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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **849**

February 12, 2007

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources

February 22, 2007

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Local Government and Metropolitan Affairs

1.1 A bill for an act  
1.2 relating to natural resources; providing for regulation of shoreland resorts;  
1.3 amending Minnesota Statutes 2006, section 103F.205, subdivision 1; proposing  
1.4 coding for new law in Minnesota Statutes, chapter 103F.

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

1.6 Section 1. Minnesota Statutes 2006, section 103F.205, subdivision 1, is amended to  
1.7 read:

1.8 Subdivision 1. **Applicability.** The definitions in this section apply to sections  
1.9 103F.201 to ~~103F.221~~ 103F.227.

1.10 Sec. 2. **103F.227] SHORELAND DEVELOPMENT; EXISTING RESORTS.**

1.11 Subdivision 1. **Applicability.** This section applies statewide and preempts local  
1.12 ordinances that are inconsistent with its terms.

1.13 Subd. 2. **Resort defined.** For purposes of this section, "resort" means an existing  
1.14 shoreland commercial establishment that includes buildings, lodges, structures, dwelling  
1.15 units, camping or recreational vehicle sites, or enclosures, or any part thereof kept, used,  
1.16 maintained, or advertised as or held out to the public to be a place where sleeping  
1.17 accommodations are furnished to the public, primarily to those seeking recreation, for  
1.18 periods of one day or longer, and having for rent three or more cabins, rooms, campsites,  
1.19 or enclosures. These establishments must be primarily service oriented for transient  
1.20 lodging of guests. All cabins, rooms, dwelling units, camping or recreational vehicle  
1.21 sites, or enclosures must be included in the resort rental business. Resorts allow no  
1.22 residential use of a dwelling unit or site for more than 30 days within a calendar year,  
1.23 except dwellings used as residences for the service providers or dwelling units or sites

2.1 for renters. To qualify as a resort under this section, a resort must be fully licensed and  
2.2 permitted under appropriate state and local regulations. The entire parcel of land must be  
2.3 controlled and managed by the licensee.

2.4 Subd. 3. **Maintenance and replacement.** (a) So long as the establishment continues  
2.5 to operate as a resort, a county or municipality must allow a resort owner to:

2.6 (1) maintain structures, which includes replacing aging or outdated components or  
2.7 systems of the structure that do not increase the structure footprint; and

2.8 (2) replace structures damaged or lost to fire or natural disaster.

2.9 (b) Paragraph (a), clause (2), applies only when an application for a building permit  
2.10 is made within 180 days of the damage or loss.

2.11 Subd. 4. **Expansion.** A county or municipality must allow a resort owner to increase  
2.12 a structure footprint to minimally meet federal, state, or local dwelling standards or codes.

2.13 To "minimally meet" such standards or codes means that the replacement structure does  
2.14 not add new architectural elements, such as more bedrooms, that the original structure did  
2.15 not have. Structural expansion under this subdivision must not result in the structure or  
2.16 any portion thereof being any closer to the shoreline than prior to the expansion.

2.17 Subd. 5. **Change in ownership.** A change in ownership of a resort shall not be  
2.18 construed as a conversion to a different use so long as the new owner continues to use  
2.19 the property as a resort.