

CHAPTER 462

HOUSING, REDEVELOPMENT, PLANNING,
ZONING

462.16	Power to enact ordinances for enforcement of rights given to council.	462.391	Specific powers and duties.
462.358	Procedure for plan effectuation; subdivision regulations.	462.395	Duties of state agencies.
462.375	Regional development plan; filing and distribution.	462.396	Financial; state assistance.
462.384	Definitions.	462.398	Termination of commission.
462.385	Designation of regions.	462.421	Definitions.
462.386	Multi-county planning and development; conformance with regions.	462.431	Repealed.
462.387	Regional development commissions; establishment.	462.432	Conflict of interest; penalties for failure to disclose.
462.39	Powers and duties.	462.601	Minnesota business corporation act applies in part.
		462.605	Powers of redevelopment company.
		462.711	Repealed.

462.16 POWER TO ENACT ORDINANCES FOR ENFORCEMENT OF RIGHTS GIVEN TO COUNCIL.

The council shall have the power to enact ordinances for the enforcement of the rights which shall be acquired under sections 462.12 to 462.17, and to fix penalties for their violation, including a fine not exceeding \$100 or confinement in the city workhouse not exceeding 90 days. Violations of the ordinances may be prosecuted in the municipal court of the city. Restricted residence districts created pursuant to sections 462.12 to 462.16 shall be subject to the provisions of section 541.023. In construing the scope and effect of a residence district restriction, equitable principles shall be utilized and the following shall be considered: the historic pattern of enforcement or non-enforcement; changed circumstances; the length of time during which current uses have been allowed to exist; the actual impact of current land uses; and detrimental reliance.

History: 1981 c 357 s 107

462.358 PROCEDURE FOR PLAN EFFECTUATION; SUBDIVISION REGULATIONS.

[For text of subd 1a, see M.S.1980]

Subd. 2a. **Terms of regulations.** The standards and requirements in the regulations may address without limitation: the size, location, grading, and improvement of lots, structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply, storm drainage, lighting, sewers, electricity, gas, and other utilities; the planning and design of sites; access to solar energy; and the protection and conservation of flood plains, shore lands, soils, water, vegetation, energy, air quality, and geologic and ecologic features. The regulations shall require that subdivisions be consistent with the municipality's official map if one exists and its zoning ordinance, and may require consistency with other official controls and the comprehensive plan. The regulations may prohibit certain classes or kinds of subdivisions in areas where prohibition is consistent with the comprehensive plan and the purposes of this section, particularly the preservation of agricultural lands. The regulations may prohibit, restrict or control development for the purpose of protecting and assuring access to direct sunlight for solar energy systems. The regulations may prohibit the issuance of building permits for any tracts, lots, or parcels for which required subdivision approval has not been obtained. The regulations may permit the municipality to condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, and

MINNESOTA STATUTES 1981 SUPPLEMENT

1479

HOUSING, REDEVELOPMENT, PLANNING, ZONING 462.386

water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the municipality of a cash deposit, certified check, irrevocable letter of credit, or bond in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be constructed or installed according to the specifications of the municipality. The regulations may permit the municipality to condition its approval on compliance with other requirements reasonably related to the provisions of the regulations and to execute development contracts embodying the terms and conditions of approval. The municipality may enforce such agreements and conditions by appropriate legal and equitable remedies.

[For text of subs 2b to 10, see M.S.1980]

History: 1981 c 85 s 7

462.375 REGIONAL DEVELOPMENT PLAN; FILING AND DISTRIBUTION.

The regional planning agency shall transmit the regional development plan and any revisions thereto, to the commissioner of energy, planning and development, the governing bodies of cooperating governmental units, and to planning agencies in contiguous areas. The agency may prepare additional copies of the plan for general distribution or sale.

History: 1981 c 356 s 223

462.384 DEFINITIONS.

[For text of subs 1 to 6, see M.S.1980]

Subd. 7. "Commissioner" means the commissioner of energy, planning and development exercising the authority conferred upon him by sections 4.10 to 4.17.

History: 1981 c 356 s 224

462.385 DESIGNATION OF REGIONS.

Subdivision 1. Development regions for the state shall be those regions so designated by the governor by executive order. The order shall provide for public hearings within each proposed region after which any county may request assignment to a region other than that proposed by the order. If a request for reassignment is unacceptable to the commissioner, the county shall remain in the originally designated region until the next session of the legislature for its review and final assignment.

[For text of subd 2, see M.S.1980]

Subd. 3. The commissioner shall conduct continuous studies and analysis of the boundaries of regions and shall make recommendations for their modification where necessary. Modification may be initiated by a county, a commission, or by the commissioner and will be accomplished in accordance with this section as in the case of initial designation.

History: 1981 c 356 s 225,226

462.386 MULTI-COUNTY PLANNING AND DEVELOPMENT; CONFORMANCE WITH REGIONS.

Subdivision 1. All coordination, planning, and development regions assisted or created by the state of Minnesota or pursuant to federal legislation shall

conform to the regions designated by the executive order except where, after review and approval by the commissioner, nonconformance is clearly justified. The commissioner shall develop working agreements with state and federal departments and agencies to insure conformance with this subdivision.

History: 1981 c 356 s 227

462.387 REGIONAL DEVELOPMENT COMMISSIONS; ESTABLISHMENT.

Subdivision 1. **Petition.** Any combination of counties or municipalities representing a majority of the population of the region for which a commission is proposed may petition the commissioner by formal resolution setting forth its desire to establish, and the need for, the establishment of a regional development commission. For purposes of this section the population of a county does not include the population of a municipality within the county.

Subd. 3. **Establishment.** Upon receipt of a petition as provided in subdivision 1 a regional development commission shall be established by the commissioner and the notification of all local government units within the region for which the commission is proposed. The notification shall be made within 60 days of his receipt of a petition under subdivision 1.

Subd. 4. **Selection of membership.** The commissioner shall call together each of the membership classifications except citizen groups, defined in section 462.388, within 60 days of the establishment of a regional development commission for the purpose of selecting the commission membership.

History: 1981 c 356 s 228

462.39 POWERS AND DUTIES.

[For text of subd 1, see M.S.1980]

Subd. 2. **Federal programs.** The commission is the authorized agency to receive state and federal grants for regional purposes from the following programs:

(1) Section 403 of the Public Works and Economic Development Act of 1965 (economic development districts);

(2) Section 701 of the Housing Act of 1954, as amended (multi-county comprehensive planning);

(3) Omnibus Crime Control Act of 1968;

and for the following to the extent feasible as determined by the governor:

(a) Economic Opportunity Act of 1964;

(b) Comprehensive Health Planning Act of 1965;

(c) Federal regional manpower planning programs;

(d) Resource, conservation, and development districts; or

(e) Any state and federal programs providing funds for multi-county planning, coordination, and development purposes. The commissioner shall, where consistent with state and federal statutes and regulations, review applications for all state and federal regional planning and development grants to a commission.

Subd. 3. **Planning.** The commission shall prepare and adopt, after appropriate study and such public hearings as may be necessary, a comprehensive development plan for the region. The plan shall consist of a compilation of policy statements, goals, standards, programs, and maps prescribing guides for an orderly and economic development, public and private, of the region. The comprehensive

development plan shall recognize and encompass physical, social, or economic needs of the region, and those future developments which will have an impact on the entire region including but not limited to such matters as land use, parks and open space land needs, access to direct sunlight for solar energy systems, the necessity for and location of airports, highways, transit facilities, public hospitals, libraries, schools, public and private, housing, and other public buildings. In preparing the development plan the commission shall use to the maximum extent feasible the resources studies and data available from other planning agencies within the region, including counties, municipalities, special districts, and sub-regional planning agencies, and it shall utilize the resources of the commissioner to the same purpose. No development plan or portion thereof for the region shall be adopted by the commission until it has been submitted to the commissioner for review and comment and a period of 60 days has elapsed after such submission. When a development plan has been adopted, the commission shall distribute it to all local government units within the region.

[For text of subd 4, see M.S.1980]

History: 1981 c 356 s 229,230

462.391 SPECIFIC POWERS AND DUTIES.

[For text of subd 1, see M.S.1980]

Subd. 2. Review of independent agencies. 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 the plan is determined by the commission to have a regional effect, a multi-community effect, or to have a substantial effect on regional development. Each plan shall be submitted to the commission before any action is taken to place the plan or any part thereof, into effect. No action shall be taken to place any plan or any part thereof into effect until 60 days have elapsed after the date of its submission to the commission or until the commission finds and notifies the submitting commission, board, or agency that the plan is consistent with its development plan for the region and the orderly and economic development of the region, whichever first occurs. If, within 60 days after the date of submission, the commission finds that a plan, or any part thereof, is inconsistent with its comprehensive plan for the region or detrimental to the orderly and economic development of the region, or any part thereof, the plan shall be indefinitely suspended. An affected independent commission, board, or agency may appeal the decision of the commission suspending a plan, or part thereof, to the commission, and if the commission and the affected independent commission, board, or agency are unable to agree as to an adjustment of the plan, so that it may receive the commission's approval, then a record of the disagreeing positions shall be made and presented for consideration and disposition by the commissioner.

Subd. 3. Review of federal and state aid programs. 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 United 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 the review is required by the federal government. The review shall advise the granting authority as to relationship of the application to the comprehensive plans and priorities of the region as established by the region. All review actions together with copies of applications shall be submitted on a regular basis for informational purposes to the commissioner. The requirements

of this subdivision do not apply to applications of governmental units or other political subdivisions which have been reviewed by a subregion or subdistrict which has been designated by the United States government as an authorized areawide review agency under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. All review actions, together with copies of applications, shall be submitted by the subregion on a regular basis to the commission for informational purposes.

Subd. 4. Review procedures. The commission shall develop, in consultation with the commissioner, formal procedures for the review of plans, applications, and other matters required to be submitted to it by sections 462.381 to 462.396. The procedures shall be embodied in a formal resolution adopted after public hearing. After adoption the resolution shall be transmitted to each governmental unit and independent agency, board, or commission within the region.

[For text of subs 5 to 10, see M.S.1980]

History: 1981 c 356 s 231-233

462.395 DUTIES OF STATE AGENCIES.

All state departments and agencies shall cooperate with regional development commissions established under sections 462.381 to 462.396 and shall make available to them studies, reports, data, and other informational and technical assistance within financial and personnel limitations. The commissioner shall coordinate the state's assistance programs to regional planning and development commissions.

History: 1981 c 356 s 234

462.396 FINANCIAL; STATE ASSISTANCE.

Subdivision 1. The commissioner shall determine the amount of and make grants to any commission created under sections 462.381 to 462.396 from appropriations made available for those purposes, provided a work program is submitted acceptable to the commissioner. Any regional commission may levy a tax on all taxable property in the region to provide money for the purposes of sections 462.381 to 462.396.

[For text of subs 2 to 6, see M.S.1980]

History: 1981 c 356 s 235

462.398 TERMINATION OF COMMISSION.

Subdivision 1. Any combination of counties or municipalities representing a majority of the population of the region for which a commission exists may petition the commissioner by formal resolution stating that the existence of the commission is no longer in the public welfare and interest and is not needed to accomplish the purposes of the regional development act of 1969. For purposes of this section the population of a county does not include the population of a municipality within the county. Any formal resolution adopted by the governing body of a county or municipality for the termination of a commission shall be effective for a period of one year for the purpose of determining the requisite population of the region needed to petition the commissioner.

Subd. 2. Within 35 days of the receipt of the petition, the commissioner shall fix a time and place within the region for a hearing. The commissioner shall give notice of the hearing by publication once each week for two successive weeks before the date of the hearing in a legal newspaper in each of the counties which the commission represents. The hearing shall be conducted by members of the

MINNESOTA STATUTES 1981 SUPPLEMENT

1483

HOUSING, REDEVELOPMENT, PLANNING, ZONING 462.432

commission. If the commission determines that the existence of the commission is no longer in the public welfare and interest and that it is not needed to accomplish the purposes of the regional development act of 1969, the commission shall recommend to the commissioner that the commissioner terminate the commission. Within 60 days after receipt of the recommendation, the commissioner shall terminate the commission by giving notice of the termination to all government units within the region for which the commission was established. Unless otherwise provided by this subdivision, the hearing shall be in accordance with sections 15.0411 to 15.0426.

Subd. 3. The commissioner shall not accept a petition for termination more than once in 30 months for each regional development commission.

History: 1981 c 356 s 236

462.421 DEFINITIONS.

[For text of subds 1 to 20, see M.S.1980]

Subd. 21. "The commission" means the commissioner of energy, planning and development.

[For text of subds 22 to 25, see M.S.1980]

History: 1981 c 356 s 237

462.431 [Repealed, 1981 c 79 s 2]

462.432 CONFLICT OF INTEREST; PENALTIES FOR FAILURE TO DISCLOSE.

Subdivision 1. **Disclosure.** Before taking an action or making a decision which could substantially affect his financial interests or those of an organization with which he is associated, a commissioner or employee of an authority shall: (a) prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest; and (b) submit the statement to the board of commissioners of the authority, whereupon the disclosure shall be entered upon the minutes of the authority at its next meeting. The disclosure statement shall be submitted no later than one week after the employee or commissioner becomes aware of the potential conflict of interest. However, no disclosure statement shall be required if the effect on the commissioner or employee of the relevant decision or act will be no greater than on other members of his business, profession or occupation. Any individual who knowingly fails to submit a statement required by this subdivision or submits a statement which he knows contains false information or which he knows omits required information is guilty of a gross misdemeanor.

Subd. 2. **Effect of disclosure.** If an employee has a potential conflict of interest, his superior shall immediately assign the matter to another employee who does not have a potential conflict of interest. A commissioner who has a potential conflict of interest shall not take part in the action or decision in question and shall not be counted toward a quorum in any meeting of the authority considering such action or decision.

Subd. 3. **Conflicts forbidden.** A commissioner or employee of an authority who knowingly takes part in any manner in making any sale, lease, or contract in his official capacity in which he has a personal financial interest is guilty of a gross misdemeanor.

Subd. 4. **Agent or attorney.** For a period of one year after termination of his position as a commissioner or employee of an authority no former commissioner or former employee of an authority shall appear personally before any court or governmental department or agency as agent or attorney for anyone other than the authority in connection with any proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the authority is substantially interested, and with respect to which he took any action or made any decision as a commissioner or employee of the authority at any time within a period of one year prior to the termination of such employment.

Subd. 5. **Limitations.** With respect to each program established by the authority to provide financial assistance or financing with respect to real property other than rental assistance programs, an employee or commissioner may receive such financial assistance or financing not more than once.

Subd. 6. **Injunction.** The county attorney may seek an injunction in the district court to enforce the provisions of this section.

History: 1981 c 79 s 1

462.601 MINNESOTA BUSINESS CORPORATION ACT APPLIES IN PART.

The provisions of sections 301.01 to 301.61 and chapter 302A shall apply to redevelopment companies, except where those provisions are in conflict with the provisions of sections 462.415 to 462.711. In the event that any action with respect to which the holders of income debentures shall have the right to vote is proposed to be taken, then notice of any meeting at which such action is proposed to be taken shall be given to those holders in the same manner (and) to the same extent as if they were stockholders entitled to notice of and to vote at such meeting, and any certificate filed pursuant to law in the department of state with respect to any such action, whether taken with or without meeting, and any affidavit required by law to be annexed to that certificate, shall contain the same statements or recitals, and the certificate shall be subscribed and acknowledged, and the affidavit shall be made in the same manner as if those holders were stockholders holding shares of an additional class of stock entitled to vote on that action, or with respect to the proceedings provided for in the certificate.

History: 1981 c 270 s 140

462.605 POWERS OF REDEVELOPMENT COMPANY.

Each redevelopment company shall have and may exercise such of the powers conferred by sections 301.01 to 301.61 and chapter 302A or, in cities of the first class, the Minnesota uniform limited partnership act as shall be necessary in conducting the business of a redevelopment company and consistent with the provisions of sections 462.415 to 462.711.

History: 1981 c 270 s 141

462.711 [Repealed, 1981 c 356 s 247]