

all respects at the adjourned hearing.

Upon said hearing the board or court shall have full authority to ~~reopen the original order establishing said ditch; and to set said order aside; and to consider the amended engineer's report and the amended viewers' report, if any, and to make findings and an order thereon the same as is provided in sections 106.101 and 106.201. All proceedings thereafter taken shall be the same as is provided upon the original findings and order of the board or court . Any party aggrieved thereby may appeal to the district court pursuant to section 106.631, subdivision 1.~~

Sec. 2. This act is effective the day following its final enactment.

Approved April 2, 1976.

CHAPTER 127—HLF.No.1530

[Coded in Part]

An act relating to land planning in the metropolitan area; requiring local adoption of minimum plans and controls; providing for limited council review and acceptance prior to the adoption of such plans and controls; providing for an advisory metropolitan land planning committee; providing for the enforcement of adopted local plans and controls; including certain expenses in the definition of special levy; providing for interim zoning; amending Minnesota Statutes 1974, Section 462.355, by adding a subdivision; and Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivision 1; and 473.175.

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

Section 1. **[473.851] METROPOLITAN GOVERNMENT; LAND PLANNING; LEGISLATIVE FINDINGS AND PURPOSE.** The legislature finds and declares that the local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution, and that developments in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports and regional recreation open space. Since problems of urbanization and development transcend local governmental boundaries, there is a need for the adoption of coordinated plans, programs and controls by all local governmental units and school districts in order to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly and economic development. Therefore, it is the purpose of sections 1 to 23 to (1) establish requirements and procedures to accomplish comprehensive local planning with land use controls consistent with planned, orderly and staged development and the metropoli-

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tan system plans, and (2) to provide assistance to local governmental units and school districts within the metropolitan area for the preparation of plans and official controls appropriate for their areas and consistent with metropolitan system plans.

Sec. 2. **[473.852] DEFINITIONS. Subdivision 1.** As used in sections 1 to 23, the following terms shall have the meanings given them.

Subd. 2. "Advisory metropolitan land use committee" or "advisory committee" means an advisory committee established by the metropolitan council pursuant to section 3.

Subd. 3. "Applicable planning statute" means sections 394.21 to 394.37 for counties and sections 462.351 to 462.364 for cities and towns.

Subd. 4. "Capital improvement program" means an itemized program for a five year prospective period, and any amendments thereto, subject to at least biennial review, setting forth the schedule, timing, and details of specific contemplated capital improvements by year, together with their estimated cost, the need for each improvement, financial sources, and the financial impact that the improvements will have on the local governmental unit or school district.

Subd. 5. "Comprehensive plan" means the comprehensive plan of each local governmental unit described in sections 8 to 12, and any amendments to the plan.

Subd. 6. "Fiscal devices" means the valuation of property pursuant to section 273.111, the designation of urban and rural service districts, pursuant to section 272.67, and the establishment of development districts pursuant to sections 472A.01 to 472A.13, and any other statutes authorizing the creation of districts in which the use of tax increment bonding is authorized.

Subd. 7. "Local governmental unit" or "unit" means all cities, counties and towns lying in whole or in part within the metropolitan area, but does not include school districts.

Subd. 8. "Metropolitan system plans" means the airports portion of the metropolitan development guide and the policy plans, development programs and capital budgets for metropolitan waste control, transportation, and regional recreation open space.

Subd. 9. "Official controls" or "controls" means ordinances and regulations which control the physical development of a city, county or town or any part thereof or any detail thereof and implement the general objectives of the comprehensive plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.

Subd. 10. "Private sewer facility" means a single lot, multiple lot or other sewage collection or treatment facility owned, constructed or operated by any person other than a local governmental unit or the metropolitan waste control commission.

Subd. 11. "School district" has the meaning given it by section 120.02, subdivisions 14 and 15, and includes any independent or special school district whose administrative offices are located within the metropolitan area as of the effective date of this act.

Sec. 3. [473.853] ADVISORY COMMITTEE. The council shall establish an advisory metropolitan land use committee pursuant to section 473.127, comprised of 16 members, one from each council district, and as many additional members as are necessary to provide representation from each metropolitan county, plus a chairman. At least one-half of the members of the advisory committee shall be elected officials of local governmental units. The members shall be appointed for the same period as the term of the council member for the district in which the member resides.

Sec. 4. [473.854] GUIDELINES. The council shall prepare and adopt guidelines and procedures relating to the requirements and provisions of sections 1 to 23 which will provide assistance to local governmental units and school districts in accomplishing the provisions of sections 1 to 23.

Sec. 5. [473.855] METROPOLITAN SYSTEM STATEMENT. By July 1, 1977, the council shall transmit to each local governmental unit a metropolitan system statement and to each school district a statement comprised of the parts of metropolitan system statements affecting the school district. In the preparation of the metropolitan system statement, the council shall consult with appropriate commissions and officials of the unit. The statement shall contain information relating to the unit and appropriate surrounding territory that the council determines necessary for the unit to consider in preparing its comprehensive plan, including the following:

(a) The timing, character, function, location, projected capacity and conditions on use, for existing or planned metropolitan public facilities, as specified in metropolitan system plans, and for state and federal public facilities to the extent known to the council;

(b) The population, employment and housing need projections which have been used by the council as a basis for its metropolitan system plans;

(c) Any parts of the land use plan, public facilities plan or implementation program which may be excluded from the plan of the local governmental unit. The exclusion of parts shall be based on the nature and character of existing and projected development within each local governmental unit and on policies, statements, and recommendations

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contained in metropolitan system plans.

Sec. 6. **[473.856] METROPOLITAN SYSTEM STATEMENTS; AMENDMENTS.** Local governmental units shall consider in their initial comprehensive plans submitted to the council, and school districts shall consider in their initial capital improvement programs submitted to the council, any amendments or modifications to metropolitan system plans which were made by the council and transmitted prior to January 1, 1978. Thereafter, within nine months after receiving an amendment to a metropolitan system plan, each affected local governmental unit shall review its comprehensive plan and each affected school district shall review its capital improvement program to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit or school district shall prepare the amendment and submit it to the council for review pursuant to sections 1 to 23.

Sec. 7. **[473.857] SYSTEM STATEMENTS; RECONCILIATION PROCEDURES.** Subdivision 1. If a local governmental unit or school district and the council are unable to resolve disagreements over the content of a system statement, the unit or district may by resolution request that a hearing be conducted by the advisory committee or by the state office of hearing examiners for the purpose of considering amendments to the system statement. The request shall be made by the unit or district within 60 days after receipt of the system statement and shall be accompanied by a description of the disagreement together with specified proposed amendments to the system statement. If no request for a hearing is received by the council within 60 days, the statement shall be final.

Subd. 2. A hearing shall be conducted within 60 days after the request, provided that the committee shall consolidate hearings on related requests. The hearing shall not consider the need for or reasonableness of the metropolitan system plans or parts thereof. The hearing shall afford all interested persons an opportunity to testify and present evidence. The advisory committee or hearing examiner may employ the appropriate technical and professional services of the state planning agency for the purpose of evaluating disputes of fact. The proceedings shall not be deemed a contested case. Within 30 days after the hearing, the committee or hearing examiner shall report to the council respecting the proposed amendments to the system statements. The report shall contain findings of fact, conclusions, and recommendations and shall apportion the costs of the proceedings among the parties.

Subd. 3. Within 30 days of receipt of the report, the council, by resolution containing findings of fact and conclusions, shall make a final determination respecting the proposed amendments. At any point in the reconciliation procedure established by this section, the council and a local governmental unit or district may resolve their disagreement by stipulation.

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Sec. 8. [473.858] COMPREHENSIVE PLANS; LOCAL GOVERNMENTAL UNITS. Subdivision 1. Within three years following the receipt of the metropolitan system statement, every local governmental unit shall have prepared a comprehensive plan in accordance with sections 1 to 23 and the applicable planning statute and shall have submitted the plan to the metropolitan council for review pursuant to section 14. The provisions of sections 1 to 23 shall supersede the provisions of the applicable planning statute wherever a conflict may exist.

Subd. 2. Local governmental units shall submit their proposed plans to adjacent governmental units and affected school districts for review and comment at least six months prior to submission of the plan to the council and shall submit copies to them on the submission of the plan to the council.

Subd. 3. The plans shall be submitted to the council following approval by the planning commission of the unit and after consideration but before final approval by the governing body of the unit.

Subd. 4. Comprehensive plans, capital improvement programs, sewer policy plans and official controls of local governmental units adopted prior to the requirements of sections 1 to 23 shall remain in force and effect until amended, repealed or superseded by plans or controls adopted pursuant to sections 1 to 23. Existing comprehensive plans, capital improvement programs, sewer policy plans, and official controls may be amended and new capital improvement programs and official controls may be prepared and adopted prior to the submission to the council of comprehensive plans required by sections 1 to 23.

Sec. 9. [473.859] COMPREHENSIVE PLAN CONTENT. Subdivision 1. The comprehensive plan shall contain objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and waters within the jurisdiction of the local governmental unit through 1990 and may extend through any year thereafter which is evenly divisible by five. Each plan shall specify expected industrial and commercial development, planned population distribution, and local public facility capacities upon which the plan is based. Each plan shall contain a discussion of the use of the public facilities specified in the metropolitan system statement and the effect of the plan on adjacent local governmental units and affected school districts. Existing plans and official controls may be used in whole or in part following modification, as necessary, to satisfy the requirements of sections 1 to 23. The comprehensive plan may contain any additional matter which may be included in a comprehensive plan of the local governmental unit pursuant to the applicable planning statute.

Subd. 2. LAND USE PLAN. A land use plan shall designate the existing and proposed location, intensity and extent of use of land and water for agricultural, residential, commercial, industrial and other

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public and private purposes, or any combination of such purposes. A land use plan shall contain a protection element, as appropriate, for historic sites and the matters listed in section 473.204. A land use plan shall also include a housing element containing standards, plans and programs for providing adequate housing opportunities to meet existing and projected local and regional housing needs, including but not limited to the use of official controls and land use planning to promote the availability of land for the development of low and moderate income housing.

Subd. 3. PUBLIC FACILITIES PLAN. A public facilities plan shall describe the character, location, timing, sequence, function, use and capacity of existing and future public facilities of the local governmental unit. A public facilities plan must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. A public facilities plan shall contain at least the following parts:

(a) A transportation plan describing, designating and scheduling the location, extent, function and capacity of existing and proposed local public and private transportation services and facilities;

(b) A sewer policy plan describing, designating and scheduling the areas to be sewered by the public system, the existing and planned capacities of the public system, the standards and conditions under which the installation of private sewer systems will be permitted, and to the extent practicable, the areas not suitable for public or private systems because of public health, safety and welfare considerations;

(c) A parks and open space plan describing, designating and scheduling the existing and proposed parks and recreation open spaces within the jurisdiction.

Subd. 4. IMPLEMENTATION PROGRAM. An implementation program shall describe public programs, fiscal devices and other specific actions to be undertaken in stated sequence to implement the comprehensive plan and ensure conformity with metropolitan system plans. An implementation program must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. An implementation program shall contain at least the following parts:

(a) A description of official controls, addressing at least the matters of zoning, subdivision, and private sewer systems, and a schedule for the preparation, adoption, and administration of such controls.

(b) A capital improvement program for transportation, sewers, parks and open space facilities.

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(c) A housing implementation program, including official controls to implement the housing element of the land use plan, which will provide sufficient existing and new housing to meet the local unit's share of the metropolitan area need for low and moderate income housing.

Subd. 5. URBANIZATION AREAS. The comprehensive plans may designate, when appropriate, five year urbanization areas and shall specify in the capital improvement program the timing and sequence of major local public facilities and in the implementation program official controls which will ensure that urbanization occurs only in urbanization areas and in accordance with the plan.

Sec. 10. [473.86] CITIES. Except as provided in the metropolitan system statement, comprehensive plans of cities shall include the matters specified in section 9.

Sec. 11. [473.861] TOWNS. Subdivision 1. Except as provided in the metropolitan system statement, comprehensive plans of towns shall include the matters specified in section 9.

Subd. 2. By December 31, 1976, each town within the counties of Anoka, Carver, Dakota, Scott and Washington, authorized to plan under sections 462.351 to 462.364, or under special law, shall by resolution determine whether it will prepare the comprehensive plan for its jurisdiction. Each such town also shall specify, pursuant to agreement with the county within which it is situated, any parts of its plan and official controls, if any, the preparation of which it delegates to the county.

Subd. 3. Towns within counties which have adopted comprehensive plans applicable to the town shall, to the maximum extent, use county preparation of their comprehensive plans.

Sec. 12. [473.862] COUNTIES. Subdivision 1. Comprehensive plans of counties shall contain at least the following:

(a) Except for the counties of Hennepin and Ramsey, a land use plan as specified in section 9, subdivision 2, for all unincorporated territory within the county;

(b) A public facilities plan which shall include all appropriate matters specified in section 9, subdivision 3, including a transportation plan, and a description of existing and projected solid waste disposal sites and facilities;

(c) An implementation program, as specified in section 9, subdivision 4.

Subd. 2. Each county other than Hennepin and Ramsey shall prepare, with the participation and assistance of the town, the comprehensive plan for any town within the county which fails by December

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31, 1976, to take action by resolution pursuant to section 11, subdivision 2 and shall prepare all or part of any plan delegated to it pursuant to section 11, subdivision 2.

Subd. 3. Each county other than Hennepin and Ramsey shall prepare, with the participation and assistance of the town, the comprehensive plan for each town within the county not authorized to plan under sections 462.351 to 462.364, or under special law.

Sec. 13. [473.863] SCHOOL DISTRICTS; CAPITAL IMPROVEMENT PROGRAMS. Subdivision 1. By January 1, 1980, each school district as defined in section 2, subdivision 11, shall prepare and submit to the metropolitan council, for review pursuant to section 14, a capital improvement program, which shall include a description of existing facilities, projected population and facility needs and objectives, proposed new school sites, buildings, and building additions with a cost of more than \$200,000 and the effect of the program on adjacent school districts and affected local governmental units.

Subd. 2. Each school district shall submit its capital improvement program for review and comment to the local governmental units lying in whole or in part within the district and to adjacent school districts at least nine months prior to the submission of the program to the council. The local governmental units and adjacent districts shall review the program and provide comments to the school district and the council within 90 days on the compatibility of the program with the proposed comprehensive plans of the local governmental units and the capital improvement programs of the school districts.

Subd. 3. The capital improvement programs shall be submitted to the council after consideration but before final approval by the governing body of the district.

Subd. 4. Capital improvement programs of school districts adopted prior to the requirements of sections 1 to 23 shall remain in force and effect until amended, repealed, or superseded by programs adopted pursuant to sections 1 to 23. Existing programs may be amended as appropriate and new programs prepared and adopted prior to the submission to the council of programs required by sections 1 to 23. Existing programs may be used in whole or in part following modification, as necessary, to satisfy the requirements of sections 1 to 23.

Sec. 14. Minnesota Statutes, 1975 Supplement, Section 473.175, is amended to read:

473.175 COUNCIL REVIEW; COMPREHENSIVE PLANS; SCHOOL DISTRICT CAPITAL IMPROVEMENT PROGRAMS. Each city, town, and county all or part of which lies within the metropolitan area, shall submit to the metropolitan council for written comment and recommendation thereon its proposed long-term comprehensive plans;

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including but not limited to plans for land use. The proposed plans shall be submitted to the council after their approval by the planning commission of the local government unit and before final approval by the governing body of the city, town, or county. The council shall maintain such plans in its files available for inspection by members of the public. Subdivision 1. The council shall review the comprehensive plans of local governmental units and the capital improvement programs of school districts, prepared and submitted pursuant to sections 1 to 23 of this act, to determine their compatibility with each other and conformity with metropolitan system plans. The council shall review and comment on the apparent consistency of the comprehensive plans and capital improvement programs with other adopted chapters of the metropolitan development guide. The council may require a local governmental unit to modify any comprehensive plan or part thereof which may have a substantial impact on or contain a substantial departure from metropolitan system plans.

Subd. 2. Within 120 days following receipt of a capital improvement program of a school district, unless a time extension is mutually agreed to, the council shall return to the school district a statement containing its comments. Within 120 days following receipt of a comprehensive plan of a local governmental unit, unless a time extension is mutually agreed to, the council shall return to the local governmental unit a statement containing its comments and, by resolution, its decision, if any, to require modifications to assure conformance with the metropolitan system plans. No local government action shall be taken by any local governmental unit or school district to place any such comprehensive plan, capital improvement program or part thereof into effect until 90 days have elapsed after its submission to the council—the council has returned the statement to the unit or district and until the local governmental unit has incorporated any modifications in the plan required by a final decision, order, or judgment made pursuant to section 17. Promptly after submission, the council shall notify each city, town, county, or special district which may be affected by the plans or programs submitted, of the general nature of the ~~plan—plans or programs~~, the date of submission, and the identity of the submitting unit or district. Political subdivisions contiguous to or within the submitting unit or district shall be notified in all cases. Within 30 days after receipt of such notice any governmental unit or district so notified or the local governmental unit or district submitting the plan or program may request the council to conduct a hearing at which the submitting unit or district and any other governmental unit or subdivision may present its views. The council may attempt to mediate and resolve differences of opinion which exist among the participants in the hearing with respect to the plans or programs submitted. If within ~~90-120~~ 90-120 days, unless a time extension is mutually agreed to, the council fails to complete its written ~~comments and recommendations—statement~~ the plans or programs shall be deemed approved and may be placed into effect. Any ~~major alteration—amendment~~ to a plan or program subsequent to the council's review shall be submitted to and acted upon by the council in the same manner as the original plan or

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program. The written ~~comments and recommendations~~ statement of the council shall be filed with the plan of the local government unit or the program of the school district at all places where the plan or program is required by law to be kept on file.

Subd. 3. If a local governmental unit fails to adopt a comprehensive plan in accordance with sections 1 to 23 of this act or if the council after a public hearing by resolution finds that a plan substantially departs from metropolitan system plans and that the local governmental unit has not adopted a plan with modifications required pursuant to section 17 within nine months following a final decision, order, or judgment made pursuant to section 17, the council may commence civil proceedings to enforce the provisions of sections 1 to 23 by appropriate legal action in the district court where the local governmental unit is located.

Sec. 15. **[473.864] PLANS AND PROGRAMS; ADOPTION; AMENDMENT.** Subdivision 1. Each local governmental unit shall adopt its comprehensive plan with required modifications within nine months following a final decision, order, or judgment made pursuant to section 17. Each school district shall adopt its capital improvement program, after receiving and considering the council's review statement sent pursuant to section 14 and making any amendments which the school district determines may be appropriate.

Subd. 2. Amendments to comprehensive plans of local governmental units and to capital improvement programs of school districts shall be prepared, submitted, and adopted in the same manner as the original plans and programs.

Sec. 16. **[473.865] IMPLEMENTATION OF PLANS.** Subdivision 1. Each local governmental unit shall adopt official controls as described in its adopted comprehensive plan and shall submit copies of the official controls to the council within 30 days following adoption thereof, for information purposes only.

Subd. 2. A local governmental unit shall not adopt any official control or fiscal device which is in conflict with its comprehensive plan or which permits activity in conflict with metropolitan system plans.

Subd. 3. If an official control conflicts with a comprehensive plan as the result of an amendment to the plan, the official control shall be amended by the unit within nine months following the amendment to the plan so as to not conflict with the amended comprehensive plan.

Sec. 17. **[473.866] CONTESTED CASES; ADMINISTRATIVE AND JUDICIAL REVIEW.** The council's decision to require modification under section 14 may be contested by the affected local governmental unit. The unit shall have 60 days within which to request a hearing on the council's decision to require modification. If within 60 days the unit has not requested a hearing, the council shall make its fi-

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nal decision with respect to the required modifications. If an affected unit requests a hearing, the request for hearing shall be granted, and the hearing shall be conducted within 60 days by the state office of hearing examiners in the manner provided by chapter 15 for contested cases. The subject of the hearing shall not extend to questions concerning the need for or reasonableness of the metropolitan system plans or any part thereof. In the report of the hearing examiner the costs of the hearing shall be apportioned among the parties to the proceeding. Within 30 days after the receipt of the report the council shall, by resolution containing findings of fact and conclusions, make a final decision with respect to the required modifications of the comprehensive plan. Any party to the proceeding aggrieved by the decision of the council may appeal to the court in the manner provided in chapter 15 for contested cases. The record on appeal shall consist of: (1) the hearing examiner's record and report, and (2) the findings, conclusions and final decision of the council. The scope of review shall be that of section 15.0425, provided that: (1) the court shall not give preference to either the hearing examiner's record and report or the findings, conclusions and final decision of the council, and (2) the decision of the court shall be based upon a preponderance of the evidence as contained in the record on appeal. The costs of the appeal shall be apportioned by the court.

Sec. 18. [473.867] PLANNING ASSISTANCE; GRANTS; LOANS.

Subdivision 1. The council shall prepare and provide advisory materials, model plan provisions and official controls, and on the request of a local governmental unit may provide assistance, to accomplish the purposes of sections 1 to 23. The council may also provide specific technical and legal assistance in connection with the preparation, adoption and defense of plans, programs, and controls.

Subd. 2. The council shall establish a planning assistance fund as a separate bookkeeping account in its general fund for the purpose of making grants and loans to local governmental units under this section. The council shall adopt uniform procedures for the award, disbursement and repayment of grants and loans.

Subd. 3. Local governmental units may apply, contract for and receive loans and grants as provided herein, and the provisions of chapter 475 shall not apply to loans made pursuant hereto. Applications for grants and loans shall be submitted to the council describing the activities for which the grant or loan funds will be used; the persons which the grantee or borrower plans to use in performing the grant contract; services and activities which will be paid for by funds of the grantee or borrower; the grantee or borrower's need and ability to pay for the contract services; and other information as the council may reasonably request. Grants and loans shall be made subject to contracts between the council and the recipient specifying the use and disbursement of the funds and, for loans, the terms and conditions of repayment, and other appropriate matters. In making grants and loans, the council shall base its decisions on the recipient's demonstrated

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need and available financial resources.

Subd. 4. Grants shall not exceed 75 percent of the total costs and expenses of the project, service or activity for which a grant is awarded.

Subd. 5. Loans made by the council shall be payable on such terms and conditions as the council determines appropriate, provided that no loan shall carry an interest rate nor be for a term in excess of five years. Funds received in payment of loans shall be credited to the planning assistance fund and shall be used for additional loans or grants under this section.

Sec. 19. **[473.868] HOUSING. Subdivision 1.** The legislature finds and determines that there is a need for housing in the metropolitan area, that an increasingly large majority of the residents of the metropolitan area are unable to afford housing, and that it is in the public interest that, for certain portions of the buildable residential land, the official controls imposed on development by municipalities in the metropolitan area be required to permit the construction of modest cost housing by the private sector which could be afforded by a significant portion of the families in the metropolitan area.

Subd. 2. As used in this section, "buildable residential land" means land within a municipality which is suitable for development, zoned for a residential use, which has access to sewer and water service, and for which no building permit has been issued.

Subd. 3. The chairman of the council shall establish a modest cost private housing advisory committee consisting of not more than 15 persons consisting of local elected officials, consumers and persons experienced in the field of housing construction, trades and management and mortgage banking, plus ex-officio members as the chairman of the council may determine, to provide advice and make recommendations on the effects of governmental regulations, taxes, financing and housing industry practices on the costs of housing. The committee shall investigate and make recommendations on all matters necessary including standards and criteria for modest cost private housing as follows:

(1) A zoning classification and ordinances that take into account minimum and maximum single family lot sizes.

(2) Building requirements contained within the state building code.

(3) Minimum and maximum square foot area requirements for single family homes.

(4) The requirement of a single family garage and off-street parking requirements.

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(5) Zoning classification and ordinances that take into account density requirements for multi-family construction.

(6) Minimum and maximum square foot floor areas for multi-family units.

(7) Requirements of garages for multi-family units, credits for garage inclusion and off-street parking requirements.

Subd. 4. On or before January 15, 1977, the council shall, following public hearings, submit to the legislature a report on the findings of the committee and the council's recommendations for ensuring an adequate supply of modest cost private housing.

Sec. 20. [473.869] EXTENSION. A local governmental unit may by resolution request that the council extend the time for fulfilling the requirements of sections 1 to 23. A request for extension shall be accompanied by a description of the activities previously undertaken by a local governmental unit in fulfillment of the requirements of sections 1 to 23, and an explanation of the reasons necessitating and justifying the request. Upon a finding of exceptional circumstances or undue hardship, the council may, in its discretion, grant by resolution a request for extension and may attach reasonable requirements or conditions to the extension.

Sec. 21. Minnesota Statutes 1974, Section 462.355, is amended by adding a subdivision to read:

Subd. 4. INTERIM ORDINANCE. If a municipality is conducting or in good faith intends to conduct studies within a reasonable time or has held or has scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or official controls as defined in section 2, or if new territory for which plans or controls have not been adopted is annexed to a municipality, the governing body of the municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict or prohibit any use or development within the jurisdiction for a period not to exceed one year from the date it is created, and may be renewed for one additional year.

Sec. 22. [473.87] EXEMPTION FROM LEVY LIMIT. Subdivision 1. The increased costs to a municipality of implementing section 8, subdivisions 1 to 3, and sections 9 to 12, 14, and 17 shall be deemed a special levy under section 275.50, subdivision 5.

Subd. 2. The proceeds of any tax levied under this section shall be deposited in the municipal treasury in a separate fund and expended only for the purposes authorized by this section.

Sec. 23. [473.871] NEW MUNICIPAL SEWER SYSTEMS. Not-
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withstanding the provisions of sections 1 to 23 the council shall have no authority under chapter 473 to require a local governmental unit to construct a new sewer system.

Sec. 24. Minnesota Statutes, 1975 Supplement, Section 473.121, Subdivision 1, is amended to read:

473.121 **DEFINITIONS.** Subdivision 1. For the purposes of ~~sections 473.121 to 473.823~~ chapter 473, the terms defined in this section have the meanings given them in this section, except as otherwise expressly provided or indicated by the context.

Sec. 25. This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Sec. 26. **EFFECTIVE DATE.** This act is effective on the day following its final enactment.

Approved April 2, 1976.

CHAPTER 128—H.F.No.1751

An act relating to game and fish; authorizing use of muzzle loading muskets to take game; regulating the shining of wild animals; firearms permissible for taking wild animals; amending Minnesota Statutes 1974, Section 100.29, Subdivisions 9 and 10.

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

Section 1. Minnesota Statutes 1974, Section 100.29, Subdivision 9, is amended to read:

Subd. 9. **GAME AND FISH; HUNTING; FIREARMS.** Except as provided in subdivision 3, and in this subdivision, it shall be unlawful to take deer, moose, or any other wild animal during deer or moose season in open deer or moose hunting territory with a rifle or firearm which discharges a projectile, the diameter of which is less than twenty-three hundredths of an inch, or to use any cartridge less than one and three-fourths inches in length, and not containing a soft point or expanding bullet, the measurement to include the cartridge or shell and the bullet seated in the usual manner, provided cartridges of 35 caliber or larger may be used, regardless of length, or to use shells containing buckshot, or fine shot except for game birds, and except that smooth-bore muzzle loading muskets of not less than 45 caliber and rifled muzzle loading muskets of not less than 40 caliber that are incapable of being loaded at the breech may be used, and provided further that handguns of the .357, .41, and .44 magnum caliber, using ammunition with a case length of not less than 1.285 inches, shall be used

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