

## CHAPTER 103F

## PROTECTION OF WATER RESOURCES

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**103F.383 DEFINITION.**

Subdivision 1. [Repealed, 2005 c 47 s 4]

Subd. 2. [Repealed, 2005 c 47 s 4]

*[For text of subd 3, see M.S.2004]*

**103F.385** [Repealed, 2005 c 47 s 4]

**103F.387 COMPREHENSIVE PLAN.**

The comprehensive plan known as "Project Riverbend Fifth Draft, June 1981" shall be implemented by the counties. The counties shall adopt land use ordinances consistent with the plan. The standards set forth in the plan are the minimum standards that may be adopted by the counties. The counties may amend the comprehensive land use plan in any way that does not reduce the minimum standards set forth in the plan.

**History:** 2005 c 47 s 1

**103F.389 REVIEW AND CERTIFICATION OF LAND USE ACTIONS.**

*[For text of subd 1, see M.S.2004]*

Subd. 2. **Land use actions must be consistent with plan.** (a) Notwithstanding any contrary provision of chapter 394, an action of a type specified in subdivision 1, clauses (1) to (3), is not effective until the county board has reviewed the action and certified that it is consistent with the comprehensive land use plan.

(b) 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), which is reviewed by the county board under this section in the manner provided for review of a decision of a board of adjustment under section 394.27, subdivision 9.

Subd. 3. [Repealed, 2005 c 47 s 4]

Subd. 4. [Repealed, 2005 c 47 s 4]

**History:** 2005 c 47 s 2

**103F.391 RESTRICTIONS ON LAND INCORPORATED OR ANNEXED.**

(a) If land subject to the comprehensive land use plan is annexed, incorporated, or otherwise subjected to the land use planning authority of a home rule charter or statutory city, a moratorium shall exist on all subdivision platting and building permits on that land until zoning regulations are adopted for the land that comply with the provisions of the comprehensive land use plan.

(b) The moratorium shall also apply to construction, grading and filling, and vegetative cutting as those activities are defined in the comprehensive plan.

(c) This section does not apply to work done pursuant to lawful permits issued before the land became subject to the land use planning authority of the city.

**History:** 2005 c 47 s 3

**103F.393** [Repealed, 2005 c 47 s 4]

**103F.535 RESERVATION OF MARGINAL LAND AND WETLANDS.**

Subdivision 1. **Reservation of marginal land and wetlands.** (a) Marginal land and wetlands are withdrawn from sale or exchange unless:

(1) notice of the existence of the nonforested marginal land or wetlands, in a form prescribed by the Board of Water and Soil Resources, is provided to prospective purchasers; and

(2) the deed contains a restrictive covenant, in a form prescribed by the Board of Water and Soil Resources, that precludes enrollment of the land in a state-funded program providing compensation for conservation of marginal land or wetlands.

(b) This section does not apply to transfers of land by the Board of Water and Soil Resources to correct errors in legal descriptions under section 103F.515, subdivision 8, or to transfers by the commissioner of natural resources for:

(1) land that is currently in nonagricultural commercial use if a restrictive covenant would interfere with the commercial use;

(2) land in platted subdivisions;

(3) conveyances of land to correct errors in legal descriptions under section 84.0273;

(4) exchanges of nonagricultural land with the federal government, or exchanges of Class A, Class B, and riparian nonagricultural land with local units of government under sections 94.342, 94.343, and 94.344;

(5) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10; and

(6) land not needed for trail purposes that is sold to adjacent property owners and lease holders under section 85.015, subdivision 1, paragraph (b).

(c) This section does not apply to transfers of land by the commissioner of administration or transportation or by the Minnesota Housing Finance Agency, or to transfers of tax-forfeited land under chapter 282 if:

(1) the land is in platted subdivisions; or

(2) the conveyance is a transfer to correct errors in legal descriptions.

(d) This section does not apply to transfers of land by the commissioner of administration or by the Minnesota Housing Finance Agency for:

(1) land that is currently in nonagricultural commercial use if a restrictive covenant would interfere with the commercial use; or

(2) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10.

*[For text of subd 5, see M.S.2004]*

**History:** 1Sp2005 c 1 art 2 s 119

**BEAVER DAMAGE CONTROL GRANTS**

**103F.950 BEAVER DAMAGE CONTROL GRANTS.**

Subdivision 1. **Establishment.** The Board of Water and Soil Resources shall establish a beaver damage control grant program to provide grants for the control of beaver activities causing damage to public waters, roads, and ditches and adjacent private property. The grants may be made to:

(1) a joint powers board established under section 471.59 by two or more governmental units;

(2) soil and water conservation districts; and

(3) Indian tribal governments.

Subd. 2. **Grant amount.** The board may provide up to 50 percent of the costs of implementing a beaver damage control program by a joint powers board.

Subd. 3. **Awarding of grants.** Applications for grants must be made to the board on forms prescribed by the board. The board shall consult with town supervisors and county commissioners representing different areas of the state in developing the application form. A joint powers board seeking a grant may be required to supply information on the beaver control program it has adopted, the extent of the problem in the geographic area covered by the joint powers agreement, and the ability of the joint powers board to match the state grant. The board may prioritize the grant applications based upon the information requested as part of the grant application.

Subd. 4. **Report.** (a) Within one year after receiving a grant under this section, a joint powers board must report to the Board of Water and Soil Resources on the joint powers board's efforts to control beaver in the area.

(b) By December 15 of each even-numbered year, the board shall report to the senate and house environment and natural resources policy and finance committees on the efforts under this section to control beaver.

**History:** *1Sp2005 c 1 art 2 s 120*