COURI & RUPPE, P.L.L.P

Michael C. Couri*
Robert T. Ruppe**
Mark S. Allseits

**Also Licensed in Illinois*

***Also Licensed in California*

Attorneys at law
705 Central Avenue East
PO Box 369
St. Michael, MN 55376-0369
(763) 497-1930
(763) 497-2599 (FAX)
www.couriruppe.com

July14, 2026

VIA EMAIL

Dovre Township Board of Supervisors
ATTN: Dovre Township Clerk
7390 Long Lake Road Willmar, MN 56201
dovreclerk@gmail.com

RE: COMMON INTEREST COMMUNITIES AND TOWNSHIP SUBDIVISION ORDINANCE

This memorandum provides a brief analysis of how Chapter 515B, the Minnesota Common Interest Ownership Act, interacts with the Township's subdivision ordinance when a developer proposes a common interest community. After reviewing the relevant portions of Chapter 515B, including the applicability provisions and the definitions section, there is nothing in Minnesota statute that exempts a CIC from Township subdivision review. A CIC is an ownership structure created by private declaration. It does not function as, replace, or override a subdivision approval under township land-use authority, and the Township retains full jurisdiction to apply its subdivision ordinance to any proposed development that meets the definition of a subdivision under Township law.

The controlling language is in section 515B.1-106, which states: "*no provision of this chapter invalidates or modifies any provision of any* zoning, *subdivision*, building code, or other real estate use law, *ordinance*, charter provision, *or regulation*." (emphasis added). This statutory directive makes clear that Chapter 515B does not displace or limit the Township's subdivision authority, nor does it in any way invalidate or circumvent Chapter 505. Any development that would otherwise require subdivision approval continues to require it, even if the developer intends to organize ownership through a CIC declaration.

The CIC plat provisions in sections 515B.2-110 and 515B.2-1101 do not create any alternative path for land division. A CIC plat pursuant to 515B.2-110(c) or 515B.2-1101(c) is a private mapping instrument used to define unit boundaries, common elements, and limited common elements within an already existing parcel. It is not a subdivision plat under Chapter 505 or under local subdivision ordinances. Recording a CIC plat does not create legal lots and does not eliminate the need for subdivision review. Section 515B.2-1101(d) reinforces this point by stating that if a planned community uses a subdivision plat or registered land survey as its CIC plat, that plat must

comply with Chapter 505 and "the applicable subdivision requirements of any governmental authority within whose jurisdiction the planned community is located," subject to section 515B.1-106. In other words, if a developer wishes to use a subdivision plat, it must already satisfy the Township's subdivision ordinance; Chapter 515B does not provide a substitute.

The definition of a common interest community in section 515B.1-103(10) further confirms that CICs are ownership arrangements, not land-use approvals. A CIC is simply real estate subject to an instrument obligating owners to pay for shared expenses. The statute notes that real estate can be a CIC "whether or not it is subject to this chapter," underscoring that CIC status arises from private instruments, not governmental approvals. Nothing in the definition suggests that creating a CIC alters the underlying land-use regulatory framework or affects the Township's authority to regulate subdivisions. In fact, section 515B.1-106 holds to the contrary, noting "*no provision of this chapter invalidates or modifies any provision of any* zoning, *subdivision*, building code, or other real estate use law, *ordinance*, charter provision, *or regulation*." (emphasis added).

Furthermore, nothing in the applicability section, section 515B.1-102, creates any exemption from subdivision review. The chapter repeatedly distinguishes between ownership form and land-use regulation and makes clear that local requirements continue to govern. When evaluating any proposed CIC development, the Township should apply its subdivision ordinance in the same manner as it would for any other development. If the proposal meets the definition of a subdivision, the Township must require compliance with its subdivision procedures, standards, and approval requirements, regardless of the developer's chosen ownership structure.

In short, Chapter 515B provides no exemption from Township subdivision review. A developer proposing a CIC must comply with the Township's subdivision ordinance, and creating a CIC does not change the Township's authority or responsibilities in evaluating the development.

Best,



Mark S. Allseits
Couri & Ruppe, P.L.L.P.