

5800.0140 PROCEDURAL OPTIONS.

Subpart 1. **Bad faith.** The council may dismiss with prejudice any significance review which it finds has been initiated in bad faith. This determination will not be made without allowing the parties to hear, rebut, and present evidence regarding the dismissal.

Subp. 2. **Withdrawal of review.** At any time during the conduct of a significance review, the requester or sponsor may request that the council withdraw the proposed project from significance review, setting forth the reasons for the request. If all the parties agree, the council may grant the request and allow a proposed project to be withdrawn from review.

Subp. 3. **Settlement.** The parties to a significance review may execute a settlement agreement with regard to the proposed project at any time before the issuance of a final determination. The agreement must be in writing, signed by all parties, and will be subject to acceptance or rejection by the council.

Subp. 4. **Suspension.** The council may suspend a significance review for not more than 90 days to allow the council to review a plan amendment for the proposed project under the provisions of the Metropolitan Land Planning Act. The council also may suspend a significance review for not more than 90 days to await the decision of a public agency whose authorization is required for the proposed project to proceed. In the event that the agency denies authorization for the proposed project, the council may dismiss the metropolitan significance review.

The sponsor and the requester may agree to suspend any of the time periods specified for a significance review. The agreement must be approved by the significance review committee. If the council initiates a significance review, the council and the sponsor may agree to suspend any of the time periods.

The council may suspend a significance review to await the submission of adequate supporting information.

Subp. 5. **Review coordination.** When appropriate, the council will coordinate the significance review with other reviews, such as the environmental review process.

Subp. 6. **Extension.** At any time before the council determination, the significance review committee and the parties may agree to extend the review period in order to collect more information. The time extension must be specified in a written agreement between the committee and the parties. The council, acting on its own initiative, also may extend the time period of a significance review to await the submission of adequate supporting information.

Statutory Authority: *MS s 473.173*

History: *13 SR 2366*

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