

CHAPTER 394

PLANNING, DEVELOPMENT, ZONING

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394.22 DEFINITIONS.

[For text of subs 1 to 11, see M.S.2004]

Subd. 12. **Official map.** "Official map" means a map adopted in accordance with section 394.361, which may show existing county roads and county state-aid highways, proposed future county roads and highways, the area needed for widening existing county roads and highways, and existing and future state trunk highway rights-of-way. An official map may also show the location of existing public land and facilities and other land needed for future public purposes, including public facilities such as parks, playgrounds, schools, and other public buildings, civic centers, airports, and travel service facilities. When requested in accordance with section 394.32, subdivision 3, an official map may include existing and planned public land uses within incorporated areas.

History: 2005 c 41 s 13

394.25 FORMS OF CONTROL.

[For text of subs 1 to 3b, see M.S.2004]

Subd. 3c. **Feedlot zoning ordinances.** (a) A county proposing to adopt a new feedlot ordinance or amend an existing feedlot ordinance must notify the Pollution Control Agency and commissioner of agriculture at the beginning of the process, no later than the notice of the first hearing proposing to adopt or amend an ordinance purporting to address feedlots.

(b) Prior to final approval of a feedlot ordinance, a county board may submit a copy of the proposed ordinance to the Pollution Control Agency and to the commissioner of agriculture and request review, comment, and recommendations on the environmental and agricultural effects from specific provisions in the ordinance.

(c) The agencies' response to the county may include:

- (1) any recommendations for improvements in the ordinance; and
- (2) the legal, social, economic, or scientific justification for each recommendation under clause (1).

(d) At the request of the county board, the county must prepare a report on the economic effects from specific provisions in the ordinance. Economic analysis must state whether the ordinance will affect the local economy and describe the kinds of businesses affected and the projected impact the proposal will have on those businesses. To assist the county, the commissioner of agriculture, in cooperation with the Department of Employment and Economic Development, must develop a template for measuring local economic effects and make it available to the county. The report must be submitted to the commissioners of employment and economic development and agriculture along with the proposed ordinance.

(e) A local ordinance that contains a setback for new feedlots from existing residences must also provide for a new residence setback from existing feedlots located in areas zoned agricultural at the same distances and conditions specified in the setback for new feedlots, unless the new residence is built to replace an existing residence. A county may grant a variance from this requirement under section 394.27, subdivision 7.

[For text of subs 4 to 10, see M.S.2004]

History: 1Sp2005 c 1 art 1 s 90

394.27 CREATION AND DUTIES OF A BOARD OF ADJUSTMENT.

[For text of subs 1 to 7, see M.S.2004]

Subd. 8. **Filing orders.** A certified copy of any order issued by the board of adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be recorded with the county recorder or registrar of titles. The order issued by the board of adjustment shall include the legal description of the property involved. The board by ordinance shall designate the county official or employee responsible for meeting the requirements of this subdivision.

[For text of subd 9, see M.S.2004]

History: 2005 c 4 s 97

394.301 CONDITIONAL USE PERMITS.

[For text of subs 1 to 3, see M.S.2004]

Subd. 4. **Copy filed.** A certified copy of any conditional use permit shall be recorded with the county recorder or registrar of titles. The conditional use permit shall include the legal description of the property involved. The board by ordinance shall designate the county official or employee responsible for meeting the requirements of the subdivision.

History: 2005 c 4 s 98

394.33 COUNTY PREVAILS OVER TOWN UNLESS TOWN MORE RESTRICTIVE.

Subdivision 1. **Not inconsistent.** The governing body of any town including any town with the powers of a statutory city pursuant to law may continue to exercise the authority to plan and zone as provided by law, but after the adoption of official controls for a county or portion thereof by the board of county commissioners no town shall enact or enforce official controls inconsistent with or less restrictive than the standards prescribed in the official controls adopted by the board. Nothing in this section shall limit any town's power to adopt official controls, including shoreland regulations which are more restrictive than provided in the controls adopted by the county. Upon the adoption or amendment of any official controls the governing body of the town shall record a certified copy thereof with the county recorder or registrar of titles. A certified copy of any official controls of any town which are in effect on August 1, 1974, shall also be filed by the governing body of the town with the county recorder or registrar of titles for record within one year from August 1, 1974.

[For text of subd 2, see M.S.2004]

History: 2005 c 4 s 99

394.35 RECORDING WITH COUNTY RECORDER.

Upon the adoption of any ordinance or other official control including any maps or charts supplemented to or as part thereof, the county auditor shall record a certified copy thereof with the county recorder. Ordinances, resolutions, maps or regulations recorded with the county recorder or registrar of titles pursuant to sections 394.21 to 394.37 do not constitute encumbrances on real property.

History: 2005 c 4 s 100

394.361 OFFICIAL MAP.

Subdivision 1. **Future public uses.** Land that is needed for future street and highway purposes, or for aviation purposes, and as sites for other necessary public

facilities and services is frequently diverted to nonpublic uses that could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on official maps of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made that will make adjustments difficult to accomplish.

[For text of subd 2, see M.S.2004]

Subd. 3. Effect. After an official map has been adopted and filed, the issuance of land use or zoning permits or approvals by the county is subject to the provisions of this section. Whenever any street or highway is widened or improved or any new street is opened, or interests in lands for other public purposes, including aviation purposes, are acquired by the county, it is not required in such proceedings to pay for any building or structure placed without a permit or approval or in violation of conditions of a permit or approval within the limits of the mapped street or highway or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes, including aviation purposes. The adoption of official maps does not give the county any right, title, or interest in areas identified for public purposes thereon, but the adoption of a map does authorize the county to acquire these interests without paying compensation for buildings or structures erected in those areas without a permit or approval or in violation of the conditions of a permit or approval. This subdivision does not apply to buildings or structures in existence prior to the filing of the official map.

[For text of subd 4, see M.S.2004]

History: 2005 c 41 s 14,15