

5800.0080 COMMENCEMENT AND DETERMINATION NOT TO COMMENCE.

Subpart 1. **Council initiation.** A significance review initiated by the council will commence on the day the council adopts an order to commence a significance review.

Subp. 2. **Initiation by requesters.** If the chair determines that the request complies with and satisfies the requirements of part 5800.0060, the chair will commence the significance review by issuing an order for commencement effective as of the date of the order. The order will include the chair's preliminary finding of metropolitan significance. If the chair decides not to commence a significance review, the chair must immediately inform the parties of the determination and basis for it.

Subp. 3. **Appeal.** Person(s) requesting a review, the governmental unit(s) in which the proposed project is located, and the sponsor may appeal the chair's decision not to commence the significance review to the council by submitting a written request within seven days following notification of the chair's determination. The council must review this request at a public hearing and either direct the issuance of an order for commencement or affirm the chair's decision.

Subp. 4. **Notice of commencement of significance review.** The council must serve notice of the commencement of a significance review on all parties, adjacent governmental units, metropolitan agencies, and the Land Use Advisory Committee within five days following the determination to commence a review. The notice will contain the order for commencement, the information submission or a summary of the submission, an order to the sponsor to suspend action on the proposed project, and a schedule for the metropolitan significance review. Notice that the significance review has been commenced will be published in the next following issue of the council bulletin, as described in Minnesota Statutes, section 473.247.

Subp. 5. **Review period.** The council will complete a metropolitan significance review within 90 days following commencement unless suspended or extended under part 5800.0100, subpart 1, or 5800.0140, subparts 4 and 6.

Subp. 6. **Implementation hold during review period.** Upon commencement of a metropolitan significance review, no person will commence site alteration on a proposed project until the council's issuance of a final determination concerning the proposed project or the expiration of the significance review period, whichever occurs first.

Statutory Authority: *MS s 473.173*

History: *13 SR 2366*

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