

4410.8200 AUTHORITY AND PURPOSE.

Subpart 1. **Authority.** The rules contained herein are prescribed by the Minnesota Environmental Quality Board, pursuant to Minnesota Statutes, section 116G.04, for the implementation of Minnesota Statutes, sections 116G.01 to 116G.14, herein referred to as the Critical Areas Act of 1973. This act deals with the duties and responsibilities of the Environmental Quality Board, state agencies, regional development commissions, and local units of government in the identification and designation of critical areas and the preparation and implementation of plans and rules for critical areas.

Subp. 2. **Purpose.** The purpose of these rules is to provide public agencies and private persons with policy, definitions, procedures, criteria, standards, and guidelines of statewide application to be used in the implementation of the Critical Areas Act.

Because development in areas of the state that possess important historic, cultural, or aesthetic values or natural systems that perform functions of greater than local significance may result in irreversible damage to these resources, decrease their value and utility for public purposes, or unreasonably endanger life and property, the state shall identify these critical areas and assist and cooperate with local units of government in the preparation of plans and rules for the wise use of these areas.

The critical areas planning process is intended to be neither a "court of last resort" to review purely local planning and zoning issues nor a substitute for an ongoing land planning process involving the legislative, executive, and judicial branches of state and local government. The critical areas planning process shall be limited to exceptional circumstances where other powers are unavailable, inapplicable or are not being used effectively to ensure adequate and coordinated local, regional, and state planning and regulation to protect the public interest in the area.

The critical areas planning process is intended to be applied to a limited number of areas in the state. Critical area designation based on criteria that may characterize large or common areas of the state or region shall be avoided.

Statutory Authority: *MS s 116G.04*

Published Electronically: *November 30, 2009*