

5800.0050 EXEMPT PROJECTS.

Subpart 1. **Generally.** The chair will not commence a metropolitan significance review if a proposed project falls in one or more of the exempt categories in subparts 2 to 5.

Subp. 2. **Local comprehensive plan exemption.** A proposed project that is consistent with a council-approved local comprehensive plan is exempt from review for metropolitan system effects. The council shall determine whether a proposed project is consistent for system effects with the local plan.

Subp. 3. **Previous approval.** Any proposed project of a metropolitan agency or the Metropolitan Airports Commission which is within an area of that agency's operational authority or which has been or will be subject to approval by the council as part of a regional policy plan; any proposed project which has been previously approved by the council in accordance with Minnesota Statutes, section 473.167; or any proposed project for which a final determination has been made in a metropolitan significance review is exempt from review unless the proposed project has been materially altered subsequent to the final determination.

Subp. 4. **Emergency project.** Any proposed project which must be immediately undertaken to prevent or mitigate an emergency is exempt from review. The following standards will form the basis for determining if an emergency exists:

- A. the degree to which the alleged emergency circumstances were foreseeable;
- B. whether alternate means can alleviate the emergency; and
- C. the probable effect of the proposed project in mitigating the emergency circumstances.

Subp. 5. **Minor alterations.** Any proposed project consisting exclusively of administrative or maintenance activity or a negligible improvement, expansion, or change of use or use intensity is exempt from review.

Subp. 6. **Lapse of time; vested rights.** Any proposed project for which 30 days have elapsed since a negative declaration on an Environmental Assessment Worksheet as described in part 4410.1700, or a determination of adequacy on an Environmental Impact Statement as described in part 4400.2800, or in the event no environmental review is required, any proposed project for which 30 days have elapsed since a local governmental unit has approved a plan amendment or rezoning to accommodate the proposed project is exempt from review. A metropolitan significance review cannot be initiated on any proposed project where a sponsor has vested rights.

Statutory Authority: *MS s 473.173*

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