

If the consumer price index, as published by the United States Department of Commerce, Bureau of Labor Statistics, for the city of Saint Paul, Minnesota, or if no such index is published for the city of Saint Paul, for the nearest city to Saint Paul for which such index is published, as of January 15 of the current year, or for the date nearest to January 15 if no such index is published as of January 15, shall have increased over the prior year by one-half point or more, then the mill rate shall be increased 1.5 percent. For each additional one point increase in the said index, the mill rate shall be increased an additional 1.5 percent. For all purposes of this computation, a fractional point increase shall be disregarded if less than one-half point and treated as one full point if one-half point or more.

(b) In addition to any increase pursuant to the formula in clause (a) hereof, the levy may be further increased over the mill rate for the preceding year by two-thousandths of one percent (.002 percent) for each increase of one pupil unit of enrollment on October 1 of the current year over the enrollment on October 1 of the preceding year.

Sec. 2. This act shall become effective only after its approval by a majority of the board of Independent School District No. 625 and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved June 6, 1969.

CHAPTER 1111—H. F. No. 3037

[Coded]

An act relating to the use and development of property in the metropolitan area affected by the operation of a new major airport; conferring certain powers and duties on the metropolitan council, the Minneapolis-Saint Paul metropolitan airports commission, and other government units in the area; and enlarging the territorial jurisdiction of the Minneapolis-Saint Paul metropolitan airports commission.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[360.74] Development of major airport; airport development area.** Subdivision 1. **Metropolitan council; land use criteria and guidelines.** Within 120 days after the selec-

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tion by the commission of a site in the metropolitan area for a new major airport to serve as a terminal for regular, scheduled air passenger service and the approval thereof by the metropolitan council, the council shall adopt criteria and guidelines for the regulation of use and development of all or a portion of the property in the metropolitan area extending out three miles from the proposed boundaries of the site, or out five miles from the boundaries in any direction the council determines is necessary to protect natural resources of the metropolitan area, which property shall be known as an airport development area. The criteria and guidelines shall establish the boundaries of the airport development area and shall include a statement of goals and policies to be accomplished by regulation of the use and development of property in the area. They may relate to all types of land use and development control measures, including zoning ordinances, building codes, subdivision regulations, and official maps. The criteria and guidelines shall encourage controls for the use and development of property and the planning of public facilities for the purposes of protecting inhabitants of the airport development area from aircraft noise and preserving natural underground water reservoirs and other natural resources of the metropolitan area, and such purposes are hereby declared to be public purposes upon which land use and development control measures adopted by any government unit pursuant to law may be based. The criteria and guidelines shall be a part of the metropolitan development guide when it is adopted, and a copy of the criteria and guidelines and any amendment thereto shall be mailed to the governing body of each government unit having authority to adopt land use and development control measures applicable to the airport development area under Minnesota Statutes, Sections 360.061 to 360.073, Chapter 394, or Chapter 462, or any other law, to the commission, and to the state commissioner of aeronautics. The council may amend the criteria and guidelines from time to time, and shall reestablish the airport development area whenever the airport site boundaries are altered.

Subd. 2. Local zoning and land use and development controls. Upon the selection and approval of a site for a new major airport in the metropolitan area, all land within its airport development area which is not then zoned for other use is zoned for use exclusively for agricultural purposes, except that a prior nonconforming use established with reference to any lot or parcel of land may be continued and all land zoned by this subdivision for agricultural purposes may be rezoned by the appropriate government unit upon compliance with this subdivision. Thereafter the governing body of each government unit proposing to adopt a land use and development control measure applicable to the airport development area, or any amendment there-

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to, shall submit it to the metropolitan council for review, and within 120 days after receipt of the council's criteria and guidelines shall make and submit to the council for review such changes in its existing land use and development control measures as it deems necessary to make them consistent with the criteria and guidelines. The council or a committee designated by it shall hold a hearing on the control measures submitted by each government unit within 60 days after they are submitted, on written notice mailed to the governing body of the government unit not less than 15 days before the hearing. At the hearing the government unit shall be allowed to present all data and information which support the control measures submitted to the council. The council shall approve each such measure or amendment within 120 days after it is received, with such changes as it deems necessary to make it consistent with the criteria and guidelines, and the government unit submitting it shall take all actions necessary to put it into effect within 60 days after it is approved. If the council amends its criteria and guidelines, the procedures set forth in this subdivision shall be followed to insure that applicable land use and development control measures are consistent with the amendment.

Subd. 3. Enforcement of local measures. After the selection and approval of a site for a new major airport in the metropolitan area, no public or private use contrary to subdivision 2 or any land use and development control measure then in effect shall be made of the property to which it applies within an airport development area, and no government unit shall issue a permit for the use, construction, alteration or planting of any property, building, structure or tree not in accordance with its general provisions, except for minor footage variances, until the council has approved changes or variances in such control measure pursuant to subdivision 2. After the council has approved a land use and development control measure pursuant to subdivision 2, no public or private use contrary to its provisions shall be made of the property to which it applies, and no government unit shall issue a permit for the use, construction, alteration or planting of any property, building, structure or tree not in accordance with its general provisions; and no special use permit or variance may be granted which authorizes a use or development which is contrary to the council's criteria and guidelines.

Subd. 4. Control measure review before site selection. After the commission has called a hearing for the selection of a site for a new major airport in the metropolitan area pursuant to Minnesota Statutes, Section 360.124, and until the commission has determined not to use the site described in the notice of hearing for a new major airport, the governing body of each government unit in the metropolitan area shall submit to the council for review

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and comment in accordance with and submit to the provisions of Minnesota Statutes, Section 473B.06, Subdivision 7, any land use and development control measure applicable to or proposed for the site described in the notice of hearing or to any property within five miles thereof, and any proposed amendment or variance thereto. During the period described above, no government unit shall construct a public building or facility on the proposed airport site or within five miles thereof until it has submitted its plan therefor to the metropolitan council for review and comment as provided in this subdivision.

Sec. 2. [360.75] **Aircraft noise zones.** Within 120 days after the selection and approval of a site for a new major airport in the metropolitan area, the metropolitan council shall determine the probable levels of noise which will result in various parts of the metropolitan area from the operation of aircraft using the site, shall establish aircraft noise zones based thereon applicable to property affected by such noise, and shall establish acceptable levels of perceived noise decibels for each land use, using the composite noise rating method and tables or the noise exposure forecast method and tables. Each government unit having power to adopt land use and development control measures applicable to property included in any aircraft noise zone, shall adopt or incorporate in existing land use and development control measures the applicable acceptable level of perceived noise decibels established by the council, and shall adopt such other control measures as may be necessary to prevent the use, construction or improvement of property and buildings under its jurisdiction so that persons using the property and buildings are subjected to a level of perceived noise decibels in excess of the acceptable level established for that land use. A map showing the aircraft noise zones and a copy of the applicable acceptable levels of perceived noise decibels shall be mailed to the governing body of each government unit having authority to adopt land use and development control measures applicable to property in each aircraft noise zone, to the commission, and to the state commissioner of aeronautics. The control measures adopted by a government unit to comply with this section shall be submitted to and reviewed, changed and approved by the council, and placed into effect by the government unit, in the manner prescribed in section 1, subdivision 2. The council may make changes in the aircraft noise zones and the applicable acceptable levels of perceived noise decibels to conform with the actual levels of noise produced by aircraft using the airport site when it is in operation, and may require changes in control measures applicable to airport noise zones to conform with changes made by it. No property shall be used, and no building or other structure shall be constructed or improved, within any aircraft noise zone, so that persons using the property and build-

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ings are subjected to a level of perceived noise decibels in excess of the acceptable level established by the council for that land use.

Sec. 3. **[360.76] Control measure involving taking; condemnation by commission.** Subdivision 1. If either the provisions or the application of section 1, subdivision 2, or any land use and development control measure applicable to public or private property in an airport development area is determined by a court of competent jurisdiction to constitute a taking, the commission in the exercise of its power to acquire lands for the airport shall have the power to acquire the property or any similar property or to acquire an interest therein to the extent needed for the application of such measure, by eminent domain exercised in accordance with Minnesota Statutes, Chapter 117. The right of eminent domain shall be exercised if the commission has or will have funds to pay the condemnation award and the council determines that it is necessary to protect the airport from encroachment or hazards, or to protect residents in the area, or to encourage the most appropriate use of property in the airport development area, or to protect and conserve the natural resources of the metropolitan area.

Subd. 2. The commission may retain any property now owned by it or acquired pursuant to subdivision 1 and use it for a lawful purpose, or it may provide for the sale or other disposition of the property in accordance with a redevelopment plan in the same manner and upon the same terms as the housing and redevelopment authority and governing body of a municipality under the provisions of Minnesota Statutes, Section 462.525, all subject to the provisions of section 1, subdivision 2, or existing land use and development control measures approved by the council.

Subd. 3. The commission and any other government unit in the metropolitan area may enter into an agreement whereby the cost of acquiring any property and the proceeds from the sale or other disposition thereof pursuant to subdivision 2 are to be shared by the commission and such government unit. The commission, the metropolitan council, or any government unit may also enter into any agreements with the United States or the state of Minnesota, or any agency or subdivision thereof, and do all acts and things required by state or federal law or regulations as a condition or consideration, for the loan or grant of funds or property for the purpose of land acquisition or improvement pursuant to subdivisions 1 and 2.

Sec. 4. **[360.77] Relation to airport hazard zoning.** Sections 1 and 2 and any criteria, guidelines or land use and development control measure approved by the council pursuant thereto shall in no way supersede or limit the powers conferred on a

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municipality to do airport hazard zoning or the commissioner of aeronautics by Minnesota Statutes, Sections 360.061 to 360.073, and shall be consistent with any exercise of such powers by the commissioner.

Sec. 5. [360.78] Government units in airport development area; tax sharing. The legislature determines that the location of a new major airport in the metropolitan area will increase the value and rate of development of land in the airport development area; that the airport development area may comprise property located in several government units; that the exercise of the powers and duties conferred on government units by sections 1 to 3 to control development of land in an airport development area may result in greater development of such land within one government unit than another; that the control of such development will be of benefit to the entire airport development area; and that the assessed value of taxable property and the tax resources in the government unit where the most development takes place may be significantly greater than in other government units in the area. Therefore, to encourage the protection of inhabitants of the area and natural resources of the metropolitan area, to increase the likelihood of orderly development in an airport development area, and to provide a way for all government units in the area to share in the tax resources generated by growth of the area, the governing bodies of all government units located wholly or partly in an airport development area shall jointly study and decide upon a plan for the sharing of property tax revenues derived from property located in an airport development area. If 80 percent of the government units having territory within the airport development area agree upon a plan, such plan shall be put into effect and all government units shall enter into such agreements as may be necessary for this purpose, provided that the plan shall not impair the existing contract obligations of any government unit. This section shall not apply to the commission or the council.

Sec. 6. [360.79] Definitions. Subdivision 1. For the purposes of this act the terms defined in this section have the meanings given them.

Subd. 2. "Commission" means the Minneapolis-Saint Paul metropolitan airports commission.

Subd. 3. "Government unit" means any county, city, village, borough, town, council, commission or school district.

Subd. 4. "Metropolitan area" means the area of the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

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Sec. 7. [360.80] **Selection of airport site.** Notwithstanding any provisions of Minnesota Statutes, Sections 360.101 to 360.144, or any other law to the contrary, the commission may select a site and exercise the powers, control and jurisdiction granted it by law at any place or over any other airport within 35 miles of the city hall of either city as defined in Minnesota Statutes, Section 360.102, Subdivision 9.

Sec. 8. **Severability clause.** If any court determines that any provision of this act or any application thereof to any facts is invalid for any reason, such invalidity shall not affect any other provision or application of provisions of this act, each of which is declared to be severable.

Approved June 6, 1969.

CHAPTER 1112—H. F. No. 3040

[Not Coded]

An act relating to the tax levy for general revenue purposes in the county of Mille Lacs.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Mille Lacs county; general revenue levy. Notwithstanding the provisions and limitations of Minnesota Statutes, Section 275.09 to the contrary, the board of county commissioners of the county of Mille Lacs may levy annually a tax for general revenue purposes at such a rate as will produce not to exceed \$200,000.

Sec. 2. This act shall become effective upon its approval by the board of county commissioners of the county of Mille Lacs, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved June 6, 1969.

CHAPTER 1113—H. F. No. 3045

[Not Coded]

An act pertaining to the city of Saint Paul; authorizing the city to provide by an additional tax levy funds for preparation of storm and sanitary sewerage studies and plans.

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