

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

Subdivision 1. **Land use actions covered.** To ensure that the comprehensive land use plan 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 a particular tract of land;
- (2) the granting of a variance from provisions of the land use ordinances; and
- (3) the approval of a plat which is inconsistent with the land use ordinance.

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 [Repealed, 2005 c 47 s 4]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 [Repealed, 2005 c 47 s 4]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: 1990 c 391 art 6 s 54; 2005 c 47 s 2