

**4410.9000 PREPARING CRITICAL AREA PLANS AND REGULATIONS.**

Subpart 1. **Requirement.** When a critical area has been designated, plans and regulations to govern the use of the critical area shall be prepared, unless acceptable plans and regulations exist.

Subp. 2. **Responsibility for preparation.** When no plans or regulations for the critical area exist at the time of the order of designation, the plans and regulations shall be prepared by the following:

A. each local unit of government with jurisdiction within the critical area and the existing authority to develop and enact plans and regulations;

B. the regional development commission with jurisdiction within the critical area when requested within 30 days of notice of the order of designation by a local unit of government with jurisdiction within the critical area; or

C. the board when requested within 30 days of notice of the order of designation by a local unit of government with jurisdiction within the critical area, when no regional development commission exists.

Subp. 3. **Time for preparing.**

A. A local unit of government shall prepare the plans and regulations within six months of notice of the order of designation. A regional development commission shall prepare the plans and regulations within six months of the request from the local unit of government.

B. When the local unit of government or regional development commission requests a time extension for the preparation of plans and regulations, the board may grant the time extension when it determines that the local unit of government or regional development commission is making a conscientious attempt to develop the plans and regulations, and that the project is of a magnitude that precludes the completion, review, and adoption of the plans and regulations within the time limits established in these rules.

Subp. 4. **Reimbursing costs.** When a regional development commission prepares the plans and regulations for a critical area at the request of a local unit of government, it may seek reimbursement from the local unit of government for the actual costs of preparation.

Subp. 5. **State agency assistance.** When the board determines that the local unit of government or the regional development commission that is preparing the plans and regulations for the critical area requires technical assistance, the board shall direct the appropriate state agency or agencies to assist in the preparation of the plans and regulations in accordance with a time schedule established by the board.

Subp. 6. **Public participation.** The preparation process shall include adequate opportunity for participation by the general public, property owners, nonowner users of land, and appropriate officials or representatives of local, regional, state, and federal government agencies. The appropriate regional development commission may appoint an advisory committee consisting of representatives

of the above interests to guide the planning process. Public hearing with adequate notice shall be held.

**Statutory Authority:** *MS s 116G.04*

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