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Critical Areas Planning Process

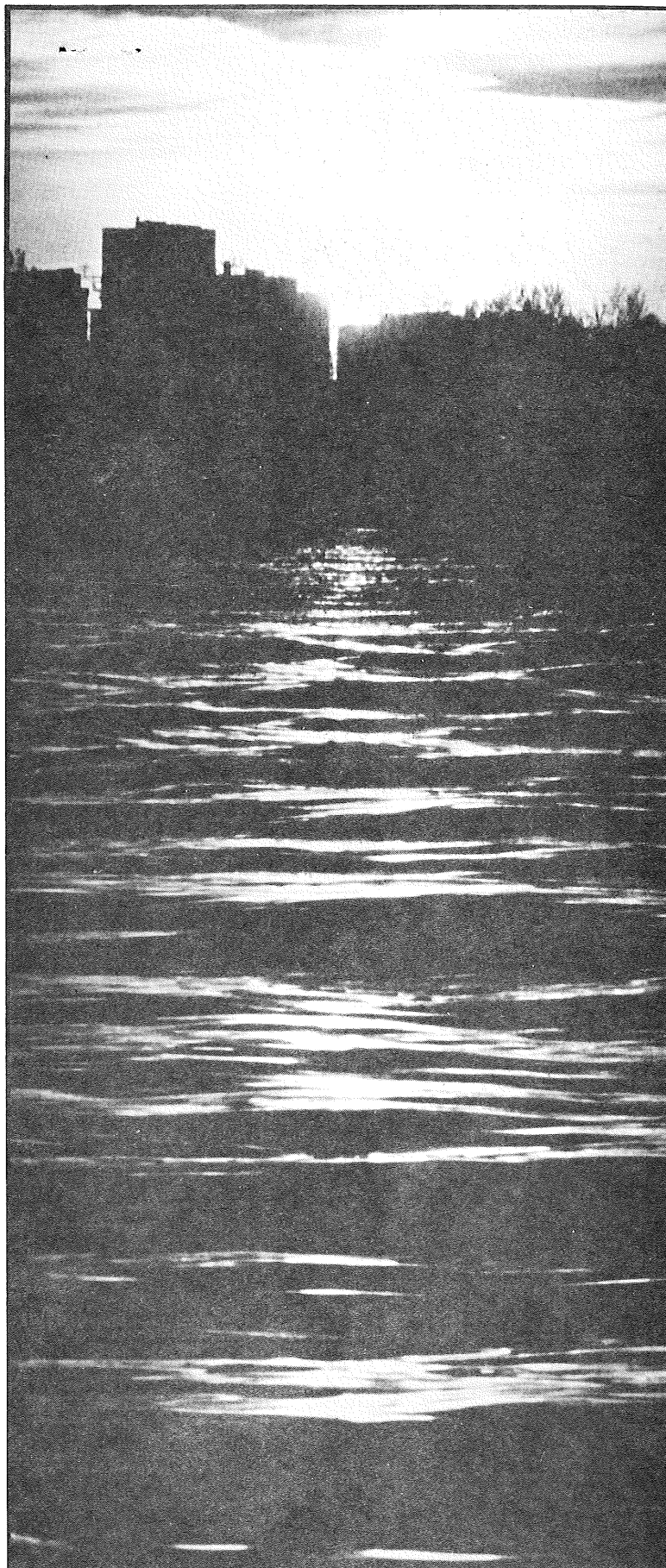
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Produced by:
Minnesota State Planning Agency
Minnesota Environmental Quality Board



In recent years we have come to realize that the way we use our land and its resources shapes the growth of our communities. We have found that environmental quality is also shaped by basic choices we make in the use of land and resources. These choices are usually complex and difficult. They are often affected by people or groups beyond the immediate community and its jurisdiction. These individuals and groups often have different ideas about how to use an area's resources. This can give rise to conflicts and raise several questions.

- .How can land use conflicts between local units of government and statewide interests be resolved?
- .How can land use plans and regulations of numerous municipalities and counties around, say, a major lake or river be made consistent with each other?
- .How can a municipality or county with little or no planning staff prepare for the social, economic and environmental impacts of a major power plant, peat mining or other industrial development?
- .How can the interests of cities, counties and regional and state agencies as well as private organizations outside the jurisdiction of a given area be taken into account in that area's planning program?
- .Is it possible to cooperate in planning for areas where there are multiple interests?

In 1973 the Minnesota Legislature created a program to coordinate planning and management of resource areas of greater than local significance and areas affected by major government development--the Critical Areas Program--by passing the Critical Areas Act (MS 116G.01 to 116G.14). The Minnesota Environmental Quality Board (EQB) rules to implement this act are titled the Critical Areas Planning Process (Minn. Reg. MEQC 51 to MEQC 57). This program enables local governments, Regional Development Commissions and state agencies to work together through the Environmental Quality Board (EQB) to plan for the wise use and management of Critical Areas. The program is neither for nor against development; rather, it stresses appropriate use and development, after considering all relevant public and private interests.

The Critical Areas Program is supplemental to a community's traditional planning and regulatory responsibilities. The program is to be used when the size of an area or population is too large, the variety of resources too great, or the issues too complex to be handled adequately by traditional planning and zoning methods or by other state programs.

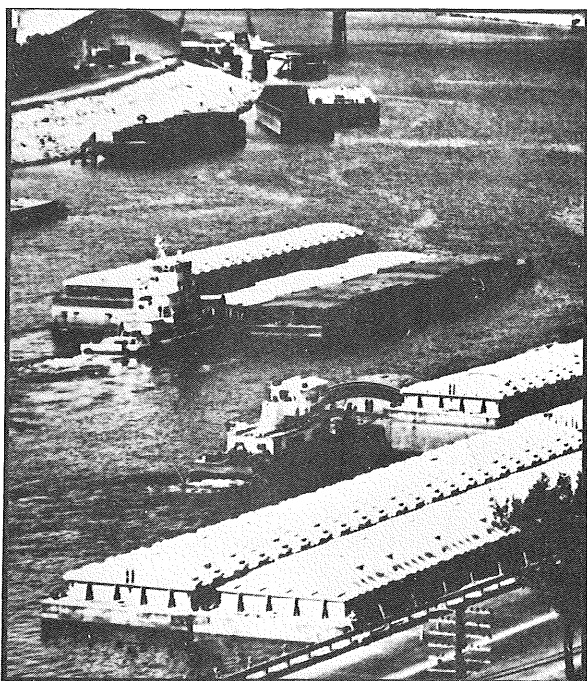
The objective of the program is for local units of government and regional and state agencies to work together to prepare plans and regulations for the wise use and management of a designated critical area.

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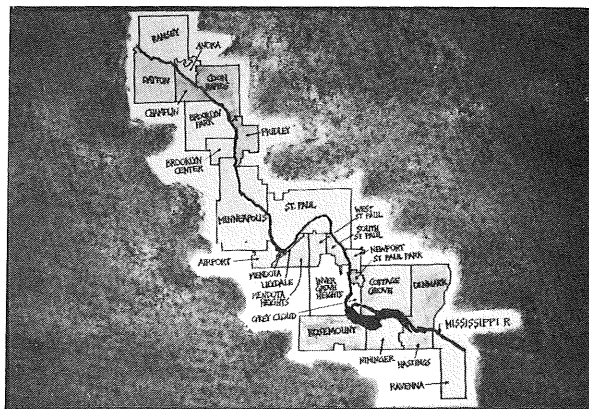
WHAT IS A CRITICAL AREA?

To be designated a critical area, an area must satisfy four criteria:

1. The area must be of significant regional or statewide public interest. When does an area possess regional or statewide interest? Let's look at a previous critical area, the Mississippi River Corridor in the Twin Cities Metropolitan Area, for an answer. In the case of the Mississippi River corridor, the regional economy and, more specifically, transportation industry relies on the river. Facilities for barges must be built and maintained along the river and the river channel must be maintained. The river serves as the source of water for over 40% of the metropolitan population. In addition, the river receives, or will receive, most of the treated waste water of the metropolitan area. These are matters that affect an entire region, if not the state, and state, regional, and local governments must work together to deal with them.



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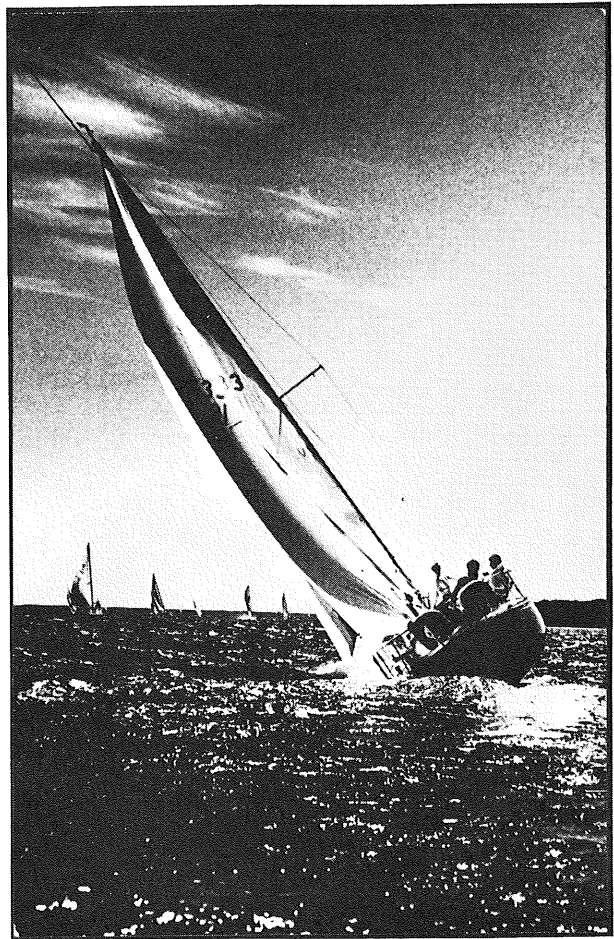
2. Other means of protecting the public interests in the area are not available or effective. The questions and issues surrounding the use of a critical area are numerous and complex. All levels of government -- federal, state, regional, local -- try to find solutions. For the Mississippi River Corridor, 20 cities, 4 townships, 5 counties, 3 regional agencies, 4 state agencies, and 4 federal agencies were involved. Most of the time, the solution to a problem was beyond the ability or jurisdiction of any one of these organizations. Problems concerning the Mississippi River corridor were too large for one government or agency to cope with. For example, who was to decide questions such as from what part of the river drinking water is to be taken? Where effluents are to be discharged? Which historical and cultural sites should be preserved?

In a situation such as this, the only single unit of government empowered to deal with all these questions is the Environmental Quality Board through the Critical Areas Program.

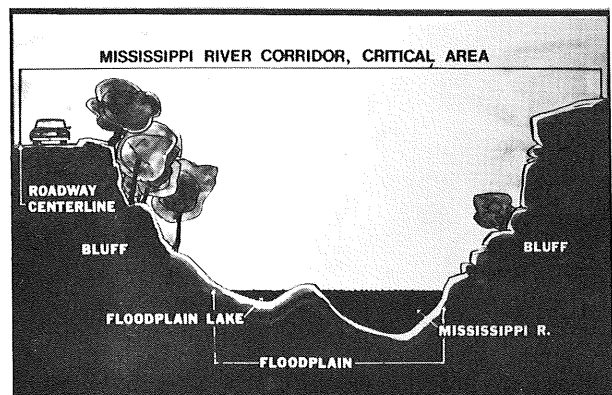
3. The area is one of a limited number in the state or region. If the area is one of many, then the resources of the area can be found elsewhere and are not critical. But, if the area is limited in number, then its well being is important. Careful planning and management of critical areas must occur to insure their valuable resources and characteristics are not lost forever. The Mississippi River is the largest river in the United States. This river corridor contains valuable fish and wildlife resources and recreation opportunities. It is also a transportation artery for food and materials. It is, therefore, a unique resource and one of a limited number in the state.

4. The area must be described specifically enough to permit delineation by legal description. What are the area's legal boundaries? Before an area's problems can be addressed through a planning program, the boundaries of the study area must be delineated. Because Minnesota is entirely surveyed, the legal description of the area can be easily developed. The area should include all the resources and facilities of primary concern.

With regard to the Mississippi River, the boundaries of the Critical Area are generally defined as all floodplains, bluffs and land immediately adjoining the bluffs.



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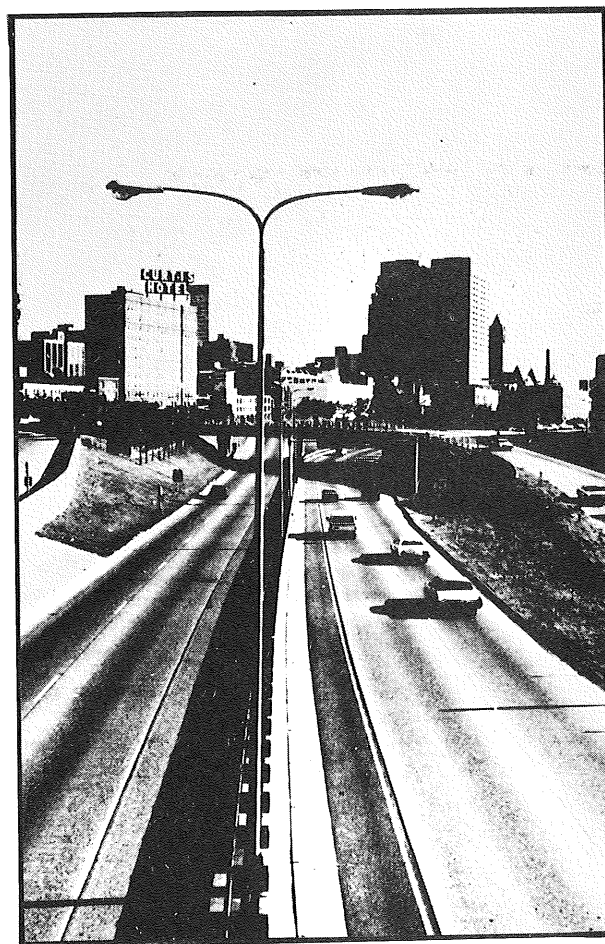
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WHAT AREAS MAY BE CRITICAL AREAS?

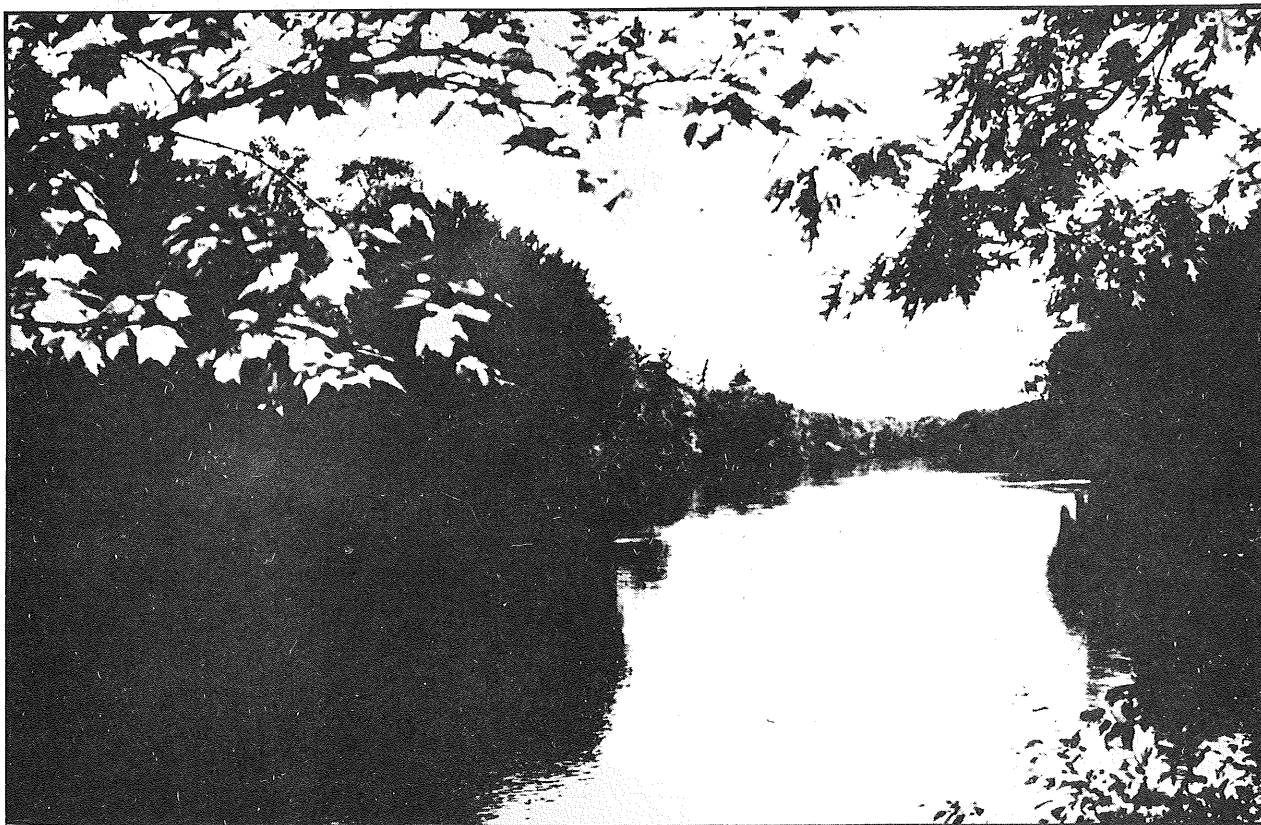
Any area, large or small, having one of the following characteristics, and which meets the four criteria discussed above, may become a critical area. Local units of government within an area meeting these requirements can mutually benefit from the use the critical areas planning process to resolve resource management problems.

An area affected by major government development that serves a large population beyond the development site or that generates further substantial development, for example: a new major highway or a new state institution or a facility such as the new Minnesota Zoological Gardens.

An area in which activities will affect major government development, for example: the fringe area of a state or national park or wildlife management area or the area surrounding a major highway interchange.



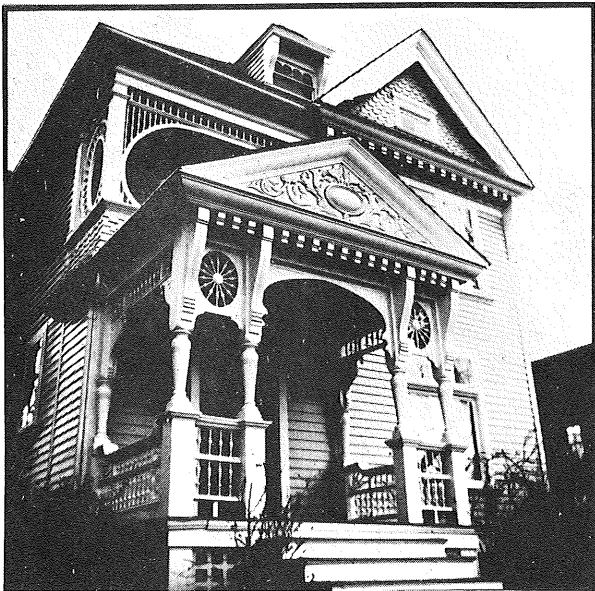
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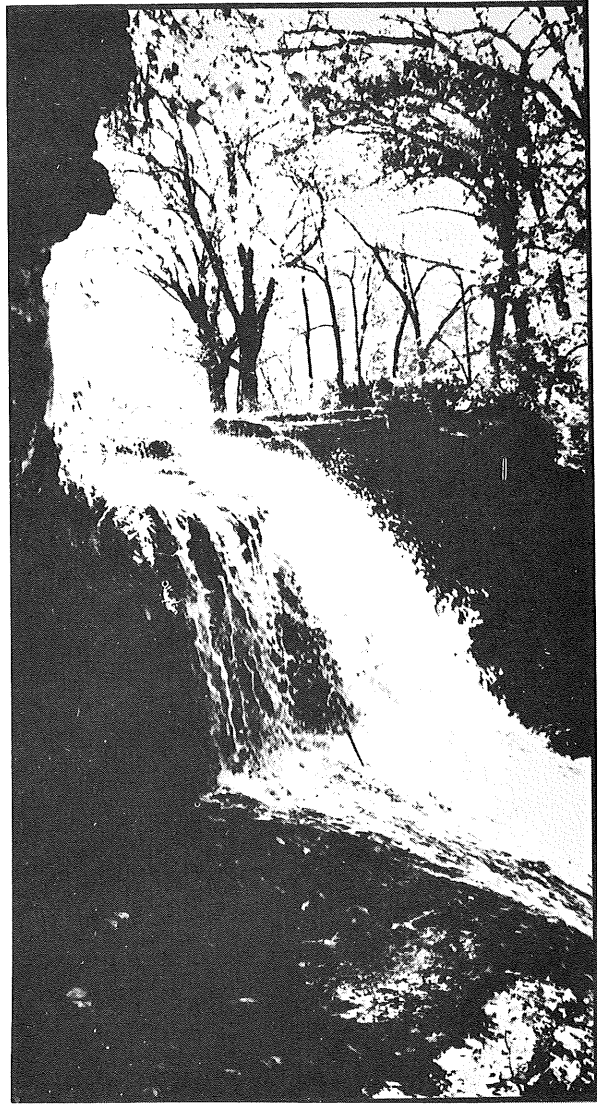
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.An area which contains historical, natural, scientific or cultural resources, for example: historic towns or districts, unique lakeshore areas, river corridors, valuable mineral resource areas, aquifer recharge areas or prime agricultural or forest areas.

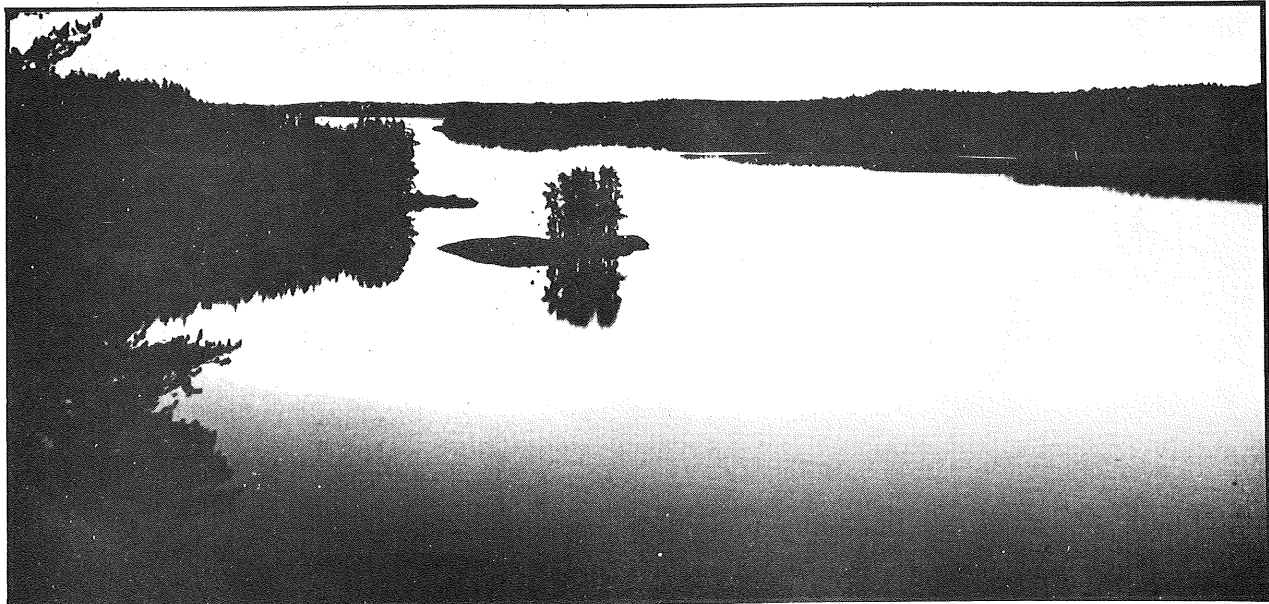
.An area where activities would have impact on such resources, for example: those areas above and floodplains, coastal areas and areas of rugged topography.



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HOW DOES AN AREA BECOME A CRITICAL AREA?

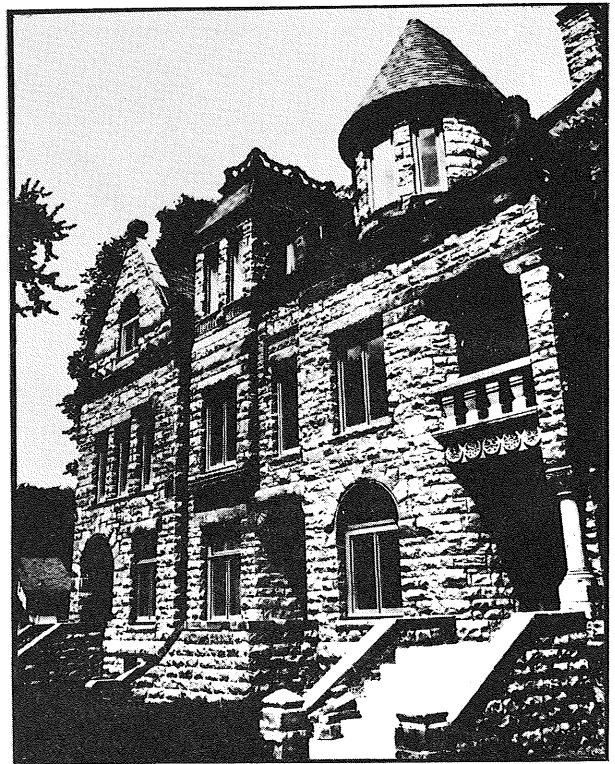
Critical area designation procedures may be initiated by a township, city, county, regional development commission or the EQB. Designation procedures are initiated by preparing a recommendation for designation. Citizens can initiate designation procedures by petitioning a local unit of government or a regional development commission to bring an area to the EQB for consideration.

The recommendation outlines the particular interests and concerns of the area, what types of plans and regulations should be prepared and suggested temporary regulations to be applied while the plans and regulations are developed.

Because the recommendation forms the basis for the Critical Area program, it must receive extensive public review at the local, regional, and state levels before the EQB will recommend that area be designated. The EQB may modify the recommendation to reflect testimony received during public review. The Governor makes the legal designation by executive order, based on extensive public review and EQB recommendation.

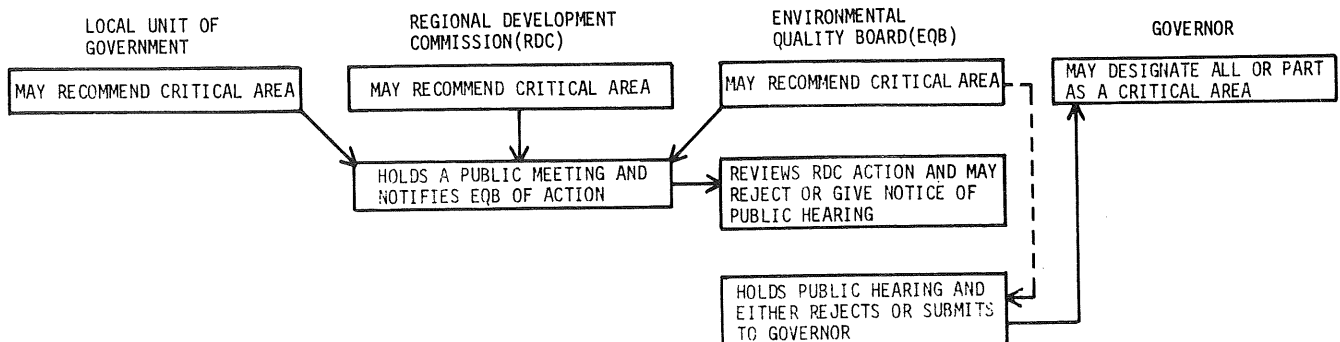
The Mississippi River Corridor Critical Area designation was initiated by a citizens group studying the river in the Twin Cities. It re-

quested that the Metropolitan Council develop the recommendation for designation. The Metropolitan Council organized a special task force of area citizens and government representatives to develop the recommendation. The final recommendation was given one public hearing by the Metropolitan Council and six by the EQB before it was modified and adopted. The recommendation was then sent to the Governor, who designated the Mississippi River Corridor as a Critical Area.



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CRITICAL AREAS DESIGNATION PROCESS

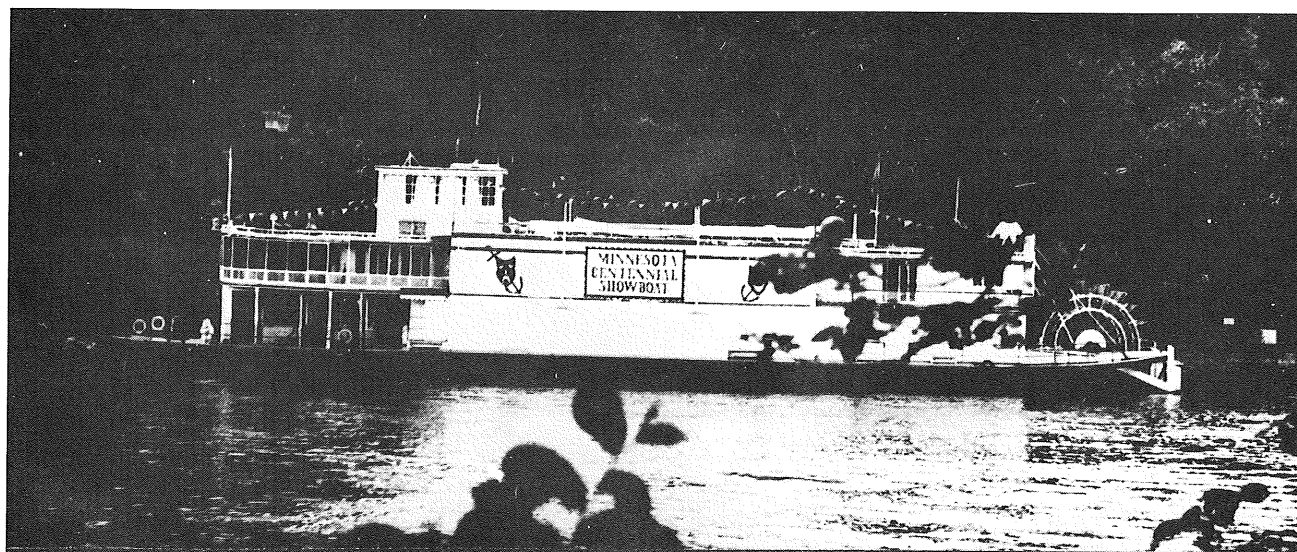
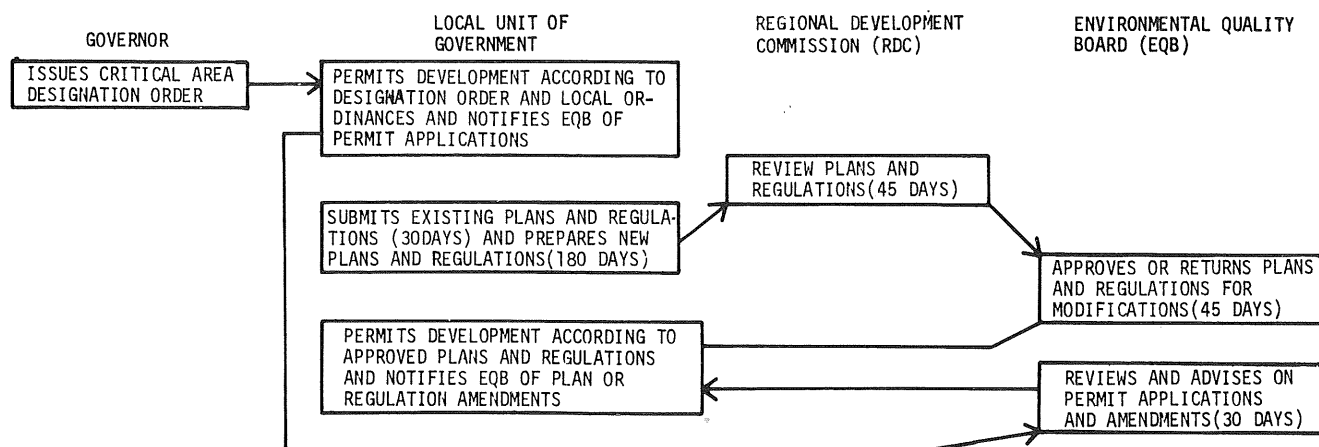


WHAT HAPPENS AFTER DESIGNATION?

After an area is designated, all local units of government having jurisdiction in the Critical Area prepare plans and regulations for the area's use and management according to the guidelines of the designation order. The designation order may also include temporary development regulations to be enforced by local units of government while the local critical area plans and regulations are prepared. Local units of government and regional development commissions receive planning grants from the State Planning Agency for the preparation of these plans and regu-

lations. Regional and state agencies must also prepare plans and regulations for areas within their jurisdiction. EQB staff members who administer the Critical Areas Program help local units of government inventory the characteristics and needs of the areas under their jurisdictions; the staff also provides technical assistance and guidelines for local planning programs and monitors and coordinates the planning of all units of government engaged in managing the critical area. In this way, local governments without broad individual jurisdiction can cooperate collectively to prepare plans to meet the needs of the entire area.

CRITICAL AREAS PLANNING PROCESS



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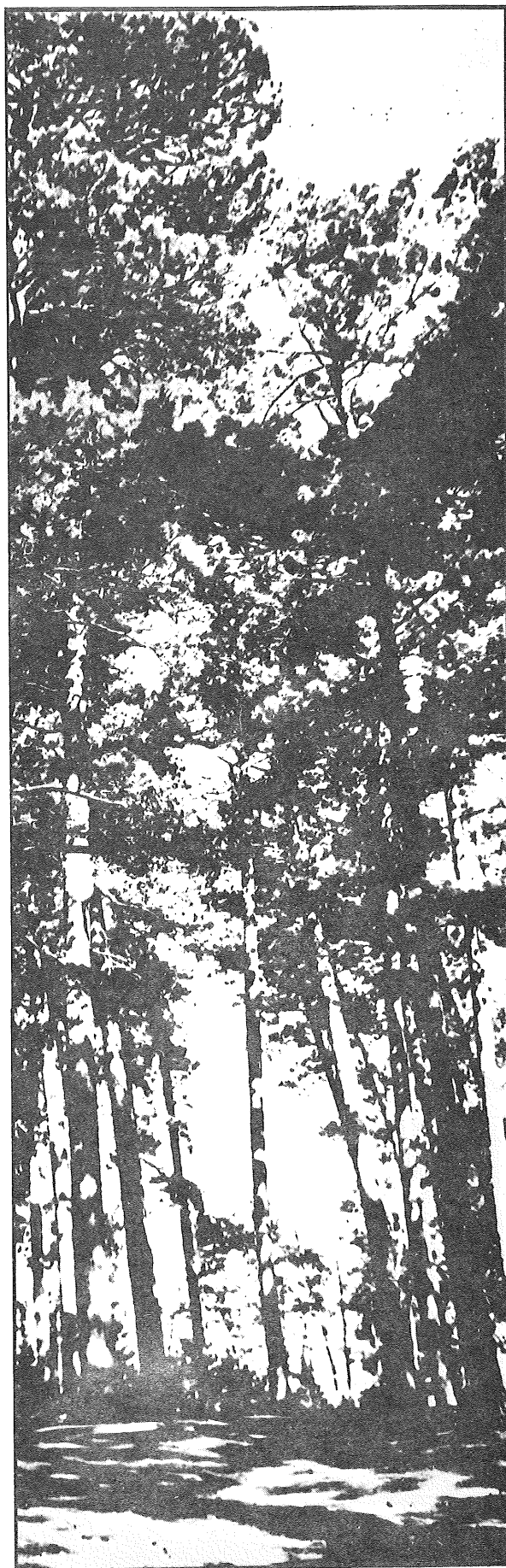
CONCLUSION

The Critical Areas Planning process is not a way for the state to acquire land. It is a program used to develop plans for the management of areas with demonstrated state or regional significance. The program is designed to assist local units of government in solving problems beyond their jurisdiction or technical and legal capabilities. The program does not usurp local authorities, but rather relies on them to prepare and implement plans and regulations for the management of the area. To have a coordinated approach to resource management, agreement of all governmental units involved is essential. If this agreement does not exist, effective plans and regulations cannot be developed.

As stated earlier, the management of our natural resources and areas affected by government or industry is complex. These areas usually overlap political boundaries. Several interest groups are always involved and, in many cases, conflicting agencies and levels of government make local planning and land-use management difficult. Economic, environmental, and cultural interests need to be balanced. The aim of the Critical Areas Program is to bring the interest groups and units of government together so that a mutually agreeable planning and management program is developed.

If you feel that the Critical Areas Program can be of use to your area, contact the staff at the following address for more information. A slide show explaining the program is also available free of charge and can be mailed to you upon request.

Critical Areas Program
Rm 100, Capitol Square Bldg.
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-2686



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Critical areas planning

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