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NOTARY PUBLIC

OR

(Sign and date here in the presence of two adult witnesses, neither of whom is entitled to any part of your estate under a will or by operation of law, and neither of whom is your proxy.)

I certify that the declarant voluntarily signed this declaration in my presence and that the declarant is personally known to me. I am not named as a proxy by the declaration, and to the best of my knowledge, I am not entitled to any part of the estate of the declarant under a will or by operation of law.

Witness ..... Address .....

Witness ..... Address .....

Reminder: Keep the signed original with your personal papers.

Give signed copies to your doctors, family, and proxy."

Sec. 2. APPLICATION.

Section 1 does not affect the validity of a declaration that does not contain the provisions of section 1, if the declaration is otherwise substantially in the form in Minnesota Statutes, section 145B.04.

Presented to the governor April 17, 1992

Signed by the governor April 24, 1992, 4:10 p.m.

CHAPTER 536—S.F.No. 2499

*An act relating to economic development; authorizing the establishment of the Mille Lacs preservation and development board; proposing coding for new law in Minnesota Statutes, chapter 103F.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [103F.806] APPLICATION.

Sections 1 to 6 apply to the area of the counties of Mille Lacs, Crow Wing, and Aitkin located within one mile of Mille Lacs Lake. Sections 1 to 6 do not alter or expand the zoning jurisdiction of the counties within the exterior boundaries of the Mille Lacs Indian reservation.

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**Sec. 2. [103F.807] DEFINITIONS.**

Subdivision 1. APPLICABILITY. The definitions in this section apply to sections 1 to 6.

Subd. 2. BOARD. "Board" means the Mille Lacs preservation and development board.

Subd. 3. COMPREHENSIVE LAND USE PLAN; PLAN. "Comprehensive land use plan" or "plan" means the Mille Lacs Lake comprehensive land use plan.

Subd. 4. COUNTIES. "Counties" means the counties of Mille Lacs, Crow Wing, and Aitkin.

**Sec. 3. [103F.808] MILLE LACS PRESERVATION AND DEVELOPMENT BOARD.**

Subdivision 1. AUTHORIZATION. The governing bodies of the counties of Mille Lacs, Crow Wing, and Aitkin may establish the Mille Lacs preservation and development board.

Subd. 2. MEMBERSHIP. The board shall consist of six members. The governing body of each county shall appoint two of its members to serve on the board. The membership terms are two years beginning on the first Monday in January of odd-numbered years. Vacancies on the board must be filled for the remainder of the term by the governing body that made the original appointment.

Subd. 3. OFFICERS. The board shall annually appoint from among its members a chair, vice-chair, and secretary-treasurer.

Subd. 4. STAFF AND CONTRACTS. The board may employ staff and contract for goods and services necessary to carry out its duties.

Subd. 5. FUNDING. The board shall submit an annual budget to each county. The budget must include a detailed written estimate of the amount of money that the board expects to need to prepare and implement the comprehensive land use plan and to carry out its other duties. Each county shall, upon approval of the budget by its governing body, furnish the necessary amount of money to the board. The board may apply for, receive, and disburse federal, state, and other grants and donations.

Subd. 6. ADVISORY COMMITTEE. The board shall appoint an advisory committee to advise and assist the board in carrying out its duties. Members of the committee must include representatives of other local government units, owners of businesses, and owners of property located within the board's jurisdiction.

Subd. 7. CONTACT WITH GOVERNMENT AGENCIES. The board

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shall initiate and maintain contacts with governmental agencies as necessary to properly prepare the plan and shall negotiate cooperative management agreements with the United States Forest Service and Bureau of Land Management and the state department of natural resources. The board and Mille Lacs, Crow Wing, and Aitkin counties shall initiate and maintain contacts with the governing body of the Mille Lacs Indian Reservation and shall negotiate a cooperative management and jurisdiction agreement with the reservation governing body.

**Sec. 4. [103F.809] MILLE LACS LAKE COMPREHENSIVE LAND USE PLAN.**

Subdivision 1. PREPARATION. The board shall prepare the Mille Lacs Lake comprehensive land use plan. The standards specified in the plan must provide for the protection, enhancement, and coordinated development of the area surrounding Mille Lacs Lake.

Subd. 2. ADOPTION. The board may adopt the plan after a public hearing has been held on the question. Notice of the hearing must include the time and place of the hearing. Notice of the hearing must be given by publication in at least two issues of the official newspaper of each county. The two publications must be two weeks apart and the hearing must be held at least three days after the last publication.

Subd. 3. AMENDMENTS. The board may amend the plan after a hearing and notice as provided in subdivision 2.

Subd. 4. IMPLEMENTATION. The plan is effective and may be implemented in each county only after the governing body of each county has approved the plan by resolution. The counties shall adopt land use ordinances consistent with the approved plan.

**Sec. 5. [103F.810] RESPONSIBILITIES OF OTHER GOVERNMENT UNITS.**

All local government units, districts, councils, commissions, and boards and state agencies and departments shall exercise their powers in conformance with sections 1 to 6 and the plan.

**Sec. 6. [103F.811] REVIEW AND CERTIFICATION OF LAND USE ACTIONS.**

Subdivision 1. PROCEDURE. To assure that the comprehensive land use plan prepared by the board is not nullified by unjustified exceptions in particular cases and to promote uniformity in the treatment of applications for exceptions, a review and certification procedure is established for the following categories of land use actions taken by the counties and directly or indirectly affecting land use within the area covered by the plan:

(1) the adoption or amendment of an ordinance regulating the use of land, including rezoning of particular tracts of land;

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- (2) the granting of a variance from provisions of the land use ordinance; and
- (3) the approval of a plat which is inconsistent with the land use ordinance.

Subd. 2. CERTIFICATION. Notwithstanding any provision of chapter 394 to the contrary, an action of a type specified in subdivision 1, clauses (1) to (3), is not effective until the board has reviewed the action and certified that it is consistent with the comprehensive land use plan. In determining consistency of ordinances and ordinance amendments, the provisions of the comprehensive land use plan shall be considered minimum standards. An aggrieved person may appeal a decision of the type specified in subdivision 1, clauses (1) to (3), that is reviewed by the board under this section in the same manner as provided for review of a decision of a board of adjustment in section 394.27, subdivision 9, but only after the procedures prescribed under this section have been completed.

Subd. 3. CERTIFICATION. A copy of the notices of public hearings or, when a hearing is not required, a copy of the application to consider an action of a type specified in subdivision 1, clauses (1) to (3), must be forwarded to the board by the county at least 15 days before the hearing or meetings to consider the actions. The county shall notify the board of its final decision on the proposed action within ten days of the decision. Within 30 days after the board receives the notice, the board shall notify the county and the applicant of its approval or disapproval of the proposed action.

Subd. 4. DISAPPROVAL OF ACTIONS. (a) If a notice of disapproval is issued by the board, the county or the applicant may, within 30 days of the notice, file with the board a demand for a hearing. If a demand is not filed within the 30-day period, the disapproval becomes final.

(b) If a demand is filed within the 30-day period, a hearing must be held within 60 days of demand. The hearing must be preceded by two weeks' published notice. Within 30 days after the hearing, the board must:

- (1) affirm its disapproval of the proposed action; or
- (2) certify approval of the proposed action.

#### Sec. 7. EFFECTIVE DATE.

Sections 1 to 6 are effective on the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing bodies of the counties of Mille Lacs, Crow Wing, and Aitkin.

Presented to the governor April 17, 1992

Signed by the governor April 27, 1992, 1:55 p.m.

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