



Association *of* Minnesota Counties

August 2017

Counties and other local governments are responsible for planning and zoning activities to promote the health, safety, and general welfare of their communities. Until recently, a county's ability to assume this responsibility was hamstrung by state statute. The state permitted other local governments to review land transfers and divisions, but did not give the same authority to counties.

This restriction on counties was removed in the 2017 legislative session with a law that amended [Minn. Stat. § 272.162](#). The new law specifically states counties have the same authority already afforded municipalities and townships to review land transfers and divisions before they are recorded.

With this authority, counties can protect land owners from land transfer and division missteps which block property owners from using their land as they intended. County oversight will prevent future boundary disputes and ensure that land owners are compliant with other land use rules and regulations.

A county must pass a resolution stating it assumes the authority to review land divisions and transfers. Two sample resolutions declaring this authority are provided in this packet. A county may use the sample resolutions as a guide for its policy. However, if a county uses language from these samples, its final resolution should be evaluated by its planning and zoning personnel and county attorney before adoption.

If you have questions about county planning and zoning oversight, please contact AMC's Environment & Natural Resources Policy Analyst, Jennifer Berquam at jberquam@mncounties.org or 651-789-4322

SAMPLE 1

A RESOLUTION

Requiring county review of a deed or other instrument conveying a parcel of land for transfer or division for conformity with the county's land use regulations before the county auditor transfers or divides the land or its net tax capacity in the official records.

WHEREAS, Minnesota Statute § 272.162 specifies the conditions when a local government may restrict parcel transfers or land divisions; and

WHEREAS, the 90th Legislature adopted Chapter 1 in the 2017 First Special Session, amending Minn. Stat. § 272.162; and

WHEREAS, the amended Minn. Stat. § 272.162 authorizes a county to review a deed or other instrument conveying a parcel of land for transfer or division before its recorded, ensuring conformity with the county's land use regulations; and

WHEREAS, a county's review of a proposed land transfer or division will protect land owners from problems arising from property splits not compliant with zoning regulations or inaccurate parcel descriptions; and

WHEREAS, a county must choose to assume the authority to review deeds or other instruments conveying parcels of land for transfer or division; now, therefore,

BE IT RESOLVED, [INSERT COUNTY NAME] County requires the review of a deed or other instrument conveying a parcel of land for transfer or division for conformity with the county's land use regulations before the county auditor transfers or divides the land or its net tax capacity in the official records.

SAMPLE 2

A RESOLUTION

Assuming the authority to enforce the parcel transfer and division restrictions of Minn. Stat. § 272.162

WHEREAS, Minnesota Statute § 272.162 specifies the conditions when a local government may restrict parcel transfers or land divisions; and

WHEREAS, the 90th Legislature adopted Chapter 1 in the 2017 First Special Session, amending Minn. Stat. § 272.162; and

WHEREAS, the amended Minn. Stat. § 272.162 authorizes a county to review a deed or other instrument conveying a parcel of land for transfer or division before its recorded, ensuring conformity with the county's land use regulations; and

WHEREAS, a county's review of a proposed land transfer or division will protect land owners from problems arising from property splits not compliant with zoning regulations or inaccurate parcel descriptions; and

WHEREAS, a county must choose to assume the authority to review deeds or other instruments conveying parcels of land for transfer or division; now, therefore,

BE IT RESOLVED, the restrictions of Minn. Stat. § 272.162 shall apply to property within [INSERT COUNTY NAME] County's boundaries, specifically, the County Auditor shall not transfer or divide the land in the official records and shall not certify the deed or other instrument of conveyance as provided in Minn. Stat. § 272.12, if:

- a. The land conveyed is less than a whole parcel of land as charged in the tax lists;
- b. The part of land conveyed appears within the area of application of municipal or county subdivision regulations adopted and filed under Minn. Stat. § 394.35 or 462.36; and
- c. The part conveyed is part of or constitutes a subdivision as defined in Minn. Stat. § 462.352, Subdivision 12; and

BE IT FURTHER RESOLVED, the county auditor may transfer or divide the land if its deed or instrument contains a certification by the clerk of the municipality or designated county planning official:

- a. that the municipality's or county's subdivision regulations do not apply;
- b. that the subdivision has been approved by the governing body of the municipality or county; or
- c. that the restrictions on the division of taxes and filing and recording have been waived by resolution of the governing body of the municipality or county in the particular case because compliance would create an unnecessary hardship and failure to comply would not interfere with the purpose of the regulations.