

4410.9900 PROTECTION OF LANDOWNER'S RIGHTS.

In implementing these parts no governmental agency shall issue any order that is clearly in violation of the constitution of this state or of the United States.

Neither the designation of a critical area nor the adoption of any plans or regulations for such an area shall in any way limit or modify the rights of any person to complete any development that meets the following requirements:

A. a development that has been authorized by registration and recordation of a subdivision pursuant to state laws or by a building permit or other authorization to commence development on which there has been reliance and a change of position by the developer; and

B. the registration, recordation, or the permit or authorization of the development was issued prior to the date of legal notice of the council public hearing provided in part 4410.8700.

When a developer has in reliance on prior regulations obtained vested or other legal rights, that would have prevented a local unit of government under the law from changing those regulations adverse to the developer's interests, these parts shall not authorize any local unit of government or governmental agency to abridge those rights.

Statutory Authority: *MS s 116G.04*

Published Electronically: *November 30, 2009*