

4410.8700 BOARD ACTION ON CRITICAL AREA RECOMMENDATIONS.

Subpart 1. **Procedures.** When the board initiates a recommendation it shall:

A. submit the recommendation to the regional development commissions with jurisdiction within the area directly affected for review and action, as prescribed in part 4410.8600, subpart 2; or

B. follow the procedures prescribed in subpart 3, when it determines that the time required for regional development commission review and action must be shortened or eliminated to avoid further endangerment to the regional or statewide interest in the recommended area.

Subp. 2. **Notice of action.** When the board receives notice of action on a recommendation for a critical area from a regional development commission, or from a local unit of government where no regional development commission exists, it shall have 60 days to review the recommendation and either:

A. give legal notice, as prescribed in subpart 3, of its decision to conduct a public hearing pursuant to Minnesota Statutes, chapter 14, on the recommendation; or

B. notify the regional development commission or local unit of government of its rejection of the recommendation and its reasons therefore and specify any authorized alternate action to protect the regional or statewide public interest.

Subp. 3. **Hearings.** When the board's decision in subpart 1 or 2 is to hold a public hearing on the recommendation, the procedures to be followed are:

A. Legal notice of at least 30 days shall be given to the following:

(1) the governor;

(2) the appropriate state agencies;

(3) the regional development commissions and local units of government with jurisdiction over the area affected by the recommendation;

(4) persons who have filed with the secretary of state pursuant to Minnesota Statutes, chapter 14, to receive notice of public hearings;

(5) requesting persons; and

(6) each person owning real property within the recommended area and within 350 feet of the recommended area when the recommended area is 1,000 acres or less.

B. One legal notice of the recommendation shall be placed in the official newspaper of each county in the area directly affected by the recommended area at least two weeks prior to the date of the public hearing.

C. The board may mail notice of the recommendation to all persons owning real property within the recommended area as determined by tax records.

D. The legal notice shall include the time and location of the hearing, and the recommendation.

E. The public hearing shall be held in each county affected by the proposed critical area.

F. At the public hearing, the board shall receive all testimony and exhibits relative to the designation of the proposed critical area, including the amount and source of funds and technical aid required to prepare and adopt plans and regulations for the proposed critical area. An official record of the hearing shall be prepared. When a transcript is requested, the board may require the party requesting to pay the reasonable costs of preparing the transcript.

G. After the public hearing on the recommendation, the board shall examine the record and prepare findings of fact that shall include the following:

(1) an explanation of any modification or rejection of action by a regional development commission or local unit of government on the recommendation;

(2) the amount and source of funds and technical aid required for the preparation and adoption of plans and regulations;

(3) whether the proposed critical area may be effectively protected by any other powers; and

(4) the specific standards and guidelines to be followed in preparing and adopting plans and regulations for the critical area.

H. Within 30 days of the public hearing on the recommendation, the board shall, based on the findings of fact, submit the recommendation to designate a critical area to the governor, or reject the recommendation.

Statutory Authority: *MS s 116D.04*

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