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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **3313**

February 21, 2008

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The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs

March 13, 2008

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to counties; authorizing interim use ordinances; amending Minnesota
1.3 Statutes 2006, section 394.26; proposing coding for new law in Minnesota
1.4 Statutes, chapter 394.

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

1.6 Section 1. Minnesota Statutes 2006, section 394.26, is amended to read:

1.7 **394.26 PUBLIC HEARINGS.**

1.8 Subd. 1a. **When required.** In addition to public hearings required by section 375.51
1.9 prior to the adoption by ordinance of any comprehensive plan or amendments thereto
1.10 or of any official control or amendment thereto, public hearings shall be held before
1.11 any conditional use permit, interim use permit, ~~any~~ variance, ~~and any~~ or proposal for a
1.12 subdivision is approved or denied by the responsible authority, and in circumstances
1.13 where a public hearing is otherwise required by sections 394.21 to 394.37. Such public
1.14 hearings may be continued from time to time and additional hearings may be held.

1.15 Subd. 2. **Notice.** Notice of the time, place, and purpose of any public hearing shall
1.16 be given by publication in a newspaper of general circulation in the town, municipality, or
1.17 other area concerned, and in the official newspaper of the county, at least ten days before
1.18 the hearing, except that notice of public hearings in connection with the adoption by
1.19 ordinance of any comprehensive plan or amendments thereto or adoption or amendment of
1.20 any official controls shall be given in the manner provided by section 375.51, subdivision
1.21 2. In addition to the requirements of section 375.51, subdivision 2, written notice of public
1.22 hearings on all official controls and amendments thereto shall be sent to the governing
1.23 bodies of all towns and all municipalities located within the county. Written notice
1.24 of public hearings regarding the application of official controls to specific properties,

2.1 including but not limited to conditional uses, variances, interim uses, zoning regulations,
 2.2 and subdivision regulations, shall be sent to all property owners of record within 500 feet
 2.3 of the affected property in incorporated areas. In unincorporated areas, the written notice
 2.4 shall be sent to property owners as follows:

2.5 (a) in the case of variances, to owners of record within 500 feet of the affected
 2.6 property;

2.7 (b) in the case of conditional uses and interim uses, to owners of record within
 2.8 one-quarter mile of the affected property or to the ten properties nearest to the affected
 2.9 property, whichever would provide notice to the greatest number of owners;

2.10 (c) in the case of all other official controls, including but not limited to zoning
 2.11 regulations and subdivision regulations, to owners of record within one-half mile of the
 2.12 affected property.

2.13 Written notice shall also be given to the affected board of town supervisors, and the
 2.14 municipal council of any municipality within two miles of the affected property.

2.15 Subd. 3a. **Who runs hearing.** The board may assign responsibility to conduct
 2.16 public hearings for one or more purposes to the planning commission, board of adjustment
 2.17 or any official or employee of the county, except as provided in section 375.51.

2.18 Sec. 2. **[394.303] INTERIM USES.**

2.19 Subdivision 1. **Definition.** An "interim use" is a temporary use of property until a
 2.20 particular date, until the occurrence of a particular event, or until zoning regulations
 2.21 no longer permit it.

2.22 Subd. 2. **Authority.** Zoning regulations may permit the governing body to allow
 2.23 interim uses. The regulations may set conditions on interim uses. The governing body
 2.24 may grant permission for an interim use of property if:

2.25 (1) the use conforms to the zoning regulations;

2.26 (2) the date or event that will terminate the use can be identified with certainty;

2.27 (3) permission of the use will not impose additional costs on the public if it is
 2.28 necessary for the public to take the property in the future; and

2.29 (4) the user agrees to any conditions that the governing body deems appropriate
 2.30 for permission of the use.

2.31 Any interim use may be terminated by a change in zoning regulations.

2.32 Subd. 3. **Public hearings.** Public hearings on the granting of interim use permits
 2.33 shall be held in the manner provided in section 394.26.