

4410.9300 BOARD PREPARATION OF PLANS AND REGULATIONS.

Subpart 1. **When board prepares.** When the local unit of government or the regional development commission fails to prepare plans and regulations that are acceptable to the board within one year of the order of designation, the board shall then prepare the plans and regulations within 90 days.

Subp. 2. **Public hearings.** When the board has prepared the plans and regulations, it shall hold a public hearing pursuant to Minnesota Statutes, chapter 14, in each county directly affected by the plans and regulations. The procedures to be followed are:

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

(1) the regional development commissions and local units of government with jurisdiction over the critical area;

(2) the appropriate state agencies;

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

(4) requesting persons; and

(5) each person owning real property within the area that would be directly affected by the proposed plans and regulations and within 350 feet of the area when the area directly affected is five acres or less.

B. One legal notice of the proposed plans and regulations 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 proposed plans and regulations to all persons owning real property within the boundaries of the area that is within the jurisdiction of the local unit of government for which the plans and regulations are being proposed.

D. The legal notice shall include the time, location, and purpose of the hearing, and a summary of proposed plans and regulations.

E. At the public hearing, the board shall receive all testimony and exhibits relative to the plans and regulations. 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.

F. After the public hearing on the plans and regulations, the board shall examine the record and prepare findings of fact.

G. Within 60 days of the hearing, the board shall adopt the plans and regulations for the local unit of government's portion of the critical area. Plans and regulations that

have been adopted by the board shall apply and have the effect of adoption by the local unit of government.

Subp. 3. **Superseding local plans.** At any time after the preparation and adoption of plans and regulations by the board, a local unit of government may prepare plans and regulations according to procedures prescribed in these rules. When the plans and regulations are approved by the board, they shall supersede the plans and regulations adopted by the board.

Statutory Authority: *MS s 116G.04*

Published Electronically: *November 30, 2009*