

5800.0040 CRITERIA TO FIND METROPOLITAN SIGNIFICANCE.

Subpart 1. **Generally.** For the purposes of parts 5800.0070 and 5800.0130, a proposed project listed in subparts 2 to 4 has metropolitan significance if the requirements of the applicable subpart are met.

Subp. 2. **Proposed project affecting a metropolitan system.** A proposed project affecting a metropolitan system has metropolitan significance if it:

A. May result in a substantial change in the timing, staging, and capacity or service area of local facilities in a council-approved local sewer policy plan or comprehensive sewer plan.

B. May result in a wastewater flow that substantially exceeds the flow projection for the local governmental unit as indicated in the Water Resources Management Development Guide/Policy Plan, Part 1. Sewage Treatment and Handling.

C. May require a new national pollution discharge elimination system permit or state disposal system permit or a substantial change to an existing permit.

D. May result in substantially less restrictive standards and conditions to be adopted for the installation or management of private on-site sewer facilities than those described in the comprehensive plan.

E. May have a substantial impact on the use of regional recreation and open space facilities or natural resources within the regional recreation open space system. Impacts on the use of recreation and open space facilities include but are not limited to traffic, safety, noise, visual obstructions (for example, to scenic overlooks), impaired use of the facilities, or interference with the operation or maintenance of the facilities. Impacts on natural resources include but are not limited to the impact on the level, flow, or quality of a facility's water resources (lakes, streams, wetlands) and impact on a facility's wildlife populations or habitats (migration routes, breeding sites, plant communities).

F. May preclude or substantially limit the future acquisition of land in an area identified in the capital improvement program of the council's Recreation Open Space Development Guide/Policy Plan.

G. May substantially affect either the function of a metropolitan airport identified in the council's Aviation Development Guide/Policy Plan or the land use within an airport search area.

H. Is substantially inconsistent with the "Guidelines for Land Use Compatibility with Aircraft Noise" contained in the Aviation Development Guide/Policy Plan.

I. May result in a substantial change to existing or proposed metropolitan highways, highway interchanges, or intersections with metropolitan highways, or to local roadways that have interchanges with metropolitan highways. Substantial changes

to the mainline, interchanges, and intersections include an increase in volume that will overload the facility, or a difference in timing, design, or location from that indicated in the Transportation Guide/Policy Plan. Changes to local roadways include changes in timing, staging, volume, capacity, design, location, or functional classification.

J. May result in a substantial change in transit service or facilities inconsistent with the Transportation Guide/Policy Plan.

K. May have a substantial impact on the use of solid waste facilities identified in the Solid Waste Management Development Guide/Policy Plan. Impacts on the use of these facilities include, but are not limited to, disruption of planned facility staging, facility access, or other interference with the operation and maintenance of the facilities.

Subp. 3. **Proposed publicly subsidized project.** A proposed publicly subsidized project has metropolitan significance if it may threaten a publicly financed facility.

Subp. 4. **Proposed project affecting a local governmental unit.** A proposed project affecting a local governmental unit has metropolitan significance if it:

A. May have a substantial physical effect on a local governmental unit other than the local unit in which the proposed project is located. More specifically, a proposed project may be of metropolitan significance if it adversely affects existing or proposed land use or development in another local government with respect to traffic, storm water runoff, groundwater pollution, air or noise pollution, increased security needs (police, fire) or other similar impacts.

B. May result in the substantial disruption of agricultural use in the commercial-agricultural area of a local governmental unit other than the local unit in which the proposed project is located.

Statutory Authority: *MS s 473.173*

History: *13 SR 2366*

Published Electronically: *June 11, 2008*