmental Policy Act

State government should use all practical means to assure for the people of the state aesthetically pleasing surroundings; develop and implement land use and environmental policies, plans, and standards for the state as a whole and major regions thereof through a coordinated program of planning and land use control; define, designate, and protect environmentally-sensitive areas; and prohibit, where appropriate, floodplain development in urban and rural areas. MEPA requires an environmental impact statement for any major governmental action having the potential for significant environmental effects and prohibits any state action which is likely to cause pollution, impairment, or destruction of the...land...located within the state so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety, and welfare, and the state's paramount concern for the protection of its natural resources. Land use effects are a significant factor in the decision whether an EIS is needed under Environmental Quality Board regulations implementing the EIS program. (See Minn. Stat. §§ 116D.01 - 116D.07, 6 MCAR §§ 3.021-3.047)

(h) Timber Lands

It is the intent and desire of the legislature to provide equal opportunity for all segments of our society to participate in the state timber sale process; and to attempt to prevent the purchase or acquisition of excessive volumes of the state's timber resources by any one individual or corporation. The Department of Natural Resources is directed to enact regulations to reach this objective, including provision for sale of all timber

species by both the informal and the auction sale method. The Commissioner of Natural Resources is directed to make thorough inquiry into the extent, character, and value of the timber on all state lands, and to take such measures as will protect timber from damage or loss by fire, trespass or otherwise; and to make such regulations for the care and control of the lands and for the sale of the timber thereon. A system of permits for the sale of state timber is established. (See Minn. Stat. §§ 90.005 - 90.50.)

B) State Policies and Authorities Relating to Land and Facility Acquisition, Development, and Management

1. Public Highway System

The state is authorized to construct, improve, and maintain public highways, and to assist political subdivisions in this work. A trunk highway system, a county state-aid highway system, and a municipal state-aid street system are created. A highway user tax distribution fund, a county state-aid highway fund, and a municipal state-aid street fund are also created. (See Minn. Const., Art. 14, §§ 1-11)

2. State Parks

A system of state parks is established and its management is vested in the Commissioner of Natural Resources. Under recently adopted legislative policies, the management of Natural State Parks shall seek to maintain a balance among the plant and animal life of the park and to re-establish desirable plants and animals formerly indigenous to the park area, and park use shall be primarily for aesthetic, cultural, and educational purposes, rather than designed to accommodate all forms of recreational use. Recreational State Parks shall be administered to provide as broad a selection of opportunities for outdoor recreation as is consistent with maintaining a pleasing natural environment. (See Minn. Stat. §§ 84.027, 84.03; 85.011 et. seq.; 86A.05(a) - (3)).

3. State Forests

A system of state forests is established and its management is vested in the Commissioner of Natural Resources. Under recently adopted legislative policies, state forests are administrated for growing, managing, and harvesting timber and other

forest crops and for the establishment and development of recreational areas, for the protection of watershed areas, and for the preservation and development of rare and distinctive species of flora and fauna. (See Minn. Const., Art. 11, § 11; Minn. Stat. §§ 89.001 et. seq., 86A.05(7)).

4. Wildlife Management Areas

Game refuges or wildlife management areas are established and their management vested in the Commissioner of Natural Resources. Under recently adopted legislative policies, wildlife management areas are to be administrated for the protection of those lands and waters with a high potential for wildlife production; for public hunting, fishing, and trapping; and for other compatible outdoor recreation uses. (See Minn. Stat. §§ 86A.05(8); 99.25 et. seq.)

5. Conservation Restrictions

The Commissioner of Natural Resources and certain non-profit charitable corporations may acquire by gift or purchase from private landowners conservation restrictions in the form of easements, covenants, or conditions, which are enforceable by injunction and which will be effective to retain land or water areas predominantly in their natural, scenic, open or wooded condition, or as a suitable habitat for fish and wildlife (See Minn. Stat. §§ 84.64 - 84.86).

6. Powers of the Commissioner of Natural Resources.

The Commissioner of Natural Resources is vested with control and supervision of all public lands and parks of the state and is charged with certain responsibilities relating to boat safety and with the overall coordination of acquisition of state recreation land, development of recreation programs and comprehensive statewide recreational planning programs required by state or federal law. He is further authorized to establish and operate recreational areas, including but not limited to trails and canoe routes, for the use and enjoyment of the public on any state-owned or leased land under his jurisdiction. He is further authorized to acquire by gift, purchase, or lease, easements

or other interests in land for various types of recreational use. Finally, he is authorized to adopt rules and regulations governing the use and enjoyment of state lands reserved from sale, state parks, state water access sites, state trails, state monuments, state scientific and natural areas, state wilderness areas, and recreational areas owned by other state, local and federal agencies and operated under agreement by the Department of Natural Resources. (See Minn. Stat. §§ 84.028 - 84.03, 84.033, 89.032, 97.40-85).

7. Outdoor Recreation System

The legislature finds that the unique natural, cultural, and historical resources of Minnesota provide abundant opportunities for outdoor recreation and education, and that these opportunities should be made available to all Minnesota citizens. It further finds that the preservation and proper utilization of the state's outdoor recreational resources is becoming increasingly important to the health, welfare, and prosperity of the state's citizens because of the growing demand for outdoor recreational facilities and the spread of development and urbanization. It further finds that the outdoor recreational needs of the people of Minnesota will be best served by the establishment of an outdoor recreational system which will preserve an accurate representation of Minnesota's natural and historical heritage for public understanding and enjoyment, and provide an adequate supply of scenic, accessible, and usable lands and waters to accommodate outdoor recreational needs. An outdoor recreational system is established which is composed of natural state parks; recreational state parks; state trails; state scientific and natural areas; state wilderness areas; state forests; state wildlife management areas; state water access sites; state wild, scenic, and recreational rivers; state historic sites; and state rest areas. Standards for administering each of these various recreational units are established. (See Minn. Stat. §§ 86A.01 - 86A.11).

8. State Game Refuges

A system of state game refuges, which includes all state parks, is established and its management vested in the Commissioner of Natural Resources. (See Minn. Stat. §§ 99.25 - 99.26).

9. State Trails

The Commissioner of Natural Resources is directed to establish and operate certain trails designated by the legislature and to develop trails on state lands. The Commissioner of Transportation is charged with developing a program for an inter-connecting statewide system of bicycle trails primarily on highway rights-of-way. In addition, the Commissioner of MnDOT is directed to provide technical assistance to local units of government planning bicycle trails systems. (See Minn. Stat. §§ 85.015 - 85.021, 160.265.)

C. State Oversight of Local Land Use Authority

1. Wild, Scenic and Recreational Rivers

It is the state's policy to preserve and protect certain state rivers that possess outstanding scenic, recreational, natural, historical, scientific, and similar values. DNR may develop management plans for designated rivers, establishing allowable setbacks, structure heights, subdivision regulations, etc. Land use controls which comply with those plans must be adopted and enforced by local governments, and land may be acquired by the Commissioner of Natural Resources. (See Minn. Stat. §§ 104.31 - 104.40; 86A.05 (10).)

2. Flood Plain Management

The public interest requires sound land use development, and the flood plains of the state are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding. It is the state's policy to reduce flood damages through flood plain management, stressing such measures as zoning, flood proofing, and flood warning practices. DNR has established statewide standards specifying requirements for local zoning and subdivision ordinances

applicable to the flood plains, floodways, and flood fringe areas. The regulations set detailed structural standards for such areas. All counties and municipalities are required to have ordinances which comply with those standards for areas that are flood prone when the Commissioner of DNR finds there is sufficient data to determine the flood plain and floodway on a water-course. (See Minn. Stat. §§ 104.01 - 104.08, Minn. Reg. NR 85-93.)

3. Critical Areas Act.

The state should identify those areas possessing important historic, cultural, or aesthetic values, or natural systems which perform functions of greater than local significance, and assist and cooperate with local units of government in the preparation of plans and regulations for the wise use of those areas. The governor may designate critical areas upon the recommendation of the Environmental Quality Board, after which land use plans and regulations are prepared and enforced by local authorities with assistance from the state in compliance with minimal standards set by the state. Regulations providing general guidance on the critical areas process and the land use zoning requirements thereunder have been adopted by the EQB. (See Minn. Stat. §§ 116G.01 - 116G.14, Minn. Reg. MEQC 51-57.)

4. Shoreland Management Act

It is in the public interest to provide guidance for the wise development of shorelands of public waters and thus preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of water and related land resources. All counties and municipalities are required to adopt shoreline management ordinances, which meet statewide standards, established by the DNR and governing the placement of structures, lot sizes, land uses, etc. Shorelands include lands within 300 feet of streams and rivers and within 1000 feet of lakes. The regulations require consideration in the land use zoning which includes: soils, geology and biological features; appropriate classification of land use districts; centralization of commercial development and industrial uses; ownership;

natural and historic features and sanitary concerns. (See Minn. Stat. § 105.485, Minn. Reg. NR 82-84, Cons. 70-84).

D. Tax Policy

1. Agriculture Property Tax

It is in the public interest to equalize tax burdens upon agricultural property within this state through appropriate taxing measures (MS 273.111). Real property in agricultural use, ten acres in size or more qualifies for an ad valorem tax rate based solely on the properties use for agriculture. The assessor also makes a separate determination of market value. If the property is sold or no longer qualifies under the act, the difference between the assessed tax rate based on market value and the tax rate based on agricultural use must be paid for the last 3 years. The act also provides for deferrment of special local assessments.

2. Outdoor Recreation, Open Space and Parkland Tax

It is state policy to equalize tax burdens upon private outdoor, recreational, open space and parkland within the state through appropriate taxing measures (MS 272.112.) Real estate is entitled to special valuation and tax deferrment if it is actively and exclusively devoted to golf or skiing recreational use; five acres in size or more; and operated by private individuals and open to the public, operated by firms or corporations for the benefit of employees or guests, or operated by private clubs having a membership of 50 or more.

The real estate is valued for ad valorem tax purposes based on its recreational or open space use, exclusive of the value if converted to commercial, industrial, residential or seasonal residential use. The owner is assessed this annual tax until the property no longer qualifies for tax relief. The assessor also makes a separate determination of the market value and if the property is sold or no longer qualifies under the act, the owner must pay difference between the tax rate based on the market value

and the value of the property assessed at recreational use for the last seven years.

E. State-Level Planning and Coordination

It is in the public interest that a statewide planning agency be created to engage in a program of comprehensive statewide planning. The planning agency shall act as a directing, advisory, consulting, and coordinating agency to harmonize activities at all levels of government. The state planning agency also has the authority to classify all public and private lands in the state with reference to the uses for which those lands are adapted. (See Minn. Stat. §§ 4.10-4.25; 92.35-92.36).

F. State Technical and Financial Assistance to Local Government

There are a host of state-level activities that provide assistance to local government. Many of these -- ranging from state aid for local highways to grants for local and regional outdoor recreation facilities -- have an impact on where growth occurs. For purposes of this report, only one program that provides assistance directly and solely related to land use will be described.

1. Land Use Planning Grant Program

In order to improve the land use decision-making capability of local government, the State Planning Agency shall make grants to the metropolitan council and to towns, counties and municipalities. (Minn. Stat. §§ 4.27-4.31).

SUMMARY - MINNESOTA LAND USE POLICIES AND AUTHORITIES

The foregoing state policies and authorities provide the essential framework for land use planning in the State of Minnesota. Generally, the salient points of this set of policies and authorities are:

1) With certain significant exceptions, the fundamental public decisions relating to the type, timing and intensity of growth rest with general purpose units of local government;
2) Local land use planning and regulations is voluntary rather than mandatory;

3) Coordination of local land use planning and regulation is the responsibility of areawide planning organizations -- yet their role is almost purely advisory;

4) The seven-county metropolitan area is an exception to 1-3, above. Local land use planning and regulation is mandatory -- and must be consistent with areawide planning. Furthermore, the Metropolitan Council has the ability to review and modify public and private actions of regional significance.

5) Legislative policy enables direct, intentional state-level involvement in guiding the type, intensity and timing of growth only for selected:

    a. geographic areas or resources such as shorelands, floodplains, critical areas, water and air;

    b. uses, such as large electric generating facilities, transmission lines, large residential subdivisions, state parks, state trails, and state highways.

CHAPTER 2: IMPLEMENTATION OF STATE LAND USE POLICY

The preceding chapter presented a brief description of the existing land use-related statutory policy and authority in Minnesota. This chapter will focus on implementation of that policy and authority.

IMPLEMENTATION BY LOCAL GOVERNMENTS

Minnesota policy permits units of local government to assume the fundamental public role in determining the type, location, intensity and timing of development that occurs in the state. The legal tools available to local government in Minnesota include:

A. The Comprehensive Plan -- which contains policy statements, goals, standards, and maps and may contain plans for specific elements of the community such as a land use plan, a community facilities plan, a transportation plan and may also contain recommendations for implementing the plan. The comprehensive plan by itself has no inherent powers. It is effective only to the extent that the governing body uses it as a basis for adopting and/or modifying land use controls and when making decisions about land use.

B. The Zoning Ordinance: regulates the location, height, bulk, number of stories, size of buildings and other structures, the percentage of a lot which may be occupied, the size of yards and other open space, the density and distribution of population, the uses of buildings and structures for trade industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, and conservation of shore lines. The regulation may divide the governmental unit into districts or zones of suitable numbers, shape and area, and apply different regulations to different zones. The zoning ordinance is the basic tool in Minnesota for determining the type of use and the intensity of development that will occur on a given parcel of land. It can also influence the timing of development.

C. Subdivision Regulations include minimum physical standards and design requirements as to urban services and facilities and includes procedures for plat approval. Subdivision regulations can have an indirect effect on the type and intensity of development.

D. The Official Map, which shows existing and proposed streets, the area needed for widening of existing streets, and the location of existing and future public land and facilities. When adopted, development in

areas designated for future public ownership is prohibited or severely limited.

E. The Capital Improvement Program, setting forth the schedule and details of contemplated public improvements by fiscal year, including estimated cost and justification for each improvement.

F. Utility Extension Policy is a technique whereby the unit of government decides when and where to extend utilities and how to assess for utility extensions. Most often it deals with extension of utilities into land outside of the boundaries of the governing body adopting the policy.

G. Extraterritorial Extension of Zoning. Cities have the option to extend zoning and subdivision regulations into the area two miles beyond their city limits under certain conditions. If the city avails itself of this opportunity, it then has the power in the two mile extra-territorial area to enforce zoning and subdivision controls. The effect of using this option is the same as indicated under zoning ordinance and subdivision regulations above.

H. Annexation, which brings additional land under the jurisdiction of the municipality and thereby subject to the controls cited above.

I. Examples of Local Implementation Strategies

The tools available to units of local government in Minnesota appear adequate to enable them to control growth. The following examples illustrate local usage of these tools:

1) Hugo -- Through the planning process and capital improvement program, Hugo has developed a staging sequence for sewer lines so that local trunk lines would serve successive parcels of contiguous land. Coupled with this, Hugo adopted ordinances to protect wetlands and flood plains. Hugo also restricted growth in other areas which would not be served by sewers.

2) Eden Prairie -- This rapidly growing suburb is currently developing an overall growth policy which relies heavily upon a 5-year capital improvement program and comprehensive guide plan. Delineation of village improvements on an official map will provide a means of promoting orderly and economic development for future land uses. Residential development will be carefully phased to insure that all developable land is accorded the opportunity to develop at such times as services are available.

3) Marshan Township -- This town in the metro area is experiencing rapid growth. Through the use of zoning, the town has adopted plans for an urban district, an agricultural holding zone and an agricultural preservation zone. To implement the plan, the town subsequently adopted a zoning ordinance, subdivision ordinance, sewage disposal ordinance and highway setback and access ordinance. The town also adopted a moratorium on development during the time it was preparing the plan.

4) Brooklyn Park --This rapidly growing metropolitan suburb has been successful in guiding growth for more than 11 years. Currently almost all development is being guided to the southern third of the village. This is being done to utilize existing sewer capacity before constructing new sewer lines. When the southern third of the village is filled, the city intends to permit development to the north only as storm drainage, sewer, water and street facilities can be extended. It is the city's intent to extend these utilities in stages. The city has a comprehensive plan for sewers along with a timing and development schedule. Vacant land in the northern two thirds of the city is zoned for agricultural land use or residential development on 5 acre lots. Lack of public improvements and profitable use of the land for farming has minimized residential development in the northern two thirds of the village. The city has therefore been able to influence the timing and location of private development through its public improvement policy and other tools.

5) Moorhead -- The city of Moorhead with HUD 701 funds available through the regional development commission undertook a program to develop modern zoning and subdivision ordinances coordinated with a capital im' ovement plan to enable them to control growth at the edges of the development area.

6) Prior Lake, Worthington, Hutchinson, and Cloquet -- have all recently used orderly annexation to control growth. Orderly annexation relies upon cooperation between the city and the township in which the land is located which the city desires to annex. The two units of government agree upon the land which eventually should be part of the city. A plan is then prepared which would result in the land being annexed over a

period of years. No land can be annexed unless the city has available and is capable of providing full municipal services. Taxes in the areas annexed are increased gradually over a 3 to 5 year period from the town tax rate to the city tax rate. Planning and zoning in the areas scheduled for annexation are done jointly by the city, county, and town.

The preceding examples are illustrative of local governmental action to guide growth. There are numerous other examples in Minnesota which could have been chosen. Nevertheless, not all Minnesota units of local government experiencing growth have made full use of available legal tools to regulate growth. Some have simply not utilized the tools. Others have not utilized the tools as effectively as possible.

Given the pivotal role of local government in land use in Minnesota, the most fundamental state land use issue is the capability of local government to use available tools to deal effectively with land use problems. While some fine-tuning of the tools may be appropriate, the basic job facing the state of Minnesota is to assist local government in developing the capability to effectively use existing tools to control the location, type, intensity and timing of growth. Creation of the Land Use Planning Grant program, the Metropolitan Land Planning Act, and the Regional Development act provide testimony that this need is recognized by state policy makers.

IMPLEMENTATION BY REGIONAL (AREA-WIDE) ORGANIZATIONS

In terms of the role of areawide organizations, state land use policy as described in the previous chapter breaks out two distinct portions of the state -- the Twin Cities Metropolitan area and the remainder of the state. Within the metro area, significant powers have been granted to the Metropolitan Council. Outside the metro area, regional development commissions (RDCs) have very limited powers.

In the metro area, the Metropolitan Council probably has the broadest array of powers available to any areawide organization in the nation. Without repeating here the enabling policies and authorities relating to the Council spelled out in the preceding chapter, the linch pin of the Council's land use capability is its officially adopted development guide. The development guide specifies major commercial centers where intensive development is encouraged and serves as a general guide for the type and intensity of growth within the metro area. Linked to the development guide is an officially adopted metropolitan urban service area delineation. Major developments are discouraged outside the MUSA

line in order to retard sprawl and the demand for additional urban services.

In addition to its A-95 powers, the Council implements the development guide through policy plans that must be followed by the Metropolitan Waste Control Commission, the Metropolitan Transit Commission, and other appropriate commissions affecting the provision of urban services or impacting growth. Additionally, the Metropolitan Land Planning Act requires each local governmental unit to develop a comprehensive plan and a related implementation program. The comprehensive plan is reviewed by the Council for consistency with a Metropolitan Systems Statement. The Council may require modification of a local plan. This portion of the metro land use implementation package is not yet in place in the sense that local units of government are currently engaged in the development of required comprehensive plans. Implementation of the Metropolitan Significance Act also is incipient. The Council is currently developing rules and regulations for reviewing major development proposals for consistency with the development guide and related metropolitan plans and policies.

The effectiveness of the Metropolitan Council's activities designed to guide growth within the metro area has not been assessed. Probably several more years must elapse before they can be properly assessed -- after Council policies such as the MUSA line have been extended through the full implementation of the Metropolitan Land Planning Act and the Metropolitan Significance Act.

As the preceding chapter indicates, outside the Twin Cities Metropolitan Area state policy enables a much less powerful role for areawide organizations. Nonetheless, RDCs are in existence for the entirety of Minnesota outside the metro area. There are twelve RDCs. All are officially organized, have staff, and are carrying out work programs aimed at coordinating local, state and federal planning and development programs. Each is committed to the development of a 701 land use element.

Rapid strides are being made by several RDCs in the development of comprehensive regional plans. The full test of the RDCs ability to play a strong role in the management of growth and development probably won't occur until substantive regional comprehensive plans are brought to bear on state, federal and local proposals and plans.

IMPLEMENTATION BY STATE GOVERNMENT

This section describes the implementation of state-level policies and authorities listed in the previous chapter. Although less important than the local role in directly dealing with land use and growth, the state-level role

is less easily comprehended. There are numerous land use related programs and activities scattered through several state agencies. The operation of these programs represents the implementation of the policies noted earlier.

Taken together, these state-level programs and activities represent the State of Minnesota's land use plan and implementation program. In other words, each is a separate component of what can be construed as Minnesota's current system related to the guiding and control of growth. (As will be elaborated on later in this report, we are not arguing that this "plan" is an ideal one nor one that currently can be readily comprehended by a potential user. Nonetheless, these programs and activities comprise the state's array of tools intended to affect land use and they are being coordinated through a variety of mechanisms described later .)

Existence of officially adopted rules and regulations for a given state program or activity is the key to its implementation. By state law, rules must be adopted before any significant program can be effectuated. Criteria and implementing procedures are also laid out in detail in the rules. For example, the state power plant siting program rules and regulations contain the following criteria relating to power plant location and transmission line routing: to be used by the Environmental Quality Board.

"Power Plants

1. Exclusion Criteria

   a. No large electric power generating plant shall be sited in violation of any federal or state statute or law, rule or regulation. No area shall be selected in which a large electric power generating plant is not licensable by all appropriate state and federal government agencies.

   b. The following land areas shall not be certified as a site for a large electric power generating plant except for use for water intake structures or water pipelines: national parks; national historic sites and landmarks; national historic districts; national wildlife refuges; national monuments; national wild, scenic and recreational rivers and their land use districts; state parks; nature conservancy preserves; state scientific and natural areas; and state and national wilderness areas.

   c. No area shall be selected which does not have reasonable access to a proven water supply sufficient for plant operation. No use of ground water shall be permitted where mining of ground water resources will result. "Mining" as used herein shall mean the removal of ground water that results in material adverse effects on ground water in and adjacent to the area, as determined in each case.

d. No water shall be transferred between the four major drainage basins within the state: that is, the Missouri River drainage basin, the Mississippi River drainage basin, the Lake Superior drainage basin, and the Red-Rainy River drainage basin.

2. Large Electric Power Generating Plant Avoidance Areas (LEPGP)

a. In addition to exclusion areas, the following land use areas shall not be approved for large electric power generating plant sites when feasible and prudent alternatives with lesser adverse human and environmental effects exist. Economic considerations alone shall not justify approval of avoidance areas. Any approval of such areas shall include all possible planning to minimize harm to these areas. These avoidance areas are: state registered historic sites; state historic districts; state wildlife management areas (except in cases where the plant cooling water is to be used for wildlife management purposes); county parks; metropolitan parks; designated state and federal recreational trails; designated trout streams; and the rivers identified in Minn. Stat. § 85.32, Subd. 1 (1971).

b. Avoidance areas also apply to new transportation access routes and storage facilities associated with the plant in addition to the plant itself. Water intake structures and water pipelines shall not necessarily be prohibited from LEPGP avoidance areas.

c. The use of ground water for high consumption purposes, such as cooling, shall be avoided if feasible and prudent surface water alternatives less harmful to the environment exist. Ground water use to supplement available surface water shall be permitted if the cumulative impact minimizes environmental harm.

3. Site Selection Criteria. The following criteria shall be applied in the Selection of Sites.

a. Preferred sites require the minimum population displacement.

b. Preferred sites minimize adverse impacts on local communities and institutions.

c. Preferred sites minimize adverse health effects on human population.

d. Preferred sites do not require the destruction or major alteration of land forms, vegetative types, or terrestrial or aquatic habitats which are rare, unique, or of unusual importance to the surrounding area.

e. Preferred sites minimize visual impingement on waterways, parks, or other existing public recreation areas.

f. Preferred sites minimize audible impingement on waterways, parks, or other existing public recreation areas.

g. Preferred sites minimize the removal of valuable and productive land from other necessary uses.

h. Preferred sites minimize the removal of valuable and productive water from other necessary uses and minimize conflicts among water uses.

i. Preferred sites minimize potential accident hazards and possible effects with respect to geology.

j. Preferred sites permit significant conservation of energy or utilization of by-products.

k. Preferred sites are located near large load centers.

l. Preferred sites maximize the use of already existing operating sites.

m. Preferred sites utilize existing transportation systems unless feasible alternative systems, including new or upgraded existing substandard systems, have less adverse impact.

n. Preferred sites allow for larger rather than smaller generating capacity.

o. Preferred sites minimize adverse impact of transmission lines.

Transmission Lines

"In selecting a route and issuing a construction permit, the Board shall seek to minimize adverse human and environmental impact, maximize the efficient use of resources, and ensure continuing electric power system reliability. No route shall be designated by the Board in violation of federal or state statute or law, rule or regulation. No route shall be designated by the Board through state or national wilderness areas.

1. Designated Lands. Lands designated as state and national parks and scientific and natural areas by the Congress of the United States, the Minnesota Legislature or the Commissioner of the Department of Natural Resources pursuant to Legislative directive have been set aside for the benefit of the people and for future generations. No land within any of these designated areas shall be selected as a high voltage transmission line route by the Board unless:

   a. a route in a designated area would not materially damage or impair the purpose for which the land was designated; and ,

   b. unusual circumstances exist in all alternate routes which would be more severely detrimental to humans or the environment if any alternate were selected.

   Economic considerations alone shall not justify approval of these designated lands. In the event that such an area is approved, effort shall be made to minimize the harm to it.

2. Considerations for the Designation of a Route and Issuance of a Construction Permit. The Board shall make an evaluation of the following considerations prior to issuance of a construction permit. In its evaluation of route alternatives, the Board shall consider the characteristics of a given geographical area, identify the potential impacts

and apply methods to mitigate adverse impacts so that it may select a route with the least adverse impact.

a. Identification of Geographical Characteristics and Potential Impacts. The Board shall identify the geographical characteristics and potential impacts in the following categories:

(1) Existing and projected human settlement including but not limited to development patterns;

(2) Economic operations, including but not limited to agricultural, forestry and mining operations;

(3) The natural environment and public land, including but not limited to natural areas, wildlife habitat, waters, recreational lands, and lands of historic or cultural significance;

(4) Reliability, cost and accessibility.

b. Methods of Mitigating Impacts. The Board shall utilize the following methods in seeking to find a route with the least adverse impact:

(1) Evaluation of existing land use or management plans, and established methods of resource management;

(2) Evaluation of routes along or sharing existing rights-of-ways;

(3) Evaluation of routes along survey, natural division and field boundaries;

(4) Evaluation of structures capable of expansion of transmission capacity through multiple circuiting or design modifications to accomodate future high voltage transmission lines;

(5) Evaluation of alternate structure types and technologies."

(End of power plant quote)

For the sake of brevity, detailed criteria from rules will not be repeated here for each of the various programs or activities. Rather, a general description of the status of the program, including major features of the rules, will be discussed. Only those state policies and authorities having a relatively major influence on development are treated in this chapter.

A. Regulatory Programs

1) Air Quality

The Minnesota Pollution Control Agency (PCA) has adopted rules and regulations (APC-1-16, NPC 1-4) that regulates major industrial air polluters. When state air quality standards are exceeded, all types of growth and development may be addressed. Devel-

opment can be delayed in an area exceeding standards until pollution is reduced or the area is reclassified. Thus the PCA, through criteria contained in its air quality rules and regulations, can have a significant impact on the type, timing and intensity of growth in regions of the state. Currently, the rules place serious limitations on the ability of very major point source polluters -- such as large coal-fired electric generating facilities -- to locate in close proximity to the Twin Cities metropolitan area.

2. Water Resources and Water Quality

The Department of Natural Resources has the administrative jurisdiction over 15,000 lakes and approximately 24,000 miles of rivers and streams. It is responsible for the protection of public waters from encroachment, for the issuance of permits, for the appropriation of water for work in the beds of lakes and streams, and for bridges and crossings. It coordinates the collection of basic hydrologic data, formulates plans and programs for the improvement, protection, development, and utilization of the water resource of the state, makes reports and recommendations to state and federal agencies on proposed projects affecting waters, reports to county boards and district courts on the practicability and feasibility of plans for public drainage projects, and administers the flood plains and shoreland management programs.

The Minnesota Department of Natural Resources (DNR) has a direct impact on all types of development dependent on appropriation of water or on any type of alteration of the bed of public waters. The DNR can affect the location and intensity of development by refusing to permit water appropriations where criteria are exceeded. The DNR is currently working with counties to officially identify public waters and thereby identify those water bodies subject to state regulation.

State water quality policy applies to all waters of the state, which includes all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private which are contained within or flow through or border on any por-

tion of the state. The water quality rules of the PCA (WPC 2-34) require that any project or development that pollutes the waters of the state must meet effluent standards and standards for a given river, based on PCA's classification of designated waters in the state.

Such classifications are made in accordance with considerations of best usage in the interest of the public. Standards and criteria are adopted for both interstate and intrastate waters so defined in WPC 1-34.

The Pollution Control Agency may also establish standards for effluent or disposal systems discharging into waters of the state regardless of whether such waters are or are not classified.

All rivers in the state are given a water quality classification based on the river's existing as well as potential use. Intrastate waters are grouped into the following six classes:

i. Domestic consumption;
ii. Fisheries and recreation;
iii. Industrial consumption;
iv. Agriculture and wildlife;
v. Navigation and waste disposal; and
vi. Other uses.

Based on the river's classification, water quality standards are applied. If a river is given more than one classification, the most restrictive standards in each classification apply. If a company desires to discharge into a river, the company must meet, as of July 1, 1977, the best practicable control technology economically achievable. The discharger must also meet the secondary effluent standards set forth in WPC 14 and 15 for intra- and interstate waters, respectively. However, if water quality standards are violated even though the above effluent standards are met, the company must upgrade its effluent so that the water quality standards are not violated. If other companies are also located on that river, they, too, must upgrade their effluent.

In cases where baseline data on water quality is available for a river and the river has a higher water quality than the standards based on the river's water quality classification, the natural water quality level will become the new standards to be followed. In other words, the river cannot be degradated below

its natural state.

Pollution standards may be modified by the PCA based on evidence brought forth at public hearings if it is shown to be desirable and in the public interest to do so in order to encourage the best use of the intra-state waters or the lands bordering such waters. Functional land use plans may then play an important role in aiding the determination of water quality standards.

3. Mines and Minerals

The Department of Natural Resources administers more than five million acres of the state owned minerals rights and acts as agent for the counties and large taxing districts in leasing and administering the millions of acres of mineral rights acquired through tax forfeiture. The DNR promotes and regulates through public lease, sales and lease negotiations, the exploration and extraction of state owned minerals on these trust fund, acquired, and tax forfeited lands. It also provides for the orderly development of potential mineral areas for other types of development, and for obtaining equitable rental and royalty income from these mineral lands for the Trust Fund and other governmental units.

The DNR thus has the ability to affect mines, processing facilities and other development related to use of the state's minerals through control of mineral prospecting and the sale or leasing of minerals (NR 94, 99, 104, 109, 114). Under state mineland reclamation policy, the effects of mining on the environment, communities and land use are to be considered in granting permits. All types of metallic mining activities within the state are subject to DNR mineland reclamation approval. The DNR is currently developing mineland reclamation rules and regulations.

4. Subdivided Land Sales Practices

The Minnesota Department of Commerce, prior to approving the sale of lots in subdivisions, refers the subdivision application to the Minnesota Environmental Quality Board for review under state environmental standards. By law, this program is oriented to essentially rural subdivisions in excess of 10 lots.

5. Solid Waste Management

The Pollution Control Agency, through statewide standards and criteria (SW 1-12, 51-55, 80-83) controls the location of sanitary landfills.

6. Power Plant Siting

The Minnesota Environmental Quality Board (EQB) designates the sites for large electric generating facilities and routes for high voltage transmission lines, using statewide standards and criteria (MEQB 71-90, portions of these criteria are quoted in preceding pages to illustrate the usage of criteria and standards in state rules and regulations). Timing of energy facility development is controlled by the Minnesota Energy Agency through its "certificate of need" process.

7. Environmental Impact Statements (Environmental Policy Act)

Under statewide standards and criteria (MEQB 21-33) established by EQB, environmental impact statements are to be prepared on any major public or private action that has the potential for significant environmental effects. Although the environmental impact statement by itself is not a regulatory device, it is intended to serve as an informational document to enhance public decision-making. At the state level, EQB can require state agency withholding of permits or licenses on a given action until compliance with state environmental standards is assured. To the extent that alternatives to an action described in an EIS are considered by appropriate local and state authorities, the EIS can significantly impact the type and intensity of development.

B. Land and Facility Acquisition, Development and Management

Minnesota state government owns approximately 8.5 million acres, or 17 percent of the state. Most of this land ownership is located in the northern part of the state. Excluding tax-forfeited lands, Minnesota is the sixth largest landowner in the United States, being exceeded only by the federal government and five other states. Including tax-forfeited lands, Minnesota may be third, after the federal government and Alaska.

1. Department of Natural Resources

The Department of Natural Resources is directly responsible for the administration of about 5.2 million acres of trust fund and acquired lands, and shares with the various counties, administration of some 2.9 million acres of tax-forfeited lands. Thus, the Commissioner of the DNR administers about 97 percent of the state lands, with the remaining 3 percent administered by the Department of Transportation and various state institutions. In addition to the responsibilities for land management, the Commissioner of the DNR administers approximately 3 million acres of public waters.

The type, timing and intensity of growth on these parcels of land are directly controlled by the Department of Natural Resources. The administrative responsibilities break down as follows:

(a) Parks and Recreation

The Department is responsible for the acquisition, development, maintenance and operation of 98 parks, recreational reserves, waysides and monument sites, and 62 primitive camp sites constituting the State Parks System, totalling over 160,000 acres.

(b) Forestry

The Department has the administrative responsibility for approximately three million acres of surface lands in 56 state forests, and manages approximately two million acres of scattered state ownership outside of state forests.

(c) Game and Fish

The Department's major responsibilities for game and fish activities include the protection and management of the state's fish and wildlife resources including land acquisition and development for public hunting

grounds and for habitat development of some 900 wildlife areas, totalling 1,022,000 acres.

The Outdoor Recreation Act also administered by the DNR established an outdoor recreation system made up of natural state parks, recreational state parks, state trails, state scientific and natural areas, state wilderness areas, state forests, state wildlife management areas, state water access sites, state wild and scenic, and recreational rivers, state historic sites, and state rest areas. Standards have been developed for administering each of these various units.

2. Minnesota Historical Society

The Minnesota Historical Society administers the state historic sites. All of the other units in the system are administered by the Department of Natural Resources. A process of completion of classification of existing units according to the outdoor recreation system is currently underway, as is master planning of state parks and wildlife management areas.

3. Department of Transportation

The newly created Minnesota Department of Transportation (Mn/DOT) has assumed the previous role of the now defunct Highway Department in constructing, improving and maintaining public highways. It also assists counties and cities in performing the same functions (state aid to counties for highways for the current biennium is approximately $320 million and $100 million to municipalities. State level highway biennial expenditures -- exclusive of federal funds -- are approximately $160 million). Obviously, highways have a profound impact on the location, intensity and timing of development. While the basic highway system is now in place in Minnesota, the pattern of expenditure for state and state-assisted highway upgrading and new construction will continue to have a significant impact on development patterns.

The DOT also administers programs to assist mass transit, airports and railroad lines, subject to state standards. These functions can also have a significant impact on development patterns.

The DOT by law is required to develop a comprehensive statewide transportation plan. This plan, currently being drafted, is discussed in more detail below.

C. State Oversight of Local Land Use Authority

1. Wild, Scenic and Recreational Rivers

To be eligible for inclusion in the Minnesota Wild and Scenic River System, a river or segment of a river, and its adjacent lands must possess outstanding scenic, recreational, natural, historical, scientific, or similar values. The river or its segments are classified into one or more of the three classes of rivers, Wild, Scenic, and Recreational.

(a) Wild rivers are those that exist in a free-flowing state with excellent water quality and with adjacent land that are essentially primitive (see NR 78 (f) (1) for definitions).

(b) Scenic rivers are those rivers that exist in a free-flowing state and with adjacent lands that are largely undeveloped (see NR 78 (F) (2) for definitions).

(c) Recreational rivers are those rivers that may have undergone some impoundment or diversion in the past and that may have adjacent lands which are considerably developed, but that are still capable of being managed so as to further the purpose of the Wild, Scenic, and Recreational Rivers Act. (see NR 78 (F) (12) for definitions).

The State has established standards and to provide minimum requirements for the selection, classification, management and control of Wild, Scenic and Recreational Rivers and their land use districts. The Standards and Criteria in NR 78-81 pertain to public waters and to public and private lands within the land use districts as defined in the management plan. The extent of the lands covered is a corridor with a maximum

of 320 acres for each mile of river or river segment designated by the Commissioner of Natural Resources as components of the Minnesota Wild and Scenic Rivers System.

Type of use for each class of river is addressed by criteria on permitted uses, conditional uses and types of development that may be prohibited. Intensity of development is affected by standards relating to lot size, density, setbacks and placement and height of structures. Local governments must adopt or enforce land use controls consistent with DNR management plans, which in turn must be consistent with state standards. In the event a local government does not adopt consistent land use controls, DNR may adopt them for the unit of local government.

Administrative rules and regulations require that all state, local and special government units, councils, commissions, boards, districts, agencies, departments and other authorities exercise their powers as to further the purpose of the Minnesota Wild and Scenic Rivers Act and management plans adopted thereunder. In addition, land owned by the state, its agencies and subdivisions shall be administered in accordance with the management plan.

To ensure consistency, a review and certification process for certain local land use decisions has been established. This process includes a review of the amending of ordinances, granting of a variance and approving of plats inconsistent with the local ordinance (see NR 81).

Presently, portions of the following rivers are designated as wild, scenic or recreational: Kettle River, Mississippi River (upstream from the Twin Cities Metropolitan Area) North Fork of the Crow River, Minnesota River (Lac Qui Parle to Franklin) and the Rum River.

In addition portions of the following rivers are under study for potential inclusion in the program: Cannon River, St. Louis

River, Cloquet River, the Lower Minnesota River, the Lower Crow River and the Snake River.

2. Floodplain Management

Minnesota's flood plain policy to guide development of floodplains of the state and to encourage local floodplain ordinances pertains to all watercourses where the drainage area is over two square miles and where a watercourse having a drainage area under two square miles has significant flood hazard.

Flood plains are the areas adjoining a watercourse which have been or hereafter may be covered by the regional flood. A regional flood is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrent interval. Flood plains consist of "flood fringe" and "floodway areas." The "floodway" is the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood. The "flood fringe" is that portion of the flood plain outside of the floodway. For regulatory purposes, the regional flood serves as the basis for delineation of flood plain and floodway areas.

DNR has established statewide standards (NR 85-93) specifying requirements for local zoning and subdivision ordinances. Statewide criteria set detailed structural standards for all types of development on flood plains, floodways and flood fringe areas.

Type of developments that may take place in flood plains are regulated by statewide standards which are adopted through local ordinances. Allowable uses are those having a low flood damage potential as summarized in the policy section and outlined in detail in NR 88. Generally, permitted uses are:

(a) Floodways

Permitted uses include those having a low flood damage potential such as agricultural uses, recreational uses, parking lots, loading areas, storage yards, airport landing strips, certain sand and gravel operations, water control structures, navigation facili-

ties, and other open space uses. Accessory structures, channel and harbor connections, and public utilities are allowed under the conditions of NR 88 (b)(2-4).

(b) Flood Fringe Areas

Residential, commercial, manufacturing and industrial, public utilities, roads, and bridges and the storage of materials are permissible uses provided they comply with NR(c)(2-6).

(c) Nonconforming Uses

Local floodplain management ordinances may provide for the gradual elimination of non-conforming uses within the floodway. Non-conforming uses in the flood fringe may continue provided they will not have an unduly adverse affect on flood flows.

The intensity of development in flood plains may be significantly affected by Minnesota's flood plain regulations. Permissible encroachments on the flood plain are limited so that they will not cause an increase in the stage of the regional flood of more than 0.5 feet in any one reach or for the cumulative effect of several reaches of a watercourse. This standard which can be adjusted by the Commissioner of the DNR will affect the amount of allowable fill, the areas of land that can be raised above flood plain elevations and ultimately the intensity of residential, commercial, and industrial development.

Minnesota flood plain regulations state that no vacant flood plain land shall be occupied or used and no building erected, altered or moved shall be occupied until certification is received from an appropriate local official that such structures are in compliance with flood plain zoning provisions.

Further, NR 88c(1) states that all flood plain developments within designated flood fringe areas shall be compatible with local comprehensive plans. All local units of government must also provide for control of the development and use of flood plains in flood hazard areas by adopting specific regulations and measures when practical to provide comprehensive flood plain management. These measures include flood plain land subdivision, building codes, and sanitary regulations (see NR 89). State agencies and local units

of government are required to comply with these regulations when constructing public facilities.

Currently, municipalities and counties have flood plain ordinances that comply with DNR flood plain regulations. An impediment to wider implementation has been DNR's difficulty in determining the flood plain and floodway on watercourses in the state. Units of local government need not adopt ordinances complying with state flood plain regulations until the Commissioner of DNR has made a determination of the flood plain.

3. Critical Areas

In a designated critical area, under EQB rules (MEQB 51-57), units of local government prepare land use plans and regulations in compliance with standards developed by EQB for that area. A moratorium on development for up to 3 years can be imposed while plans and ordinances are being developed. Local ordinances are approved by the EQB.

Two areas of the state -- the Lower St. Croix and the Mississippi River Corridor in the Twin Cities metropolitan area -- have been designated as critical areas. The designation of the Lower St. Croix in 1974 essentially halted development in a 440 yard corridor on the Minnesota side until a management plan could be developed.

The Plan for the Lower St. Croix provided minimum standards and criteria for the management and development of that portion of the river. However, since existing pressures and recreational facilities already resulted in heavy use, the plans basic goal was to preserve, rather than develop. These regulations, which were adopted and implemented by the local units of government in the area, designate types of land uses compatible with the St. Croix riverway; provide minimum lot sizes; govern placement of structures in relation to shorelines, slopes and bluff lines, govern height and color of structure; alteration of natural shorelands and blufflands; type and placement of sanitary and waste disposal facilities, subdivision of shorelands and blufflands; regulate marinas and other intrusions in public waters. These regulations will help guide development in this area and protect the scenic and recreational resources of the St. Croix.

The Mississippi River Critical Area was designated in the fall of 1976 -- the state's second critical area and the nation's first

urban critical area. It is a corridor varying from a width of 300 feet to 3 miles through the seven-county Twin Cities Metropolitan Area.

In this case, the recommendation was initiated by the Metropolitan Council, the Twin Cities area regional government. Interim regulations were approved with the designation order; however, no comprehensive plan was developed prior to designation. This plan is being developed by the local units of government involved (20 municipalities, 4 townships, 3 counties) with planning grants from the state. As each plan is completed, the interim regulations promulgated by the Metropolitan Council will be dropped. The Critical Areas Act itself will no longer apply when all the final plans are approved by the state Environmental Quality Board. The EQB also will review the plans every two years.

To aid local governments in preparing plans and regulations, the Metropolitan Council has developed a set of standards and guidelines for management of the Mississippi River Corridor. Basically these guidelines provide for management of the river as a multiple purpose resource by 1) maintaining the river channel for transportation, 2) conserving the scenic, environmental, cultural, and historic resources and functions of the river corridor, 3) providing for the continuation and the development of a variety of urban uses, 4) utilizing certain reaches of the river as a source of water supply and as a receiving stream for properly treated sewage and industrial waste effluents.

The guidelines establish various use districts within the corridor and set minimum use standards for local governments to meet in developing their local plans. Included in the minimum standards are mandatory inventories of such elements as floodplains, wetlands, steep slopes, soils not suitable for on-site waste disposal, significant vegetative stands and natural drainage routes. In addition, timing of growth is addressed through a requirement that local units of government and regional and state agencies develop a 5-year capital improvements plan to public facilities to be sited in the corridor. The CIP must also specify the sequence of actions to be undertaken by each public agency.

The Metropolitan Council will review all plans and send them to the EQB with its recommendations. Within 45 days, EQB will review plans and either approve them or return them to local units for modifications. Provision is made to re-evaluate and update plans on a regular basis.

4. Shoreland Management Act

Under DNR rules (NR 82-84, Cons. 70-84) all counties and municipalities must adopt shoreland ordinances for lands within 1000 feet of lakes and 300 feet of streams and rivers. These ordinances must meet DNR criteria relating to placement of structures, lot sizes, land uses, etc.

The type of development on shorelands is affected through a classification system for public waters which is based on the suitability of each lake or stream for future or additional development and the desirable level of development. The classification, determined by the Commissioner of the DNR, consists of Natural Environment Lakes and Streams; Recreational Development Lakes and Streams; General Development Lakes and Streams and Critical Lakes. Administrative rules and regulations indicate the types of land uses for each class of shoreland and the preservation of natural shorelands through the restriction of land uses. Permissible land uses are detailed in a model ordinance. Cons. 77 (2.3-2.6).

Shoreland regulations do not specifically establish time tables for the development of shoreland, but particular land uses can be restricted from certain land use districts. Further, the model ordinance prohibits subdividing lands if they are held unsuitable by the county for the proposed use due to limitations for development, severe erosion, unfavorable topography, inadequate water supply or sewage disposal or other features likely to be harmful (Cons. 74). Shoreland alterations also require a permit from the Department of Natural Resources.

The intensity of shoreland development is affected by various restrictions relating to sanitary regulations, lot sizes and other land use zoning and building code restrictions outlined in the model shoreland ordinance (Cons. 72-77). Typical examples of such standards affecting intensity of development include

the following:

(a) Zoning Provisions - Cons. 73

(i) Lot Size

... For Natural Environment Waters 80,000 square feet, at least 200 feet at building and water line.

... For Recreational Development Waters 40,000 square feet, at least 150 feet at building and water line.

... For General Development Waters 20,000 square feet, at least 100 feet at building and water line.

(ii) Structure Setbacks

... On Natural Environment Waters, at least 200 feet from normal high water mark.

... On Recreational Development Waters, at least 100 feet from the normal high water mark.

... On General Development Waters, at least 75 feet from the normal high water mark.

(b) Sanitary Provisions - Cons 72 (a)

Septic Tank and Soil absorption systems

... On Natural Lakes and Streams, at least 150 feet from shore

... On Recreational Development Lakes, at least 75 feet from shore

... On General Development Lakes and Streams, at least 50 feet from shore

Presently each of Minnesota's 87 counties has adopted DNR approved shoreland management ordinances. With amendment of the act to include municipalities as well as counties, municipalities are in the process of gearing up to produce shoreland ordinances. The shoreland of 9,692 lakes in unincorporated territory is controlled through shoreland ordinances. Shoreland of an additional 907 lakes will be affected under the municipal shoreland ordinances.

D. Tax Policy

1. Agricultural Property Tax Law

The primary thrust of the "Green Acres" program is property tax relief for farmers. The preservation of agricultural land is a secondary goal. The law provides for the differential assessment of farm real estate (which meets certain qualifications) according to its farm use value rather than its market value. The law also provides for the deferral of special assessments against Green Acres property until such time as the property is no longer used for agricultural purposes.

The law has been utilized, as expected, almost exclusively in near-urban areas where market values differ substantially from agricultural use values. In 1977, sixteen Minnesota counties, twelve within or adjacent to the seven-county Twin Cities Metropolitan Area, had enrollees in the program. Slightly less than 1 million acres received tax deferrals in 1977, with parcels ranging in size generally from 10 acres to 640 acres. In most counties, the average size parcel was under 80 acres.

There is mixed opinion on the effectiveness of the program. It appears to have worked quite well to provide tax relief to bona fide farmers who wish to continue farming in the urban shadow. There is also evidence that tax relief has gone to speculators, developers and "hobby farmers" as well. The program appears to have had little impact on the secondary goal of preserving large blocks of good agricultural land on a long-term basis. It may have had a deleterious effect on an orderly development process in some localities. Several attempts have been made to amend the Green Acres Law. Most revisions have attempted to relate enrollment in the program with the implementation of the local comprehensive planning process in some manner. Other bills have also been proposed with the primary objective of long-term agricultural land preservation.

2. Open Space Property Tax Law

A companion bill to Green Acres, this program provides for assessment of property according to its value as private or public outdoor, recreational, open space or park land without regard to its development potential. It is currently applied to golf courses and ski areas. As in Green Acres, differential assessment is utilized for property tax purposes, but unlike Green Acres, special assessments may not be deferred. No statewide reporting is required but, apparently, use of the program has been uneven. In Dakota County, in the Twin Cities Metropolitan Area, one golf course was enrolled in 1976; in 1977, all thirteen of the golf courses in the county will be enrolled.

E. State Planning and Coordination

See the following chapter "Coordination" for a discussion of implementation of state level planning and coordination.

F. State Technical and Financial Assistance to Local Government

1. Financial Assistance

During the 1976 session of the state legislature, the Land Use Planning Assistance Act was adopted and sent to the State Planning Agency and the Metropolitan Council for implementation. Under provisions of the Act, $2.5 million was appropriated for grants to towns, counties, and municipalities "to improve the land use decision-making capability of local government." Of the $2.5 million, $300,000 is set aside for planning by local units in designated critical areas and the remaining $2.2 million is divided equally between the Metropolitan Council and the State Planning Agency.

The legislature recognized that land use problems frequently occurred where the capability of the local unit to manage the problems associated with land use control was limited. The Land Use Planning Assistance Act was conceived of as one way to assist local units of government by providing revenues whereby they could expand their capability. This can be accom-

plished by expanding local staff, contracting with other units to share staff, or by hiring a planning consultant. In all cases, the governing body planning commission are expected to become involved in information meetings, workshops, seminars, or training programs to increase their understanding of the process and improve their capability as well.

Rules and regulations for implementation were approved following a public hearing. According to the regulations, work carried out with the grants must be used by the local unit of government to:

1. manage land use problems resulting from rapid population growth or decline, potential development in environmentally sensitive areas, or the addition or elimination of a major state or federal facility;

2. assist neighborhood organizations in cities of the first class to do land use and related planning or;

3. analyze and prepare plans to preserve and protect agricultural lands.

The Land Use Planning Assistance Act should be extremely helpful to local government units attempting to deal with the type, intensity and timing of growth and the enforcement of state policies. Examples of the types of projects to guide and control major growth decisions are illustrated in the following table:

APPLICANT:	REASON FOR GRANT:	EXPECTED RESULTS:
Norman County	Population loss of 11.1% between 1960 and 1970. Scheduled construction of Federal Dam on Wild Rice River with resulting flood plain and recreational impact.	Land use goals and plan impact area, Wild Rice River corridor plan, and local ordinance implementation as required.
Crookston Township	Uncontrolled land development. Potential development along the Red Lake River. Potential impact of water impoundment site in township.	Management System to administer and update proposed ordinances. Develop land use policies. Assessment of impact of water impoundment development.
Stuntz Township and St. Louis County	Rapid population growth (46% increase over 1970) as a result of the expansion of the taconite industry and potential development within environmentally sensitive areas.	Land use goals, objectives, and a plan for guiding future development. The use of the County zoning ordinance as an implementation device. Rationale for potential annexation/consolidation/incorporation study.
Missabe Intergovernmental Project(Eveleth, Virginia Mt. Iron)	Rapid economic and population growth as a result of the taconite industry expansion. Potential development in environmentally sensitive areas.	Eliminate potential land use conflicts through joint efforts. Development of acceptable land use plans and increase local official decision-making capability.
Koochiching County	Rapid development of seasonal and year-round developments in environmentally sensitive areas (water bodies). Addition and impact of the Voyageur National Park and protection of agriculture and timber lands.	Land use plan with locational alternatives. Development of plan for services and capital improvements program. Development and modification of ordinances and other plan implementation devices.
City of Duluth	Deterioration of water quality because of urbanization of upland stream headwaters. Loss of population and deterioration in the area. Shift in economic base from heavy industry to service industry. Dramatic increase in housing demand.	Sketch plan for West Duluth Commercial area. Sketch plan for the Gary-New Duluth Neighborhood. Prepare plan for Western Waterdronz Trail. Implement a Neighborhood Citizen Organization Plan. Prepare a Mobile Home Park Ordinance.
Barnum	Rapid population increase since 1970 with resulting negative effect on ability to service this growth. Commercial development impact of I-35	Revision of comprehensive plan and capital improvement program for orderly servicing of new developments. Improve storm water drainage into Bear Lake.

APPLICANT:	REASON FOR GRANT:	EXPECTED RESULTS:
Detroit Lakes	Rapid population growth within city fringe area and in seasonal residents. Impact of experimental Federal solar generating plant.	Development of land use program Develop time table for annexation. Capital improvements . program for utility extensions Updated zoning and subdivision ordinances.
Fergus Falls	There is a lack of coordination of land use controls between the city and surrounding townships, with most of the growth in the township and the city providing the services.	Suburban areas will be inventoried to assist the cities and townships set goals and policies. Zoning revisions will be made where necessary.
Clay County City of Moorhead	Loss of prime agricultural land due to residential and commercial development outside corporate city limits. Rapid population increase in surburban areas has caused five townships to declare moratoriums on development.	A land use plan for the county. Revision of zoning, subdivision shoreland management and sanitary codes. A delineation of future arterials through official mapping.
Pine River/Chickamaw Beach	Rapid growth of seasonal developments around environmental sensitive lakes and rivers with accompanying sewage disposal problems.	Review and update of an area-wide land use plan with accompanying ordinances--including shoreland management ordinances.
Mille Lacs Lake Watershed Crow Wing County, Aitkin County, Mille Lacs County	Extensive lakeshore development and tourist related activities. Pollution of many water supplies in the Mille Lacs Lake Watershed.	Identification of pollution sources and the extent of the contamination. Determination of what development factors contribute to the pollution.
City of Cross Lake	Rapid growth in environmentally sensitive areas.	A Community Development Plan which includes a recreation plan, transportation plan, community facility plan, and capital improvement program Prepare subdivision ordinances
City of Wadena	Rapid population increase. Proposed bypass of HWY 10	Land use study. Revision of zoning and subdivision ordinances.
Little Falls	Rapid population growth along the Mississippi River and in the surrounding townships. Trunk Highway development affecting land use within the city.	Update Comprehensive Plan. Revising Zoning Ordinance. Prepare Orderly Annexation Pla Prepare Land Use and Marketability study.

APPLICANT:	REASON FOR GRANT:	EXPECTED RESULTS:
City of Waverly	Rapid population increase and environmentally sensitive areas.	Updated comprehensive plan and zoning ordinance. Suitable shoreland management and development standards. Utility routes to service the community area.
Sherburne County	30% increase in population from 1970 to 1974. Rapid growth is creating pressure to subdivide or otherwise develop agricultural land and environmentally sensitive areas.	Development of a policy plan. Ordinances will be revised to improve administrative procedures and to recognize recent trends in State and Federal energy conservation and environmental concerns.
Wright County	Rapid population increase and environmentally sensitive areas along the Mississippi, Crow and North Crow Rivers and Pelican Lake.	A new County Zoning Ordinance and zoning maps. An administrative handbook.
Cold Spring	Rapid population and economic growth as a commuter community for St. Cloud Highway improvements in area. Concern over Sauk River.	Development of land use policies and comprehensive plan with ordinances--including flood plain and shore land provisions.
Benton County	Economic decline but population growth in rural areas. Agricultural land encroachment development in such environmentally sensitive areas as Little Rock Lake and the Mississippi River.	Development of land use policies and plan. Development of policies and control to retian high quality environment
Paynesville	Rapid population growth (9.1% increase between 1960 and 1970). Potential development in environmentally sensitive areas (North Fourth of Crow River and Lake Koronis). Development due to Highway 23 improvements.	Development of land use policies and plan. Update and improve land use ordinance, shoreland ordinance, and flood plain regulations.
Branch/North Branch	Very rapid population growth (84.2% and 49.2% growth respectively since 1970) and loss of agricultural land. Development pressures on Chain Lake area and Sunrise River. Problems associated with lack of utility planning.	Establish a compatible land use arrangement with appropriate area for suburban/urban development. Establish efficient service delivery areas. Retention of natural water and wildlife areas.
Cambridge	Rapid population growth (93% increase between 1950 and 1970). Shoreland problems and the proposed designation of the Rum River as a wild or scenic river.	Update the comprehensive plan to include updated ordinacnes, flood plain and shoreland requirements, and protection of the Rum River.

APPLICANT:	REASON FOR GRANT:	EXPECTED RESULTS:
Mille Lacs County	Rapid population growth (9% increase between 1970 and 1973). Urban encroachment into agricultural land. Development in such sensitive areas as Mille Lacs Lake and Rum River.	Update the comprehensive plan to include policies covering the protection of agricultural land and shorelands. Zoning ordinance will be rewritten.
Onamia	Concern over protection of proposed designation of Rum River as a wild and scenic river and Lake Onamia. Rapid population growth in and around Onamia.	Preservation of environmentally sensitive areas (Rum River and Lake Onamia). Future growth guided and controlled by a comprehensive plan and ordinances.
Kanabec County	Rapid population growth (16% increase since 1970). Haphazard development of prime agricultural land. Development of environmentally sensitive lakes and rivers.	Develop a growth management system to provide development alternative and specific recommendations and controls for environmentally sensitive areas.
Isanti County	Rapid population growth (a projected increase of 123.4% between 1970 and 2000). Development taking place in agricultural land and environmentally sensitive areas. Proposed designation of Rum River as a wild and scenic river.	Provide an adequate growth management planning system with revised ordinances. Regulations for Rum River as a wild and scenic river, and standards for agricultural land protection.
Chisago County	Rapid population growth in rural areas of county (23.5% since 1970). Lack of appropriate controls on environmentally sensitive areas. Loss of productive farmland.	Plan areas for urban/suburban development. Preserve productive farmland with development controls. Coordinate county/city/township planning.
Lindstrom/Chisago City	Rapid development around five lakes area with accompanying sewage disposal problems and unstable lake levels.	Development of a coordinated growth management system and plan based on service potential of existing sewer and water systems.
City of Jackson	Land use and service impact of I-90. Flood plain problems on the Des Moines River.	Development of plan for area along I-90 with orderly annexation, capital improvements, etc. Development of plan and controls for flood plain area.
Jackson County	Rapid population increase in unincorporated areas and concern to preserve prime agricultural land. Pressure on shoreland and Des Moines River Corridor. I-90 has created special problems.	Change comprehensive plan where necessary. Revise Zoning Ordinance Combine Shoreland, Floodplain and Subdivision Ordinance into one Ordinance.

APPLICANT:	REASON FOR GRANT:	EXPECTED RESULTS:
Marshall	Rapid population growth (over 100% in last 10 years). Redwood River flood plain considerations. Effects of Southwest State University on the city.	Improved land use planning and management capability. Develop land use plan with appropriate controls.
Nicollet County	Construction pressures along the Minnesota River Corridor as well as pressures at the interchange of Highway 14 and 169, which are in the River Corridor. Also three large natural environment lakes have been affected by drainage projects.	Delineate environmental corridor. Inventory physical characteristics and existing land use. Prepare policy plan. Revise zoning and subdivision ordinances where necessary.
Blue Earth City	Orderly annexation agreement with township includes land in the environmentally sensitive Blue Earth River floodplain and scenic bluffs. Completion of I-90 and relocated interchange of US 169 and I-90 requires land use decisions	A development guide and policy plan. A new zoning ordinance. An engineering study for utility extensions. Study of traffic flow patterns in area of US 169.
City of Fairmont	Rapid commercial and industrial growth because of I-90. Rapid population increase is threatening the environmentally sensitive low land creek area and Buffalo Lake.	Zoning map of the area. Orderly annexation agreement. Establish an environmental corridor. Prepare a street plan. Prepare a utility plan. Capital expenditure plan for the area. Subdivision requirements.
Faribault County	I-90 traverses the county in which there will be five interchanges. There is a desire to preserve prime agricultural land.	A land use plan for the interchange. Revised zoning ordinances. New subdivision ordinance.
Mankato Township & Blue Earth County	Estimated population increase of 68% between 1970 and 1975 in township. Growth occurring in environmentally sensitive areas along the LeSueur & Blue Earth Rivers and Indian Lake. Loss of prime agricultural land.	Develop a policy plan. Develop an administrative manual, including forms, fees, procedures, etc. Develop an annexation plan.
City of Mankato	Anticipated demand for a variety of uses along the corridor of new Highway US 14.	Revised Land Use Plan. Revised zoning and subdivision ordinances.
City of New Prague	Rapid population growth and land speculation are threatening environmentally sensitive and prime agricultural land. Problems extend into two townships with which the city has orderly annexation agreements.	A land use plan for growth areas. A utility plan for extension of services. A street plan. Zoning and subdivision ordinances for growth areas. Designation of environmentally sensitive areas. A joint capital expenditure plan.

APPLICANT:	REASON FOR GRANT:	EXPECTED RESULTS:
Winona County	Rapid housing growth in rural areas is bringing development pressures on the environmentally sensitive Mississippi River bluff areas and valuable agricultural land on flat bluff tops.	Write a bluff preservation ordinance. Identify prime agricultural lands and prepare ordinance to assure their preservation. Strengthen environmental control.

2. Technical Assistance

Further, the Minnesota State Planning Agency also provides technical assistance to local, general purpose governments through the development of model land use planning and management or ordinances and informational documents. The publications are provided without charge to any individual requesting them.

The publications currently available deal with:

1. Comprehensive Planning
2. Interlocal Cooperation
3. City Zoning Administration
4. County Zoning Administration
5. Land Use Planning & Zoning for Minnesota Townships
6. Municipal Planning Act
7. County Planning Act
8. Subdivision Control for Communities
9. Capital Improvement Programming
10. Downtown Improvements
11. Tax Increment Financing

The Minnesota State Planning Agency also has a large number of land use management slide/tape shows and workshops that it can make available to local general purpose governments in Minnesota.

A more detailed description of each publication, slide/tape show and workshop can be found in the State Planning Agency Publication entitled: Publications Slide/Tape Shows, Workshops Available From OLUA and may be obtained upon request.

The above resources have been developed in order to strengthen the capacities of local units of government to more effectively carry out their statutory mandated land use planning responsibilities; and, as such, constitute one of the most important and effective land use planning implementation mechanisms available to the State of Minnesota.

G. State-Level Studies and Special Planning Efforts

All of the foregoing state-level land use activities can be considered as long-term policies of the state of Minnesota. Each one has been fashioned by the ultimate policy-making body in the state and enacted into law. In addition to these long term policies, there are several state-level studies or planning efforts that relate to land use. These studies and planning efforts may lead to the development of new long-term land use policies or to refinements in the application of existing policies. Each may be expected to impact the location, type, timing, and intensity of development.

1. Section 208 Water Quality Planning

The Federal Water Quality Act of 1972 requires each state to carry out areawide water quality management planning for the entire state. The 208 section is basically aimed at controlling non-point source pollution with the goal of having "fishable, swimmable" water by 1983.

Two organizations are responsible for the development of 208 Water Quality Management plans for the state. The Metropolitan Council has been designated to perform this function for the Twin Cities Metropolitan Area, and the State Pollution Control Agency is in charge of 208 planning for the rest of the state outside the TCMA. The Metropolitan Council, with limited funds, will concentrate on completing the point source pollution program while providing an overview of non-point source problems in the metropolitan area. The Pollution Control Agency's program focuses on non-point source pollution problems and solutions for the remainder of the state.

The development of a water quality management plan is to proceed in three stages. The first stage will be an analysis of non-point source impacts on water quality over the State, an analysis of how these impacts can be reduced and at what costs, and what authorities and capabilities presently exist to do this.

2. Minnesota Coastal Zone Management Planning

Nationwide concern for coastal areas resulted in the Coastal Zone Management Act passed by Congress in 1972. By Executive Order, the Governor authorized the State Planning Agency to apply for coastal zone funds and to coordinate Minnesota's Coastal Zone Planning Program. The purpose of the program is to identify and plan for the social, economic and environmental needs of the North Shore of Lake Superior, an area of concern to the entire state, especially for its scenic and recreational resources. The initial planning area was defined as the Lake Superior watershed which lies in the southern part of Lake, Cook, and St. Louis counties, a strip of land about 200 miles long and 10-20 miles wide, extending from Duluth to the Canadian border. A final, narrower boundary has been set relating CZM to the State Shoreland Management Act.

The federal legislation requires six essential elements in the plan: identification of boundaries; a process for defining appropriate land and water uses in the Coastal Zone; an inventory and designation of geographic areas of particular concern; an evaluation of the adequacy of state and local regulations to manage the land and water uses properly; a designation of permissible uses within specific areas throughout the Coastal Zone; a description of the inter-governmental arrangements necessary to develop and maintain an effective and coordinated management process.

3. Outdoor Recreation Planning (SCORP)

The State Comprehensive Outdoor Recreation Plan (SCORP) is required by the Federal Bureau of Outdoor Recreation in order for Minnesota to qualify for federal outdoor recreation funding (LAWCON). The current SCORP plan was done in 1974 and received the maximum 6-year term before mandatory updating. One segment of the plan is scheduled for updating during the coming year. A new summer and winter user survey is underway to update the last one completed in 1967.

The purpose of SCORP is to provide a guide and framework for the management, protection and development of the entire outdoor recreation system, both private and at all levels of government. This purpose is to be accomplished through the presentation of background information, outlining of needs and deficiencies, the setting of priorities and by presenting alternatives for action. The regional inventory and survey of recreation facilities includes both public and private facilities; and the deficiencies and surpluses are allocated to the private domain and to the various levels of governmental units, federal, state and local. An action plan, for a 10-15 year period, is also included in the process.

4. State Framework Water and Related Land Resources Plan

The Minnesota Water Planning Board and its cooperating agencies (Departments of Agriculture, Economic Development, Health and Natural Resources, the Minnesota Energy Agency and Pollution Control Agency, and the Soil and Water Conservation Board, along with the Minnesota Geological Survey and the State Planning Agency) have delineated three closely related problems which must be addressed in determining how to make the best use of water resources now and in the future. First, the most appropriate and best means of allocating water resources among several competing uses must be identified. Second, the manner in which government manages the water resource to protect both the source and the interests of inplace users must be determined. Third, the type of information that is necessary and a means of gathering, distributing, and maintaining it so appropriate facts are brought to bear on state decisions must be identified.

The Board has begun a three-phase approach to developing alternatives for making the best use of water resources. Phase I has identified available information on water and related land resources and the major uses of the state's waters. In Phase II, the Board is providing a forum for discussion of water issues and is analyzing these issues so alternative approaches can be developed in a planning process made open, responsible and under-

standable through continuous citizen contact. This contact was initiated through a series of public meetings held throughout the state and will be maintained through citizen committees of the regional development commissions and through a Special Interest Advisory Committee of environmental groups, industries and others. Phase III will involve the compilation of options and alternative approaches to water management; a series of statewide hearings to get the public's reaction to the alternatives; and submission to alternatives to the Governor and the Legislature prior to July 1, 1979.

5. State Transportation Plan

In 1976, the State Legislature created the Minnesota Department of Transportation. Mn/DOT combined the former Highway and Aeronautics Departments with the transportation sections of other state agencies. Consequently, one agency, Mn/DOT, is now responsible for most of the transportation functions and duties performed at the state level. These range from administering grants to maintaining transportation facilities owned by the State.

To ensure that transportation needs of Minnesota are met in an efficient, effective manner, the legislation creating Mn/DOT required the Department to prepare a state transportation plan. The plan is to include all modes (air, pipeline, auto, truck, bus, bike, rail, water) and is to guide the Department in making decisions regarding project selection and funding.

The plan is seen as a "framework for action" and as a way to achieve an efficient and economical transportation system. The plan has six basic uses:

- assure public involvement in the development of transportation improvements;
- inform the citizens of Minnesota how the Department of Transportation makes transportation decisions;
- provide a list of transportation projects that will be built over the next two years;
- explain the relationship between the various transportation modes;

- explain sources of funding for transportation improvements; and
- state the Department of Transportation's positions on a variety of transportation topics.

The draft Transportation Plan, which is to be completed in the Spring of 1978, includes seven chapters which can be summarized as follows:

Introduction:	Explain plan impact on Mn/Dot operations; the plan's relationship to Chapters 174 and 15 requirements; the process for utilizing and updating the plan.
Mode Status:	Describes the transportation system currently in existence in the State, and identifies some major issues within that system.
Mn/DOT Planning Process (overview)	The planning process involves issue analysis followed by policy development, or program development and project planning. These components and their relationship to one another are explained in this chapter.
Process for developing position statements on transportation issues:	Particular emphasis will be accorded several factors early on in the planning process, namely, multi-modal coordination, effective public participation and identification and analysis of environmental effects. Emphasis will shift from an exclusively statewide approach to concern for sub-area and major route studies. Project development includes a study of the goals and objectives of the project and location and design studies which result in the develop-

	ment of construction plans.
Strategy for Selecting Projects:	Project identification results in in project's inclusion in either the biennial capital improvement or grant-in-aid programs. Specified priorities including financial and safety concerns provide the basis for the selection of specific projects to be implemented.
Financial Mechanisms:	Alternative means and levels of funding are available to Mn/DOT. This chapter discusses those alternatives.

6. Copper-Nickel Study

In response to an INCO proposal for copper-nickel development near the Boundary Waters Canoe Area and an AMAX proposal for major copper-nickel exploration, EQB subsequently determined the need for a regional EIS. The intent of the EIS requirement was to assess the overall physical, social and economic impacts of potential copper-nickel development on the entire region.

Because of budget constraints, the program was scaled down from a full-scale EIS to a regional study. This study, which is presently in its final year includes an assessment of a wide range of possible impacts, socio-economic as well as physical. Pre-mining baseline monitoring of air quality, noise and surface water quality, as well as baseline data collected on hydrology, aquatic biology, fisheries, terrestrial biology, geology and public health is being conducted. Baseline community profiles are also being done. Special studies on plant pathology, bioassays, tissue analysis and leaching are also included. The study will also include (1) biological sciences impact analysis, (2) physical sciences impact analysis, (3) socio-economic impact analysis, (4) technical assessments (e.g. smelter technology), (5) an interdisciplinary analysis.

A draft of the study is scheduled to be finished in the summer of 1978 when it will be sent out for public review and comment. The final draft will be sent to the EQB in December, 1978 and to the Legislature in January, 1979. This 3½ year study will have a final cost of about $5 million. No permits for any mining activities will be granted until the study is finished and approved by the Legislature. The study will provide the legislature, the executive branch and local government with information that will assist in understanding the impacts of various policy options pertaining to copper-nickel related development.

7. Peatland Study

The peat deposits of Minnesota are a largely undeveloped resource which are significant for several reasons. First, Minnesota contains an estimated 7.5 million acres of peatland, largest total of any other state except Alaska. Second, the State owns or administers an estimated 90% of the peatlands and is thereby in a position to strongly influence any development. Third, the peat resource has the capability for a multitude of uses including energy, chemicals, horticulture, agriculture, forestry, and natural preservation.

Possible future uses of peatlands may be for energy and/or chemical production; however, neither use has yet been developed on an economical, commercial basis in the United States. Therefore, the future social, economic, and environment impacts of peat development in Minnesota are unknown. To address this problem, the Minnesota Department of Natural Resources has been conducting a two-phase study of Minnesota peatlands. A moratorium on major peat development has been declared until the study is completed.

The first phase of the study, which has been completed, involved a review of various methods of peat development as practiced in European countries. This portion of the study focuses on what types of information and questions need to be asked about the development of Minnesota's peat resources.

The second phase centers on a socio-economic study of the peat

resources in northern Minnesota. As part of the study, the DNR is conducting a detailed inventory of peat resources. This inventory includes sampling of peat to determine its quality, quantity, and location. This data, together with an initial inventory conducted by the Minnesota Land Management Information System, will allow peat resources to be classified according to their capability for each desired use. Analysis may include a review of agricultural suitability, energy value, forest cover, land use, ownership, and accessibility. These variables can be combined to create suitability maps that indicate the most prudent use of the resource.

The second phase will also analyze industrial chemical use of the resource and potential impacts on wildlife and water resources. This data will be used to develop resource management policies and illustrate tradeoffs in order to determine if and how Minnesota's peat resources should be developed. Several portions of the second phase will be completed by June, 1978 with several technical analyses scheduled for completion in 1979.

8. Cropland Suitability Study

The State Planning Agency is currently undertaking a statewide study of the suitability of land for agricultural crop use. The end product of the study will be a state map ranking parcels of land according to crop suitability.

Despite the high degree of interest in Minnesota in the issue of loss of agricultural land, no statewide map exists which identifies good cropland. The purpose of this study is provide a means to, at least generally, monitor on a statewide basis the loss of cropland to other uses and to identify areas of conflict between agriculture and more intensive uses. It will also provide a general tool to indicate avoidance areas of the state for major development activities -- if the loss of high-quality cropland is to minimized.

The cropland suitability model that is being built makes use of the following data:

- soil physical properties, including soil texture, color, drainage characteristics, slope, and P and K.
- climate, including precipitation and growth degree days
- land use
- land ownership

The Minnesota Land Management Information System (MLMIS) is being used in developing the model and mapping. The model is scheduled for completion during the summer of 1978.

9. Forest Suitability Study

The Department of Natural Resources, using MLMIS, has been involved in an ongoing project to identify the most suitable land for commercial forest production in Minnesota. This effort has resulted in a forest suitability model developed for the Arrowhead Region, but which can be applied statewide.

The determination of lands best suited for commercial forestry is based on six major variables. They are: 1) land use, 2) cover type, 3) soil productivity, 4) access, 5) capacity demand, and 6) ownership. The additional variable of time period must also be considered because of the long time required to produce forest products. These variables were combined to evaluate the constraints associated with product production and product removal. The variables produced from these analyses were then combined to produce final suitability maps. Briefly, the final suitability was categorized based on productivity, access, cover type, and distance to market.

The results of the Arrowhead study indicate that the southern half of the Region contains much of the productive forest land. Access in the southern half is reasonably good and the distance to market is not great. Consequently, most of the land most highly suited for commercial for forests is located in the southern part of the region. Most of the land in the southern part of the region does not support coniferous trees, however. The poorer lands of the northern half of the region support

most of the potential conifer supply. Technological shifts in the forest industry may reduce the importance of this situation. The usefulness of the suitability model has recently been improved due to entering of new forest cover data into the Land Management Information System. The new forest typing supplied by the U.S. Forest Service represents a 15 year updating of forest cover information for Minnesota. Suitability maps are now available for counties using the 1977 forest cover data. This data is currently being used in the Copper-Nickel study to analyze land use alternatives and recommend future courses of action. The DNR is also using inherent forest capability maps to analyze public lands. This planning effort will look at the "better" forest sites that should be included in state forests as well as poor quality land that should be managed less intensively.

Continuing forest suitability will involve review of the suitability analysis model using the new 1977 forest typing to identify its strengths and weaknesses and the refinement of existing data variables.

10. Notebook of Land Use Projections

The notebook of land use demands represents the initial attempt to develop a consistent process for making projections about the future use of the land in Minnesota. In a sense, these projections reflect where the state is going based on current governmental activities and private market trends. It is intended that the projections be reviewed by both the public and private sector and their views be incorporated into the projection process. Further, the projections will be summarized on a periodic basis to provide an overview of land use trends and potential resource conflicts facing the State of Minnesota.

The process of making projections should be a continuous one. The first draft of land use demands was developed by the Environmental Planning Section of the State Planning Agency through extensive interviews with state and federal program managers. State agencies and private sector interests will be encouraged

to refine and improve these projections as new data sources and trends are identified. All projections will be screened by a State Agency Land Use Committee for consistency and objectivity prior to their publication.

The notebook of land use projections is expected to undergo substantial change. A major objective will be the development of a standardized format for presenting material including establishment of standards and criteria for making projections and identifying relevant assumptions. Additionally, the number of categories for which projections are made will be expanded. These categories will be adopted from the Land Use Classification Manual published by the State Planning Agency. Projections for new categories, revised projections and periodic summaries will be sent to all notebook holders once they have been approved.

11. Critical Areas Inventory

As part of the Critical Area Program, an inventory of significant natural and cultural sites and areas is being developed by the EQB. The first attempts at gathering together various sets of resource information of state and regional significance was done by a Critical Areas Work Group. This group gathered information regarding state and national parks, state and national forests, wild and scenic rivers, canoe and boating rivers, national and state trails systems, national monuments, historic sites on the National Register of Historic Places, archeological sites, wildlife refuges, designated trout streams and trout lakes, scientific and natural areas, lands owned by the Nature Conservancy, wildlife habitats of rare and endangered species, etc. This information is now being mapped for every county in the state at the scale of 1 inch to 1 mile. This scale permits delineation by legal description, important in making specific site decisions. The inventories have been used in the Environmental Impact Statement Program, Critical Areas, by consultants for power companies, by the State Highway Department, as well as others seeking information regarding exact geographic location of state and federally protected lands. This inventory will also include information regarding major government developments, for example, the location

of sanitary landfills, municipalities with central sewer systems and the locations of state colleges, universities, agricultural experiment stations, and state hospitals.

12. Power Plant Siting and Inventory Process

This program implements the policy of the state to locate large electric power facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. The locations to be chosen are those that minimize adverse human and environmental impact while insuring continuing electric power system reliability and integrity and insuring that electric energy needs are met and fulfilled in an orderly and timely fashion.

There are two types of planning processes involved in this program. The first type is application planning which is the process of locating transmission and generation facilities in response to specific applications from utilities. The second type is inventory planning which is the process of providing advanced planning guidance for future applications, by the identification of power plant study areas. The power plant siting inventory is another example of a process which sets forth criteria by which to implement a legislative policy on the location of a certain type of growth.

These criteria include legislatively mandated exclusion and avoidance areas, and power companies must include sites from the inventory in their site searches. A preliminary inventory has been completed and a second, more sophisticated, inventory procedure currently underway is scheduled for completion by December, 1978. In both planning process, a basic principal of operations is the involvement of a broad spectrum of citizen participation.

Associated with these planning activities is monitoring of compliance with the conditions of the certificate of site compatibility for specific applications. Generic studies on electric facility location are conducted to support the program.

13. Commission on Minnesota's Future

The Commission on Minnesota's Future, composed of citizens from across the state, was established in 1973 as a result of growing concern for the Minnesota community during the 1960's and early 1970's.

Many of the factors affecting Minnesota's economy and life-style were identified and discussed in a seminar on Minnesota's future sponsored by Governor Anderson and the State Planning Agency in February, 1973. Largely as a result of that seminar, a bill establishing the Commission on Minnesota's Future was passed by the legislature and signed into law by the Governor in May of 1973.

The principal charge of the legislation establishing the Commission was directed toward recommending a state growth and development strategy. This was interpreted as a broad charge that encompassed all issues affecting the future quality of life for the state. At the Commission's first meeting in October 1973, the following general operating guidelines were adopted:

1. To work closely with the citizens of the state in deliberating growth and development strategies;
2. To focus on the long-range planning process, rather than trying to create "the plan" for the future of the state of Minnesota;
3. To place primary emphasis on the growth and development of the individual citizen of the state of Minnesota;
4. To develop information that would allow citizens of Minnesota to assess past and probable future trends in the state;
5. To examine the growth and development consequences of probable future trends;
6. To suggest alternative growth and development strategies, identify a preferred choice, and suggest how that preferred choice might be achieved.

In its first year of operation, the primary objective of the

Commission was to develop information that would help to assess past and probable future trends in the state.

The Commission, in conjunction with the State Planning Agency and the Minnesota State Legislature, in January of 1975 held a symposium for the Minnesota State Legislature to provide a comprehensive review of where the state had been, where it was, and where it might be going. The symposium, known as "Minnesota Horizons", consisted of seventeen papers on such topics as population changes, economic conditions, agriculture, land use, housing, transportation, energy, health, human services, education, finance, and governmental decision-making.

In addition to the houses of the legislature, selected representatives of state departments, public interest groups, and local government bodies were invited to attend. The sessions were broadcast to a wider audience by public radio and educational television. This briefing session for the legislature with broad public exposure was the first of its kind nationally.

The success of Minnesota Horizons had a significant effect on the work of the Commission on Minnesota's Future. The Commission decided to expand the number of subjects presented in Horizons, extending trends into the future, and publishing reports where appropriate. As a result, reports were prepared for the Commission on post-secondary education, elementary-secondary education, employment and income, housing and health.

It was felt that the recommendations coming from these separate reports still did not adequately address the interrelationships among them. The Commission felt that the charge from the legislature to devise a growth and development strategy required an understanding of these interrelationships. Their final report, issued in January of 1977, is an effort to draw broad meanings from selected separate topics addressed in their special reports and to emphasize the overlaps among them.

The Commission's work coordinated research among several state

agencies and facilitated discussion between the general public, local, regional and state governments. To carry out its responsibility to the legislature and its decision to work closely with citizens of the state, the Commission conducted a series of public meetings in April and May of 1976. One meeting was held in each of twelve of the state's thirteen development regions, in cooperation with regional development commissions and other interested local organizations. The major purpose of these meetings was to stimulate public discussion on major issues affecting the state.

Although no new legislation has been passed as a result of the Commission's report, their work has helped to broaden the base of understanding among legislators and others regarding the development of an overall growth strategy for the state.

H. Goals and Objectives

The State of Minnesota develops a biennial program-type budget. As part of this budget process, biennial goals for each land use policy area specified in preceding portions of this document are developed by the appropriate state agencies. At the most general level, each agency establishes its goals. More specific goals are developed for each program area and for each activity within a program.

The following objectives, listed by activity, are illustrative of land use-related goals for a number of activities in the 1978-1979 biennial budget.

1. State Planning and Development

(a) Prepare for consideration by the Governor and the legislature a proposed process and assignment of responsibilities to individual state agencies for guiding growth and development, including economic development decisions.

(b) Provide new projections of income for the state and each

region.

(c) Design appropriate model and data-collection methodology for assessing net employment and capital investment gains by county, region, and state.

(d) Provide the component on growth to the required land use planning element required by the Department of Housing and Urban Development (HUD) by early F.Y. 78.

(e) Assess the impact of state policies and programs (present or proposed) on economic development. Of particular importance will be the effect of decisions in housing, transportation, environmental protection and water management.

2. Wildlife Management

(a) Create 32,650 acres of wetland, manage 44,000 acres of wetlands, establish 29,150 acres of nesting cover, establish 2,200 farmland food plots, establish 265 woody cover plantings, prepare 50,670 acres of forest, create 1,500 acres of forest openings, establish 400 forest food plots, conduct 33 consensus and surveys, and conduct 30 research projects.

(b) Purchase approximately 3,000 acres of wildlife management lands per year.

(c) Create 1,200 acres of farmland food plots, 4,000 acres of forest treatment and 100 miles of timber access trails for deer habitat.

3. Forestry

(a) To obtain detailed forest resource data on 660,000 acres of state and county owned forest land each year.

(b) To reforest 4,000 acres each year, conduct timberstand improvement on 1,900 acres each year, purchase 2,000 bushels of cones each year, and produce 1,200,000 seed-

lings each year.

(c) To protect the forest values from natural and manmade disturbances, maintain 1,360 miles of forest roads, produce 15 million seedlings, reforest 4,400 acres of state land, complete timberstand improvement work on 4,600 acres, provide 1,600 marketing and utilization assists, harvest 400,000 cords of timber on state land, process all leases on state land, prepare forest management plans on 300,000 acres of forest land, service and maintain all state forest campgrounds and recreation trails, and service 5,000 private forest management requests.

4. Soil and Water Conservation Board

(a) Ensure that the 92 local Soil and Water Conservation Districts carry out their role as intended in the Soil and Water Conservation Districts Law.

(b) Provide necessary leadership in assuring that the intent of the agricultural non-point pollution control program is developed as mandated by the EPA and MPCA.

(c) Ensure that the Southern Minnesota Rivers Basin Study Area II project is carried out as mandated.

5. Mineral Resources Management

(a) Provide for the management and administration of 10 million acres of state-owned mineral rights by continuing to evaluate their mineral potential and regulating their exploration and development.

(b) Provide equitable rental and royalty income for the state's trust funds, general revenue account and for local taxing districts.

(c) Provide input for land use decisions and engineering, inspection, geological, economic and environmental review

support for the department and other agencies.

(d) Implement the Mesabi Range Land Use Plan in order to serve as a basis for permit review.

(e) Administer the mineland reclamation program including mineland cleanup program, review and processing of permit applications and on-site inspection.

6. Water Resource Management

(a) Optimize federal participation in state water resource planning and development.

(b) Assist affected municipalities implement shoreland regulations.

(c) Expedite acquisition of necessary flood hazard data and assist counties and communities in floodplain management activities.

(d) Correct flooding problems in 5 sub-basins of the Minnesota River by selected works of improvement based on priority system established with local citizen involvement.

(e) Identify and classify the public waters in as many of the 87 counties as possible in order to provide better regulation by permits of work in beds of public waters.

7. Parks and Recreation

(a) To continue managing, protecting and preserving the natural resources and operating facilities.

(b) To provide approximately one-third of the accelerated development of recreational facilities in the 20 state parks with completed management plans after F.Y. 1976-1977.

(c) To maintain recreational sites along 18 designated canoe

routes and to develop campsites, accesses, portages, and rest areas. Disseminate information for public use in trip planning and sign hazard areas, dams, recreation sites and other features.

(d) To establish 60 miles of asphalt surfacing for bicycle trails in the metropolitan area and maintain 1,900 miles of existing trails.

(e) To acquire 10 new public access sites each year, to develop 40 to 50 access sites and to maintain 300 to 350 sites.

8. Air Quality

(a) Maintain an acceptable statewide air monitoring program in order to secure continued federal support, monitor non-criteria pollutants as required, upgrade monitoring equipment to ensure accuracy of data, make appropriate recommendations regarding air quality regulations and make public advisories and alerts when weather stagnation conditions so dictate.

(b) Issue and reissue installation and operating permits as required, inspect 20% of the major emission facilities each year, implement an air quality maintenance area program, institute a program for the prevention of significant deterioration and conduct five training sessions each year for smoke reader certification.

(c) Continue surveillance of major emission facilities, schedule compliance inspections of permitted facilities and respond to and resolve 95% of public complaints received within 30 days.

(d) Implement and manage an environmental noise pollution control program in concert with the Metropolitan Airports Commission, Department of Transportation and the Metropolitan Council, with emphasis being placed on the highly populated areas, where noise pollution is most common to be above allowable standards.

9. Solid Waste

(a) Continue review of existing solid waste management regulatory programs and modify, maintain or expand such programs as appropriate and research needed controls on the landfill disposal of waste sludge and waste pesticides to meet pollution control needs.

(b) Maintain an effective state solid waste and feedlot facility permit review program to ensure that these facilities are constructed and operated consistent with state regulations; review two environmental impact statements.

(c) Increase training opportunities and technical assistance to facility operators, continue surveillance and enforcement so that permitted facilities are operated properly, unauthorized dumps are upgraded or closed, and legal action is initiated when appropriate and institute a data processing system to categorically classify site characteristics, operational information and water monitoring data on permitted facilities.

(d) Complete and implement a state resource recovery and waste reduction plan and continue to administer grant-in-aid programs which encourage the planning, construction and operation of resource recovery systems and promote source reduction programs which minimize the need for land disposal systems.

(e) Regulate the storage, transportation, processing and disposal of hazardous waste and complete a statewide hazardous waste management plan.

(f) Continue the agency's coordinated effort in implementing the design and construction phases of the hazardous waste demonstration landfill while minimizing public concern by keeping them informed of the project's status and resultant effects.

10. Water Quality

(a) Obligate 100% of federal construction grant monies allocated to the state within the specified fiscal year alloted; complete engineering review of 120 infiltration/inflow analyses and facility plans, 50 municipal plans and specifications, 700 sanitary sewer extensions and 100 preliminary and 100 final industrial plans; complete review of 50 operation and maintenance manuals, offer technical assistance to 100 operators and issue or renew 800 operator certificates to assure the availability of grant funds for construction and improved operation of existing facilities.

(b) Issue 100, reissue 700 and modify 100 National Pollutant Discharge Elimination System permits, conduct 50 permit hearings and take action on 250 certifications for projects involving federal permits which require state approval to assure that permits obtained specify limitations on discharges to the waters of the state and compliance schedules and implement a certification program for the use of polychlorinated biphenyls.

(c) Review permit compliance of 1,400 dischargers on a monthly basis and respond to detected non-compliance within 14 days; take 865 enforcement actions on non-compliance; investigate 450 pollutant spillages; conduct inspections and prepare and/or review and transmit resulting reports for 159 dischargers within 60 days of inspection; take action on 200 citizen complaints; review and evaluate nuclear power activities and be prepared to take immediate action to protect water quality and citizenry from accidental or undesirable discharges of radioactive materials; review compliance with PCB and phosphate in detergent regulations and take appropriate enforcement actions.

(d) Collect monthly water quality samples at 100 monitoring stations, operate two automatic monitors, initiate annually sampling of 100 stations on the groundwater monitoring network, interpret resulting laboratory analysis reports and

enter all data into the federal STORET system; conduct 16 water quality surveys and special investigations and complete subsequent reports on 10; conduct six lake studies, collect samples on 21 lakes and complete the phosphate detergent ban study.

11. Environmental Systems Planning

(a) To coordinate the development, implementation and management of environmental information and planning systems at the state, regional and local level.

(b) To maintain and update the Minnesota Land Management Information System (MLMIS) and to help public agencies and private users apply MLMIS to state, regional and local resource planning problems.

12. Population (Analysis) Forecasts

(a) Seek a better understanding of migration, age-sex race composition of counties and income characteristics of families.

(b) Test methods of data collection to yield statistics on educational attainment, labor force participation, family types and household size.

(c) Interpret population projections.

(d) Prepare annual population estimates with data processing done within the state.

13. Transportation Systems Planning

(a) To review the state's effort at developing a transportation policy and provide technical planning assistance as necessary.

(b) To ensure that the proposed transportation policy recognizes and is consistent with state policies or programs in housing, energy, land use, and economic development.

14. Housing Studies

(a) To develop for the Governor and the legislature data analysis which shows housing activities by type of housing and region of state.

(b) Continue to build a capacity in regional development commissions to use state and federal housing programs so that allocation plan objectives are met in each region of the state.

(c) Continue activities necessary to meet the HUD "701" planning program housing requirements.

(d) In F.Y. 1979 begin preparation for detailed analysis of 1980 housing census data.

15. State/Local/Regional Policy Development

To prepare major review of regional planning in Minnesota including analysis of relationship between state agencies and regional planning organizations. The impact of state policies and programs of local and regional units will be reviewed as will changes in federal legislation on state, regional and local planning.

16. Land Use

(a) To present to the Legislature a description and analysis of Minnesota's current state, regional and local land use planning process along with feasible recommendations for change in the process or in functional program areas.

(b) To assist appropriate state agencies or RDCs in the analysis of important land use issues and in the development of related strategies for more effective program implementation.

(c) To continue the monitoring of land use planning information needs and to develop proposals where necessary.

(d) To complete the development of the CZM program.

17. Critical Areas

(a) Maintain an inventory of potential critical areas by:

(1) keeping current detailed maps of historical, natural, scientific and cultural resources of regional or statewide importance and major government development for use by state agencies, RDCs, and local units of government; and

(2) monitoring development in the high priority areas selected by EQB.

(b) Continue assisting RDCs and local units of government in implementing the critical areas planning process by:

(1) conducting public information programs;

(2) providing technical information and financial aid to local units of government and RDCs within designated critical areas;

(3) reviewing recommendations for a critical area designation; and

(4) reviewing proposed development permit applications in designated critical areas for compatibility with the Governor's designation order.

18. Power Plant Siting

To assist the MEQB in siting large electric power generating plants and high voltage transmission lines in an orderly manner compatible with environmental preservation and the efficient use of resources by reviewing and updating the 1975 inventory of power plant sites, conducting routine staff office work, completing the processing of specific application presently before the board, receiving and processing anticipated specific applications, and carrying out generic studies relating to power plant siting and transmission line routing.

19. Planning Assistance Grants

To provide state and federal financial assistance grants to 12 regional development commissions in order to improve their planning and management capabilities and enable them to carry out their statutory and administrative responsibilities.

20. Regional Assistance

Through administration of state and federal assistance programs to regional development commissions, promote the development of policies and procedures to ensure that a coordinated approach to regional planning and development is carried out by federal, state and local units of government.

21. Technical Assistance

To improve the planning and management capabilities of local government officials and to improve land use decision-making by units of local government. This will be accomplished by: 1) preparing and distributing manuals, booklets, pamphlets and slide/tape shows (3 manuals, 3 slide/tape shows, 20 newsletters); 2) conducting workshops, seminars, institutes and training programs (2 institutes, 12 mini-seminars); 3) responding to specific requests for information and assistance; 4) reviewing, evaluating and monitoring applications for land use planning grants; and 5) as directed by the Legislature, conducting a study of general fiscal condition of local government.

22. Rural Development Council

(a) Administer rural rehabilitation grants.

(b) Study proposals and evaluate them for use by the council.

State agency goals and objectives are reviewed by the Legislature, the Governor's Office and the State Planning Agency for consistency with broad goals and state policies. During the legislative review process, the objectives are evaluated and decisions made as to appropriate funding. In cases where requested funding is not received, agencies may have to recast their objectives to reflect accomplishments at that level of funding.

As regional development commissions begin to develop their comprehensive plans, new goals reflecting regional problems and issues will be formulated. These goals will be coordinated with state agency goals by the State Planning Agency.

CHAPTER 3: COORDINATION OF STATE LAND USE POLICY

The preceding two chapters elaborate state land use policies and related implementation structures. Essentially, those policies and related implementation programs can be summarized as follows:

1) Outside the Twin Cities Metropolitan Area, where growth has generally -- although certainly not always -- been less rapid and less dense, the lion's share of authority to shape the location, intensity and timing of all types of land use has been delegated to local general governmental units. This authority is permissive -- it may or may not be invoked by local government.

   Exceptions to the preceding include:

   a) certain uses or activities that are directly regulated, managed or otherwise controlled by state rather than local government. These include, for example:
      -- power plants and transmission lines
      -- state highways
      -- state parks
      -- state trails
      -- alteration of beds of public waters
      -- water appropriation
      -- use of minerals

   b) certain areas where local land use management is, for various reasons, mandated and must be performed according to state standards. These areas include:
      -- wild, scenic, and recreational rivers
      -- critical areas
      -- shorelands
      -- floodplains

   Regional Development Commissions are authorized to plan at the regional level to facilitate coordination of local, state and federal land use activity. Local governments are provided technical assistance and financial assistance to undertake land use planning and program implementation.

2) Within the metropolitan area all of the above applies except:

a) units of local government must develop land use plans and implementation programs.

b) local land use plans and implementation programs must be consistent with metropolitan-level plans. The Metropolitan Council has authority to review and approve local land use planning and can intervene in projects that are of metropolitan significance -- authority far beyond that of the counterparts of the Council outside the metropolitan area, the RDCs.

Minnesota currently does not have policies that, a priori, specify where growth should or should not occur. Instead, Minnesota has policies designating areas where land use planning and growth management must occur (shorelands, critical areas, wild, scenic and recreational rivers, floodplains, the metropolitan area generally) in a manner consistent with state or area-wide criteria. Further, it has policies that impact land development or preservation via resource regulation, land and facility acquisition or management and assistance to local government. Taken together, Minnesota has in place a set of implemented policies that provide the ability to plan for and manage land use to a degree that few states can match. Despite the significant array of land use tools available in Minnesota, systematic and thorough use of the tools is possible only through coordination -- which in this report is defined in terms of effective coordinative mechanisms and also a substantive land use overview or context for decision-making.

COORDINATING MECHANISMS

With 87 counties, 854 municipalities, numerous townships, many special districts and scores of state and federal agencies impacting the use of land, the need for land use coordinating mechanisms in Minnesota is potent. Minnesota's planning process is coordinated both vertically and horizontally. That is, between various levels of government -- local, regional, state and federal

and between various agencies at the state level -- a variety of mechanisms exist to ensure this coordination of the various policies on and authorities for controlling growth and development within the state. These mechanisms include (A) Federal-State coordinative procedures; (B) State legislative mechanisms; (C) State administrative mechanisms; and (D) Regional coordinative procedures.

A. Existing Federal-State Procedures

1. Air Quality Planning

The Minnesota Pollution Control Agency (PCA) was created in 1967 and has been given increasing authority by the state legislature to regulate many activities affecting the environment. These authorities have come from both state and federal legislation. While the basis for PCA's activities is the control of pollution of air, water and land resources, an important secondary effect is the way in which these pollution control standards affect growth and development patterns and the use of land.

Through state statute and the Federal Clean Air Act, the PCA is given authority to establish air quality standards and to adopt regulations and otherwise develop strategies to prevent, abate, or control air pollution. PCA, under the Clean Air Act, is to insure that all areas are brought into compliance with the minimum standards and that they be maintained at that level. Further, significant air quality deterioration is to be prevented in those areas where air quality is presently cleaner than that required by ambient air quality standards. In its implementation plan, the state may include land use and transportation controls as methods to insure compliance with and maintenance of the air quality standards.

Thus, the enforcement of air quality standards, like that of other environmental standards, may serve as a constraint on how land may be used in some areas. However, this does not mean that environmental standards are determining land use; rather, it means that environ-

mental standards are constraining land use in instances when land is proposed to be used in a manner that would cause violation of those standards. The choice is between using sufficient technological controls or moving the land use to another area where it will not cause a violation of existing standards. Also, if a major pollution source is permitted at a specific location, its existence will put constraints on future uses of surrounding land.

2. Section 208-Water Quality Planning

The Federal Water Quality Act of 1972 requires each state to carry out areawide water quality management planning for the entire state. The 208 section is basically aimed at controlling non-point source pollution with the goal of having "fishable, swimmable" waters by 1983.

Two organizations are responsible for the development of 208 Water Quality Management plans for the state. The Metropolitan Council has been designated to perform this function for the Twin Cities Metropolitan Area, and the State Pollution Control Agency is in charge of 208 planning for the rest of the state outside the TCMA. The Metropolitan Council, with limited funds, will concentrate on completing the point source pollution program while providing an overview of non-point source problems in the metropolitan area. The Pollution Control Agency's program focuses on non-point source pollution problems and solutions for the remainder of the state. These two plans must be a coordinated effort and a representative from PCA acts as a liaison to the Metropolitan Council's 208 Committee.

The PCA has developed a Continuous Planning Process (CPP) which calls for cooperation among all involved state agencies, the University of Minnesota and federal agencies. The categories of Minnesota's program are as follows: (1) Coordination; (2) Public participation; (3) Analysis of the effects of pollutants; (4) Analysis of potential sources of pollutants; (5) Analysis of regulatory/management alternatives; (6) Plan refinement and synthesis.

The development of a water quality management plan is to proceed in three stages. The first stage will be an analysis of non-point source impacts on water quality over the State, an analysis of how

these impacts can be reduced and at what costs, and what authorities and capabilities presently exist to do this. This step must necessarily be handled mostly by technical experts -- the agencies which collectively make up the Non-point Source Technical Work Group, one example of horizontal state coordination. However, locally elected officials, through the Regional Policy Advisory Committees, will provide suggestions to the Technical Group, a means to vertical coordination.

The second stage in developing the non-point source aspects of the WQM Plans will be to recommend the Best Management Practices and/or other methods of reducing non-point pollution to acceptable levels and the agencies or units of government which should carry them out. This stage must necessarily be the responsibility of the agencies and units of government potentially able to carry out the plans so that the implementation strategy is acceptable to the implementors, whoever they turn out to be.

To achieve this coordinated planning and implementation, the Regional Development Commissions have been given a pivotal decision-making role in Minnesota's 208 Water Quality Planning program. Each RDC is the vehicle through which MPCA will insure that public involvement is attained; 208 and 701 land use efforts are coordinated at the regional level according to EPA and HUD memos of agreement. The 12 Regional Policy Advisory Committees set up through the RDC's consist of representatives of all local units of government potentially involved in water quality management - counties, cities, townships, soil and water conservation districts, and watershed districts - and representatives of public interest groups such as economic and environmental organizations. These regional committees, working from the documents prepared by the Technical Group, will formulate regional opinions about which alternatives are best suited to their region and how to implement them.

The RDCs are each responsible for appointing a member of the State Plan Development Task Force (SPDTF), made up of these regional representatives as well as representatives from the agencies of the Minnesota Water Planning Board. The SPDTF is the body which has

the responsibility for drafting the State 208 plan which will utlimately be submitted to the Governor for approval. The 208 Continuing Planning Process (the document describing the detailed 208 Planning Process in Minnesota) requires a majority vote of the RDC representatives and a majority vote of the state agency representatives on the SPDTF in order to resolve any issue or approve the State 208 plan or portion of it. The RDCs, therefore, have co-equal decision-making power with state agencies in the development of the land-use-impacting State Water Quality Plan.

The third stage in developing the non-point source elements of the WQC Plan is the review and adoption process. As the Governor's designee for WQM planning, the Minnesota Pollution Control Agency Board is responsible for recommending a WQM plan to the Governor for this approval. The Board will consider the findings of the review/ hearing process before recommending a WQM plan to the Governor for adoption. Once the Governor adopts a WQM plan, it becomes the official guidance document and must be implemented.

It is clear that many of the solutions to non-point source pollution difficulties will be land use solutions. The outcome of this planning process and what the regulatory requirements will be is not yet clear. It is possible, however, that the solutions may require that certain limitations be placed on the private and public use of lands; for example, the regulation of fertilizer use in proximity to certain lakes, or the prohibition of feedlots in certain areas. More stringent regulations on the use of septic tanks, thereby eliminating residential development in certain areas, may also be a possibility. Such implementation provisions as these may have a yet undetermined role in the location of future growth and development of certain types within the state.

Additional detail concerning Minnesota's 208 Water Quality planning process can be found in the Continuing Planning Process submitted to and approved by the United State's Environmental Protection Agency's regional office in Chicago.

3. Outdoor Recreation Planning

The state has two primary outdoor recreation plans. One is the State Comprehensive Outdoor Recreation Plan. This type of plan is required by the Federal Bureau of Outdoor Recreation in order for a state to qualify for federal outdoor recreation funding (LAWCON). Minnesota has received about $5 million annually in LAWCON funds, 50% of which goes to the state and 50% to local units of government for recreation facilities. This money can be used either for land acquisition or for development purposes.

The current SCORP plan was done in 1974 and received the maximum 6-year term before mandatory updating. One segment of the plan is scheduled for updating during the coming year. A new summer and winter user survey is underway to update the last one completed in 1967.

The purpose of SCORP is to provide a guide and framework for the management, protection and development of the entire outdoor recreation system, both private and at all levels of government. This purpose is to be accomplished through the presentation of background information, outlining of needs and deficiencies, the setting of priorities and by presenting alternatives for action. The regional inventory and survey of recreation facilities includes both public and private facilities, and the deficiencies and surpluses are allocated to the private domain and to the various levels of governmental units, federal, state and local. An action plan, for a 10-15 year period, is also included in the process.

The Minnesota Outdoor Recreation Act also provides a framework against which park and recreation development must be measured. The SCORP goal for Minnesota is to manage and protect the appropriate natural, historic and archeological resources of the State of Minnesota. Project 80 is the detailed inventory of the recreation facilities owned and managed by the state. This study was begun in 1969 and published in 1971, and includes both a detailed inventory of the state's recreation resources and a management analysis of them. Currently, as provided for in the Outdoor Recreation Act, a management, or master plan is being prepared for each state park or state recreation

area, historic site, wild and scenic river, and state trail. After August, 1977, no further development money can be allocated to any facility until a master plan is completed for it. Any new proposals for land or facility acquisition will also require a preliminary management plan to be considered.

4. Coastal Zone Management Program

Nationwide concern for coastal areas resulted in the Coastal Zone Management Act, passed by Congress in 1972. This voluntary program is administered by the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce. By Executive Order, the Governor authorized the State Planning Agency to apply for coastal zone funds and coordinate Minnesota's Coastal Zone Planning Program.

One of the most important features of the CZM program is that it mandates cooperation from all levels of government; federal, state and local, and in that sense, represents a model land use planning effort. In the first two years of the program, consistent efforts have been made to involve all levels of government, various state and federal agencies, interest groups and the general public. A Policy Advisory Committee is the main decision-making body; it is made up of state agency heads and an equal number of local elected officials from the North Shore study area. Staff planning responsibilities are shared by three state agencies and the Arrowhead Regional Development Commission. It is contemplated that the planning for designated Geographic Areas of Particular Concern will be handled also by inter-agency work groups which will include representatives from all governmental groups with an interest in the area.

The federal legislation requires six essential elements in the plan: identification of boundaries; a process for defining appropriate land and water uses in the Coastal Zone; an inventory and designation of geographic areas of particular concern; an evaluation of the adequacy of state and local regulations to manage the land and water uses properly; a designation of permissible uses within specific areas through-out the Coastal Zone; a description of the inter-governmental arrangements necessary to develop and maintain an effective and coordinated management process.

The CZM program must also be coordinated with other federal planning programs according to inter-agency agreements with the Department of Housing and Urban Development and the Environmental Protection Agency. CZM planning must be consistent with land use planning done under the HUD 701 Program and under the 208 Water Quality Planning Program of the EPA.

5. Circular A-95 Review in Minnesota

Office of Management and Budget Circular A-95 is a federal regulation designed to promote maximum coordination of federally assisted programs and projects with each other and with the state, areawide, and local plans and programs. It is the goal of the State Planning Agency, which has been designated as the State Clearinghouse under the OMB Circular A-95 procedures, to insure that this coordination takes place with a minimum amount of inconvenience to potential federal grant-in-aid recipients. The following procedures are used in an effort to achieve this goal:

(a) State agencies are required to notify the State Planning Agency of their intention to apply for federal assistance under programs listed in Attachment D of OMB Circular A-95.

(b) The State Planning Agency is responsible for circulating these notifications to other state agencies for review. State agencies are only asked to comment on projects that the State Clearinghouse has determined they will be interested in or will have an effect upon the operation of the agency. This determination is made by the State Clearinghouse Administration in consultation with the various sections of the State Planning Agency.

(c) Areawide Clearinghouses (Regional Development Commissions, the Metropolitan Council and designated Council of Governments) are responsible for notifying the State Planning Agency of applications for federal assistance submitted by local units in their region. State agencies are asked by the State Planning Agency to comment only on local projects that the State Clearinghouse has determined they will be interested in and will have an effect upon the operation of the agency.

(d) The State Planning Agency is responsible for notifying Areawide Clearinghouses of state agency applications which

may impact upon their region, if the state agency has not done so directly. In their review of these applications, the areawide clearinghouse is encouraged to work closely with the state agency applying for funds and the State Planning Agency.

(e) State agencies wishing to comment on proposed federally assisted projects have been asked to review, submit their comments to the State Planning Agency which in turn forwards these comments to the applicant. The applicant is required to attach all comments received to their application when it is submitted to the federal government.

(f) State agencies are also required to submit to the State Planning Agency for review, State Plans required by the federal government. The State Planning Agency has determined that certain of these plans require extensive review. This review is conducted by various divisions of the State Planning Agency that have indicated an interest in reviewing particular plans.

6. State/Federal River Basin Commissions

All of Minnesota's land are is within the boundaries of three active river basin commissions. The State of Minnesota has been a participating member of the Great Lakes, Upper Mississippi, and Missouri River Basin Commissions since their creation. These state/federal partnerships are funded by the states and the federal government to prepare plans for the water and related land resources within their boundaries.

The commission provides an effective vehicle to discuss current activities and programs of the several states and the federal agencies that affect the water resources of the area. Also, a forum is provided where proposed new activities that would impact these resources are reviewed and, where conflicts between programs would occur, modifications to those projects may be examined. More specifically, the commissions attempt to:

i Maximize the beneficial effects of opportunities related to water and related land resources.

ii Resolve regional conflicts among water and related land uses and among the Region's institutional entities.

iii Identify and resolve water and related land resources problems.

iv Improve the institutional arrangements and abilities necessary for the successful accomplishment of the above goals and necessary or useful to individual members in resolving sub-regional problems

The commission funds are used to support studies that will evaluate management alternatives concerning the river and to examine levels of development on adjacent lands that would have a significant effect upon the water resources in the basin area. Alternative uses of the land and waters are systematically reviewed by the members of each commission.

The State of Minnesota is represented on the commission by the Chairperson of the Water Planning Board and alternates appointed from the State Planning Agency and the Department of Natural Resources. The Water Planning Board is responsible for the development of state positions on programs and projects that are considered by the commission, and any studies that may be funded. Where state participation is appropriate, this involvement is approved by the Water Planning Board.

B. State Legislative Mechanisms for Ensuring Coordination

The Legislature has several sets of structures which it has set up that affect resource management in the state as well as mandate coordination and cooperation.

Both houses of the legislature have regular standing committees that have parts to play in land use and resource issues. In the house, these committees include: Governmental Operations; Commerce and Economic Development; Local and Urban Affairs; Agriculture; Environment and Natural Resources; Taxes; and Transportation. The Senate has the following committees that affect issues of land use, growth and development; Governmental Operations; Labor and Commerce; Local Government; Metropolitan and Urban Affairs; Natural Resources and Agriculture; Taxes and Tax Laws; and Transportation and General Legislation.

In addition to standing committees, the Legislature has also created other special commissions and committees to provide an overview or to study specific topics as they arise. Such groups include: the Legislative Commission on Minnesota Resources and the Senate Land Use Planning Joint Subcommittee.

1. Senate Land Use Planning Joint Subcommittee

   The Senate Land Use Planning Joint Subcommittee met during the 1975-76 session and was made up of three members each from Natural Resources and Agriculture, Local Government, and Metropolitan and Urban Affairs committees. The short-term goal was that of coordination and the committee functioned as a clearinghouse for information regarding different pieces of land-use legislation that were being considered in each committee. No new pieces of legislation came from this committee but its staff issued several reports on Minnesota's land use legislation; a legislative and judicial history and a compilation of the Policy and Purpose of Minnesota State Land Use Regulation, including a detailed analysis of each piece of pertinent legislation.

   An expanded version of this joint sub-committee met during the Legislature interim to discuss land use policies centering around controlling urban growth and development and preserving agricultural land.

2. Legislative Commission on Minnesota Resources

   The Legislative Commission on Minnesota Resources, originally known as Minnesota Outdoor Recreation Resource Commission, was created in 1963 following acceptance of a study on Lakeshore Development prepared by a commission appointed in 1961. This commission is composed of 14 members, 7 each from the State House of Representatives and the State Senate. Working cooperatively with appropriate standing committees, the commission identifies and researches emerging resource issues facing the state. The commission recommends appropriations from a Natural Resources account for innovative programs which would not normally be funded as part of regularly operating departmental budgets.

The commission also evaluates projected funding from the natural resource acceleration account which is supported by a certain percentage of the state tax on cigarettes.

Projects fully or partially funded by the LCMR in the recent past include: the development of detailed soils and surficial geological data for the Twin Cities Metropolitan Area, the computerized Minnesota Land Management Information System (MLMIS), forest mapping for the state, the development of the Voyageurs Park Periphery Plan, the writing of the State Planning Agency's Land Use Report #1 ("Programs, Policies and Legal Authorities Affecting the Use of Land in Minnesota").

C. State Administrative Mechanisms for Ensuring Coordination

1. State Planning Agency

The State Planning Agency plays a pivotal role in attempting to see that the various actors at different levels of government stay in touch with one another's planning activities and programs. A primary function of the State Planning Agency (SPA) is to act as the coordinating agency for the planning activities of all state department and agencies and between the state and local levels of government. Coordination is effectuated by the SPA through the review of current programming and future planning of all state departments and agencies. SPA also coordinates state budget items relating to and reflecting statewide planning.

In fulfillment of its coordinative duties, the SPA provides (a) continuing geographic projection and detailed studies of the state's population, economy, and land use; (b) a central repository for research data; and (c) educational activities essential to the implementation of state planning. Agency work efforts strive towards the standardization of information, the elimination of duplicative data collection and the promotion of greater consistency among population projections and other resource data.

At the state administrative level, SPA internally coordinates programs for which it has lead staff responsibility such as the Coastal Zone Management Program, Critical Areas Program, Power Plant Siting Program, and land use research and planning assistance programs. Coordination of land use planning activities are achieved through (a) SPA's review of Regional Development Commissions' Overall Program Designs (OPDs) and (b) the recently formed state agency land use committee.

2. Environmental Quality Board (EQB)

Environmental policies and problems affect many elements of the natural and man-made world. To manage these varied components effectively, responsibility must be divided among several agencies. But because of the interrelationships among these components, agencies must coordinate activities to provide integrated, continuing management of environmental problems at the state level. To this end, the 1973 Minnesota Legislature passed the Environmental Quality Council (now Board) Act.

The Environmental Quality Board has an overall objective: to promote and insure cooperation among agencies on matters significantly affecting the environment. Through this mechanism, agencies can jointly review issues and resolve conflicts on matters that ultimately affect the growth and development of the state and the use of its resources.

To carry out this objective, the EQB determines which environmental problems of inter-departmental concern should be considered. As needed, the EQB may initiate studies by inter-agency or citizen task forces on important issues. Examples of such studies are a report on the use of pesticides and a study on potential copper-nickel mining in northeastern Minnesota.

Although the EQB may initiate the study of environmental problems, it also reviews major actions, programs and legislation. Comments on the proposals are forwarded to the Governor and the Legislature or to the appropriate public agency. The purpose of this review is to resolve conflicts and to insure agency compliance with the Minnesota Environmental Policy Act.

The EQB membership consists of 12 persons: the heads of seven state agencies (Agriculture, Energy, Health, Transportation, Natural Resources, Pollution Control, and State Planning); a representative from the Governor's Office; and four citizens selected from the Citizens Advisory Committee. This Advisory Committee assures citizen participation in the activities and decisions of the EQB. Its eleven members are appointed by the Governor. Staff for the Environmental Quality Board is provided by the State Planning Agency.

The EQB is responsible for administering the following activities: the Environmental Review (EIS) Process; Power Plant Siting and Transmission Line Routing; Critical Areas Planning Process; Early Notice System, environmental standards for the sub-division of land; and Permit Coordination.

3. The Environmental Review (EIS) Process

The Environmental Review Program was developed by the EQB in response to the Minnesota Environmental Policy Act of 1973, which requires that proposed actions be reviewed for their effects on the environment.

The Environmental Assessment Worksheet (EAW) and the Environmental Impact Statement (EIS) are the tools used to evaluate the environmental impact and significance of proposed actions. The EIS is an informational document which provides a thorough evaluation of the environmental effects of a proposed project. An EAW is a brief document, in worksheet format, that helps

the responsible government agency decide whether an EIS is necessary.

The EQB has approved guidelines and rules for determining how and when an EIS is prepared. The rules detail a list of projects and designates which government agency is responsible for EAW preparation for projects falling into these mandatory categories. Local governments have environmental review responsibility for certain projects such as commercial and residential developments; this responsibility is assigned to state agencies for other projects like oil refineries, major highways and power plants. For private projects -- those requiring no permits -- the project proposer prepares the EAW and the EIS, if necessary.

For actions not falling into a mandatory category, the environmental review process may be initiated in the following ways: the responsible government agency may prepare an optional EAW; the proposer may submit a draft EAW and submit it to the responsible agency, which then must prepare and file an EAW; a petition signed by 500 people requesting an EIS may be presented to the EQB. When a petition is submitted, the EQB holds a public meeting or hearing and determines the need for an EIS.

When an EAW is prepared, the determination made by the Responsible Agency (which prepared the document) concerning the need for an EIS becomes effective after a 30-day public review period, unless the decision is challenged. If a challenge is filed, The EQB holds a public hearing or meeting and makes the determination of the need for an EIS.

When an EIS is prepared, the EQB reviews the Final EIS for adequacy. The Final EIS must be accepted as adequate by the EQB before any government approval of the action can be made.

4. Power Plant Siting and Transmission Line Routing

In 1973, the state legislature gave the Minnesota Environmental Quality Board the authority to site large electric power generating plants and to route high voltage transmission lines. The EQB has the authority to site all power plants over 50 megawatts in generating capacity and to route all transmission lines operating at a voltage of 220 kilovolts or more. These facilities must be located in a manner compatible with environmental preservation and the efficient use of resources while insuring that electric power systems are reliable and that electric energy needs are properly met. Certain provisions of the law were revised in 1977.

An important part of the process is informing and involving the public. The Board appoints a citizens committee to study the siting or routing proposals and recommend a preferred site or route to the Board. Nominations for the committee are solicited from legislators, local government officials and interest groups. Information about the project is placed in local libraries for interested citizens to review. A public advisor is appointed to assist interested citizens in taking part in the process. Further citizen involvement is provided through information meetings early in the project and prior to public hearings.

At the present time, an inventory of study areas for power plant sites is being prepared. The statute requires utilities to submit a 15-year Advance Forecast of demand, new facilities needed and those which will be retired. The Forecast is submitted in even numbered years and up-dated in odd numbered years. Baseline studies are financed by an assessment on all electric utilities in the state. Specific site or route studies are financed by the utility concerned.

5. Critical Areas Program

The Critical Areas Planning Process specifically provides for coordination of planning and regulatory responsibilities.

Each critical area designation and the ensuing planning and regulatory standards to be used by local, regional, and state agencies are purposely designed to allow flexibility on the part of each unit of government as to how it implements each standard. Because of this flexibility coordination of ideas and final plans is essential. This coordination is provided for by the designation of three major points in the planning process.

The first coordinative effort is provided for immediately after designation. The process provides that the RDC and EQB reviews local plans against the planning standards to highlight the deficiencies in the governmental units current plans and regulations.

The second major coordinative effort is made during the planning process. During this phase adjacent communities with similar planning responsibilities attend regular meetings sponsored by the RDC to discuss mutual problems and share ideas. A newsletter or bulletin for each critical area is also published.

The final major stage for coordination occurs after plans and regulations have been drafted by the communities and Regional and State Agencies but before final approval. The draft plans and regulations are reviewed by adjacent communities, the RDC, other interested units of government and the EQB. Any deficiencies as compared to the Critical Area Standards and Guidelines or inconsistencies with adjacent units of government are noted at this point so modifications can be made before the plans and regulations are finalized.

6. Early Notice System

The Environmental Quality Board has implemented an early notice system to keep the public, the Board, and other governmental units informed of proposed or impending actions which have the potential for significant environmental effects. This is in response to the Minnesota Environmental Policy Act of 1973 (Minn. Stat. 116D.04, Subd. 8).

This early notice of impending actions is given in the form of a weekly bulletin called the "EQB Monitor." The "EQB Monitor" publishes notice of applications for natural resources management and development permits; impending state actions with the potential for significant environmental effects; EQB receipt of environmental documents and petitions; EIS preparation notices and negative declarations; draft EIS information meetings; applications for certificates of need and certificates of site compatability for large energy facilities as well as other notices of general interest regarding environmental issues.

The purpose of publishing the EQB Monitor is to improve inter-agency coordination and make the public aware of proposed activities so that any conflicts can be addressed at the earliest possible time. This early notice system can help in avoiding costly, time consuming delays and reversals later in the environmental review process.

7. Environmental Standards for the Subdivision of Land

The 1973 Subdivided Land Act authorizes the Commissioner of Commerce to require land subdividers to comply with all federal, state and local environmental quality standards for subdivisions prior to registration of the subdivision, another example of vertical coordination. The EQB has assembled state environmental standards for use in administering this act.

8. The Environmental Permit Coordination Program

Recognizing the difficulties many developers have in working their way through the maze of governmental permit requirements, the Minnesota Legislature passed the Environmental Coordination Procedures Act of 1976. This law provides for a new coordinated state permit application procedure called the "Master Application Process", and establishment of information centers to help people understand state permit requirements. These services are provided by the EQB's Permit Coordination Unit.

The "Master Application Process" is a way to get all the necessary state permits by going through a single office. The Permit Coordination Unit assembles the forms, transmits paperwork between the agencies and the applicant, monitors the progress of permit review, arranges a single joint public hearing if needed, and delivers the permits to the applicant in a single package. Time limits are placed on all phases of the review process -- lending greater predictability to project planning. The Master Application Process uses a joint hearing procedure as a mechanism for coordinating the activities and decision-making processes of state agencies. The joint hearing is a procedure by which one or more agencies can participate in resolving issues of the decision-making process.

The joint hearings are coordinated by the Permit Coordination Unit. Each state agency having a permit interest in a project may order a hearing via the coordination unit. The Unit then publishes a notice once a week for three consecutive weeks in an official newspaper of the county for which the project is to be constructed or operated.

Each agency that has a permit interest in the Master Application and that feels a hearing would be in the best interest of the public must be represented at the public hearing by its chief administrative officer or his designee. The representatives of any state agency within whose jurisdiction a specific application lies, participates in that portion of the hearing per-

taining to submission of information, views, and supporting materials which are relevant to its application.

The other service provided through the Permit Coordination Program is the Environmental Management Information Center, providing information to the public on the state permits and programs regulating the use of the state's natural resources. The information centers can identify the type of permits generally needed for various types of development projects and can identify the appropriate agency personnel who handle the permits. The Permit Coordination Unit operates a center in the EQB office in St. Paul, and 11 branch information centers have been set up in regional development commissions around the state.

9. The Memorandum of Understanding

Another administrative mechanism to insure coordination between agencies and levels of government involved in the planning for and management of the state's resources is the Memorandum of Understanding. These memos clarify working relationships on a formal basis.

One example is a Memorandum of Understanding between the State Planning Agency and the State Soil and Water Conservation Board with respect to the relationship between Regional Development Commissions and the Resource Conservation and Development Committees. One recommendation deals with appropriate organizational ties to establish an integrated functional planning framework. In this case, the RDC is the chief policy planning agency on regional growth and development issues and the RC&D's are concerned with the translation of these general policies and priorities into specific projects, operations and time schedules.

10. Land Exchange Board

According to legislative provisions, any of the public lands of the state, including lands held in trust for any purpose, may be exchanged for lands of the United States or for privately held lands. Such exchanges must have the unanimous approval of the Land Exchange Board, made up of the Governor, the Attorney General and the State Auditor. Lands acquired in this manner are subject to the same trust arrangements, if any, as the lands exchanged. The state also reserves the mineral and water power rights in lands transferred by the state.

This board hears requests for about 3-4 exchanges per month, the majority of which are from small private owners wishing to exchange their lands for some held by the state. Some large corporate owners have initiated exchanges; for example, Boise Cascade to acquire additional timber lands. The state has also exchanged lands with the U.S. Forest Service and the U.S. Fish and Wildlife Service. Occasionally, the State Department of Natural Resources will initiate an exchange for private land holdings. Therefore, this coordinative mechanism works chiefly to rationalize vertical transfers of public lands with other levels of government.

11. Minnesota Water Planning Board

The Water Planning Board was established by the legislature in 1977 as a successor to the Water Resources Council. The initial order creating the Council in 1973 recognized that while coordination of planning and management of water and related land resources is required under federal law (PC 89-90), jurisdiction in these areas belongs to a number of different state agencies. The makeup of the Board facilitates better horizontal coordination of a number of policies regarding the use of water and water-related functional planning.

The Board is made up of the Commissioners of the Departments of Natural Resources, Agriculture and Health, the Energy Agency, the Pollution Control Agency and the State Soil and Water Conservation Board. The primary purpose of the Board

is to oversee and coordinate the preparation of the State Water and Related Land Resources Plan. To carry out this purpose, the Board has designated a Technical Committee which serves as staff to the Board and which is made up of professional staff representatives of the six agencies on the Board plus staff from the Minnesota Geological Survey, Department of Economic Development and the State Planning Agency. The functional planning is the responsibility of three interagency work groups centered on the topics of water use and allocation, institutional analysis and management, and water management data and information systems. Thus, agency views are coordinated at the beginning of the planning process.

To insure vertical coordination in the planning process, the Water Planning Board works through regional committees established by the regional development commissions and made up primarily of local officials. In most cases, these committees are the same ones that are advisory to the 208 Water Quality Planning Process, thereby providing an additional coordinating link between these two related water planning efforts.

To facilitate coordination with other levels of government, federal agencies and representatives from various departments at the University of Minnesota are invited to sit on the interagency work groups.

Other duties of the Water Planning Board are as follows:

(a) To encourage federal, state, local and private organizations to cooperate in the definition and solution of problems concerning water and related land resources planning;
(b) To participate in the work of the Missouri River Basin Commission, the Upper Mississippi River Basin Commission, and the Great Lakes Basin Commission by considering resource planning on a federal-state, interstate and regional basis.

(c) To assist the Metropolitan Council, regional development commissions and other public agencies in the development of water and related land resource plans;

(d) To the extent authorized by law, to prepare and distribute informational brochures, press releases and other educational information to familiarize those concerned with the activities of the Board and to encourage water and related land resource planning;

(e) To solicit the participation of the public in the work of the Board, particularly the participation of the Association of Minnesota Counties, the League of Minnesota Municipalities, Watershed Districts, and local officials.

12. Minnesota Municipal Board

Coordinated growth and development is facilitated by the Minnesota Municipal Board. The purpose of the Board is to promote and regulate development of municipalities so that the public interest in efficient local government will be properly recognized and served. To accomplish this task, the Board holds proceedings and issues orders for the incorporation of property into statutory cities, the detachment of property from municipalities, the consolidation of municipalities; and the consolidation of towns with municipalities.

The Board is composed of three members appointed by the Governor with the advice and consent of the Senate. The Board also selects two county commissioners from the affected county to serve during the proceeding. Proceedings are initiated by various means including municipal resolution, township resolution and petition from property owners. Upon completion of the hearing, the Board may alter the boundaries of the proposed incorporation or annexation to include only property which is now, or is about to become, urban or suburban in character or may exclude property that may be better served by another unit of government. The Board has the power to order incorporation, annexation or consolidation or to deny such actions based on the protection of the public health, safety and welfare. As a guide in arriving at a determination, the Commission shall consider the following:

a) Present population, past population growth and projected population for the area;
b) Quantity of land within the area proposed for incorporation;
c) Present pattern of physical development in the area including residential, industrial, commercial and institutional land uses;
d) Comprehensive plans for development of the area including development as projected by the Metropolitan Council or the State Planning Agency;
e) Type and degree of control presently being exercised over development in the area including zoning ordinances, subdivision regulations and housing and building codes;
f) Natural terrain of the area including general topography, major watersheds, soil conditions and such natural features as rivers, lakes and major bluffs;
g) Present government services being provided to the area including water and sewer service, fire and police protection, street improvements and maintenance, and recreational facilities;
h) Existing or potential problems of environmental pollution and the need for additional services to avoid or minimize these problems;
i) Fiscal data of the area including assessed valuation trends, mill rate trends (state, county, school district and town) and present bonded indebtedness;
j) Relationship and effect of the proposed incorporation on communities adjacent to the area and school districts within and adjacent to the area;
k) Analysis of whether the needed governmental services can best be provided through incorporation or annexation to an adjacent municipality;
l) Adequacy of town government to deal with problems of the area;
m) Availability of space within the consolidating municipality to provide for projected future growth;
n) Plans and programs by the consolidating municipality for providing needed government services to the consolidating town;

o) Degree of contiguity of the boundaries between the consolidating municipality and town; and

p) If only a part of a township is included, the ability of the remainder of the township to continue or the feasibility of it being incorporated separately or being annexed to another municipality or combined with another town.

D. Regional Coordination

1. Regional Development Commissions

The Regional Development Commissions were created specifically to deal with the issues of intergovernmental coordination. The purpose statement of the Regional Development Act of 1969 states in Section 462.383, Subd. 1: "The Legislature finds that problems of growth and development in urban and rural regions of the state so transcend the boundary lines of local government units that no single unit can plan for their solution without affecting other units in the region; that various multi-county planning activities conducted under various laws of the United States are presently being conducted in an uncoordinated manner; that intergovernmental cooperation on a regional basis is an effective means of pooling the resources of local government to approach common problems";

The RDCs were specifically given the review authorities they possess in order to coordinate both planning and program implementation activities at the state, local and regional levels. The coordination role of Minnesota's RDCs is further evidenced by the role given them in the areas of housing distribution, water quality planning, water resources planning, outdoor recreation planning, and land use planning to name but a few of the more significant areas in which RDCs are involved in a coordinative role.

2. Minnesota Association of Regional Commissions

The Minnesota Association of Regional Commissions (MARC) was formed by Minnesota's 12 RDCs and the Metropolitan Council and has among its membership the Metropolitan Council and 11 of the 12 RDCs. The purpose behind the formation of MARC are identified in Article V of the organization's bylaws and are as follows:

1) To provide a forum for implementing the purposes of the Regional Development Act of 1969, the Metropolitan Council Act of 1967 and any subsequent additions or amendments related hereto.
2) To establish a policy-level relationship among Regional Development Commissions and the Metropolitan Council and among Regional Development Commissions, the Metropolitan Council and state agencies, and to serve as liaison for communicating plans and policies between the state and Regional Development Commissions and the Metropolitan Council.
3) To evaluate and recommend statewide plans and policies to the state and federal governments.
4) To consider matters of mutual interest to Regional Development Commissions and the Metropolitan Council.
5) To promote public education and understanding of the goals, purposes, benefits and workings of Regional Development Commissions and the Metropolitan Council and their relationships to state and local units of government.

The primary purposes of MARC is clearly oriented towards coordination and cooperation between RDCs and the Metropolitan Council; however, the organization is also very concerned about ensuring meaningful coordination between RDCs and state and local government.

A SUBSTANTIVE CONTEXT FOR MINNESOTA LAND USE DECISION-MAKING

The various planning efforts, studies and programs described in the preceding chapter on implementation are all components of the evolving state land use plan. The key state land use planning need is the coordination and integration of the components through the development of statewide context or framework within which the components can be placed. In other words, there is a need for the development and adoption of mappable guidelines relating to land preservation and development. A basic need in developing such a framework is sound information on land and water resources, land use, land value and ownership. Within Minnesota, land use data are collected for many different projects and by many different agencies. The U.S. Forest Service conducts a forest inventory. The Soils Department of the University of Minnesota and the

U.S. Department of Agriculture Soil Conservation Service compile soils maps. The U.S. and State Geological Surveys map geologic formations. Many agencies purchase air photos and produce various maps. The Department of Natural Resources records state ownership of land. The list goes on and on. Many people seek this information for application to a variety of resource problems. Each person faces the problem of synthesizing the data and putting them into a usable format.

Most studies approach data in similar ways. Each group overlays maps to find combinations of characteristics that occur at an affected location. Each group attempts to find areas adjacent to certain features. Most commonly these analyses use a tedious process of manually overlaying translucent maps.

Government officials must use data and analysis to make decisions. Often decisions are made at different levels of government. A zoning permit is granted by the county, another permit by the Department of Natural Resources, and perhaps a third by the Environmental Quality Board. Each group compiles and looks at the information in different ways; often the information is different and each group reaches a separate conclusion. If conflicts occur, each group argues based on its own data and analysis, and often without adequate data. A common base of data could eliminate some of the arguments and alleviate distrust of other data. The realization that these problems create conflict and make decisions more difficult has prompted an attempt to solve them in Minnesota. One solution is to establish a common data base and computerized analysis techniques that can be used in analyzing resource-related problems at all levels of government.

The Minnesota Land Management Information System (MLMIS) is one attempt to centralize and analyze data on Minnesota's resources. MLMIS was developed on the University of Minnesota computer as a cooperative project of the University's Center for Urban and Regional Affairs and the State Planning Agency (SPA). It is both a depository of geographically-based information and a computer analysis system.

MLMIS data include cultural, resource, and political boundary information. Information is stored on computer files by 40-acre parcel for

every parcel in the state. It is organized by region, county, and township and can be accessed for mapping or statistical analysis.

Today MLMIS exists within an overall structure called the Land Management Information Center. The 1977 Legislature funded LMIC to increase use of the data and analysis system by all state agencies and by the private sector. LMIC is a division of the State Planning Agency with a service bureau theme. It is not intended to serve the SPA exclusively, or even primarily. It is available on an equal basis to all state agencies and departements.

A committee of people from state and federal agencies that use the MLMIS advises the Center on additions and changes to the data base and analysis system. This committee should help to increase interaction among the user community. Special project costs for computer time and programming work above present funding can be contracted with outside users.

LMIC is organized into three functional sections: the Mapping and Remote Sensing Information Center (MARSIC), the Planning Analysis Service (PLANS), and the Minnesota Land Management Information System (MLMIS).

MARSIC centralizes mapping and remote sensing information for the state. Catalogs of Minnesota's aerial photography and mapping products are compiled and information on other remote sensing and mapping data can be obtained from the center.

PLANS is the application section of LMIC; it provides assistance to users of the data and analysis system.

MLMIS is the system section; it maintains the data base, develops new analysis tools, and enters new data.

Much work remains to be done to coordinate the record-keeping of land use-related information among local, regional, state and federal agencies. Just as critical is the use of existing information to describe the suitability of lands in Minnesota for various uses and to allow setting of priorities among uses for broad zones within the state based on the

suitability. The forest suitability studies cited in the preceding chapter are essential building blocks in working toward development of policies based on land suitability.

The development of a framework for the components of the state land use plan must rest on intensive involvement of affected state agencies. SPA is attempting to play a leadership and coordinative role. At a working level, the State Agency Land Use Committee and the MLMIS Users Committee provide evidence of SPA's committment to coordination of the development of a state land use framework.

CHAPTER 4: EVALUATION OF STATE LAND USE MECHANISMS

Minnesota's planning process includes several methods of evaluating state land use mechanisms, which center on the process of developing and implementing legislation. The first is a preliminary evaluation of the economic and programmatic impacts of a piece of proposed legislation through the "Fiscal Note" Requirement. The second is an evaluation of current program activity through the regular biennial budgetary process. And, a third involves the State Planning Agency's mandate to review and coordinate all other state agency planning programs.

A. Fiscal Notes

The State now requires fiscal notes to accompany all proposed legislation before it is submitted to the legislative process. The purpose of this information is to enable the Governor and his advisors to determine the financial and program implications of the proposed legislation.

Specific information is requested concerning the sources of funding to support this proposed activity for the next three fiscal years and the amount required each year. The portion of the total cost of the activity that can be absorbed by current activities and the amount from each existing fund must also be projected.

The number and type of personnel that will be required by the new activity must be identified and the annual cost to support the new staff must be estimated. This will permit an indepth review of areas of specialization that will be added or increased in the state personnel complement.

The purpose of the new program must be defined and the intended impact on the clientele must be assessed by the agency proposing the new service or project. This will permit those reviewing the proposal to determine if the action would duplicate current assignments, provide a program to a client groups that could not be served by an existing agency, or become competitive with an existing activity.

The agency proposing the new program is also required to develop criteria for continuously evaluating the program. This evaluation should examine in detail the need for the service or project and the cost so it may be reviewed in relation to other state expenditures for similar services and the total state budget. The agency is also required to report on what other laws and state programs will be affected by the new legislation. This type of comparative review forces the agency to assume responsibility for the examination of the proposed new action on existing programs.

Finally, the fiscal note must include a description of the long range financial and program implications of the proposed legislation. This is to include a complete statement about any federal funding that may be utilized and the possible continuation of that support.

The full disclosure of proposed new legislation provides an excellent source of information to evaluate new legislation within the context of existing programs. It also permits the reviewer to immediately identify the client group served and program area that is strengthed and determine the total state commitment to that need.

B. Biennial Budgetary Process

When a major legislative act is passed in Minnesota, it often is accompanied by a statement of policy. Implementation begins with the legislature's funding a budget (or program) activity in a State Department or Agency. A major function of this activity involves the continued refinement and interpretation of the legislative policy. This is usually accomplished through the promulgation of rules and regulations which describe various standards and criteria as to how the policy directive will be carried out.

The evaluation of the budget activity is conducted as part of the budgetary process. Each budget activity has a manager who assesses the needs and level of services to be provided. In turn, these needs are reviewed and formulated into a goal for each activity. This goal is supported by a number of quantified objectives which are established as "benchmark" for reviewing the implementation of the program.

Budget activities are reviewed by the Department of Finance, State Planning Agency, the Governor's Office and ultimately the legislature. The biennial goals and objectives serve as the criteria for evaluating budget activities. Eventually, the Governor's recommendation and the requesting agency's recommendation are submitted to the legislature.

At this point, the budget activity is evaluated by the legislature according to established objectives. The legislature reviews new implementation measures, staff additions, completion of tasks, inquiries into policy implementation, etc., before making a final decision regarding the funding of the budget activity. Changes may be made in the funding, implementation measures or scope of the program. All land use and related budget activities are reviewed and evaluated through this process.

A substantial drawback in this process is the time required to review and evaluate several hundred budget activities. The legislature can seldom explore in depth the implementation of a large number of program activities during a legislative session. In this regard, the State Planning Agency can use its coordinative role to focus the attention of the legislature towards specific land use programs with significant implementation problems.

C. Coordinative Procedures in the Review Process

The State Planning Agency is directed by law to:

(1) Review current programming and future planning of all state departments and agencies;

(2) Act as the coordinating agency for the planning activities of all state departments and agencies and local levels of government;

(3) Review all plans filed with the federal government by state departments and agencies;

(4) Coordinate with state budgets the items therein relating to and reflecting statewide planning as authorized by the legislature and as recommended for the consideration of the legislature.

The staff of the planning agency carries out these directives of the legislature by participating in an intensive review of the budgets of state agencies during the biennial budget review cycle. The planning programs and the implementation of those plans are items that are carefully scrutinized by the State Planning staff and discussed in considerable detail with the various state agencies.

This assignment cannot be effective unless there are regular meetings with these state agencies that include review of their current programs and the progress of current planning activities. The discussion and evaluation of agency plans usually requires participation by other state agencies because of the effect the implementation of one program may have upon another.

The agency also commits a considerable amount of staff time to the review of active planning programs and projects to assure consistency with state policies or existing state programs.

Of major consideration in this process is the evaluation of the existing and projected need for the service and the level of service that can be delivered. These plans are reviewed for adequacy of data, analytical techniques that have been applied, alternative consideration, and adaptability and flexibility of the plans and the implementation measures that may be utilized.

This type of coordination and review requires staff to have a thorough and current knowledge of all state resource programs, their purpose, effectiveness, and influence or impact on other programs of state and local governments.

The agency staff is also responsible for the development and maintenance of the state land use planning process and the review and evaluation of areawide development plans for land use and the products produced as a result of those efforts. The coordination of areawide and state plans for consistency between documents and with state policies is performed as major reviews of the OPD and the products of the studies and is monitored during the progress of the work. Information on the planning efforts of various agencies is provided to other agencies in newsletters and through meetings held throughout the year.