

**5800.0110 STEPS IN HEARING PROCESS.**

Subpart 1. **Preliminary statement.** Within 30 days after the review is commenced, the sponsor, the requester, and the governmental unit in which the proposed project is located must submit to the significance review committee or administrative law judge a preliminary statement containing information, facts, and opinions regarding the following:

- A. the applicability to the proposed project of part 5800.0030;
- B. the significance and effect of the proposed project on metropolitan systems or on local governments or, if publicly subsidized, the effects on a publicly financed facility; and
- C. the appropriate remedy.

In addition, the sponsor must indicate all other governmental reviews and approvals required in connection with the proposed project, and their current status.

Subp. 2. **Submissions.** The sponsor and the local governmental unit within which the proposed project is located must submit the following to the significance review committee or administrative law judge:

- A. copies of any information given by the sponsor to any local governmental unit required to approve the proposed project; and
- B. a copy of the findings, report, or determination made by the local government on the proposed project.

Subp. 3. **Participation by nonparties.** The significance review committee will decide the manner and extent of participation by persons other than the parties.

Subp. 4. **Significance review report.** At least ten days before the public hearing conducted by the significance review committee or the administrative law judge, council staff will prepare a written report on the proposed project. This report will not contain any findings or recommendations about the metropolitan significance of the proposed project. The report will be sent to all parties and made available to the public. Parties may submit statements about the report to the significance review committee at any time before the close of the record of the public hearing. The report will contain:

- A. a listing, including sources, of all information submitted to the committee or to the administrative law judge;
- B. a description of the proposed project;
- C. the criteria listed in part 5800.0040 that apply to the proposed project; and
- D. a summary of the issues presented in each of the preliminary statements, including any disagreements regarding facts of the proposed project.

Subp. 5. **Council information.** The council may enter information related to the review of the proposed project into the record of the public hearing. This material and its authors will be subject to examination at the public hearing.

Subp. 6. **Additional information.** On its own initiative or at the request of a party, the significance review committee may request additional information from any party before the close of the public hearing. If a party does not reasonably comply with a request, the significance review committee may order that the subject matter of the information to be produced be considered established for purposes of the significance review in accordance with the claims of the party requesting the information or refuse to allow the party failing to produce the information to support or oppose designated claims or prohibit the party from introducing the designated information into the hearing record.

Subp. 7. **Public hearing.** The significance review committee or an administrative law judge appointed by the committee must hold at least one public hearing on the proposed project. Notice of this public hearing must be published in the council bulletin and served on all parties at least 15 days prior to the hearing. The public hearing must be conducted in a manner designed to protect the rights of all persons and parties and to ensure fundamental fairness. Public hearings conducted by an administrative law judge will be governed by parts 1400.5010 to 1400.8400. Public hearings conducted by the significance review committee will be conducted according to the council's hearing procedures as contained in Procedures for Adopting or Amending a Chapter of the Metropolitan Development Guide. This publication is incorporated by reference in this chapter. It is available through the Minitex interlibrary loan system and subject to frequent change.

**Statutory Authority:** *MS s 473.173*

**History:** *13 SR 2366; 26 SR 391*

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