

## ATTACHMENT A: Metropolitan Significance Overview

### METROPOLITAN SIGNIFICANCE OVERVIEW

**Legal Basis:** Minnesota Statutes 473.173 and Minnesota Rules Chapter 5800.

**Purpose:** To assure full consideration of a project; to assure orderly and economical development; to arrive at consensus on the issues.

**Meaning:** A proposed project in one city may have substantial negative impact on another city, or substantial financial impact on a publicly funded facility, or impact on a regional system.

**Power:** To review matters and to suspend action on a proposed matter during a period of review for up to 12 months.

**Proposed Project:** Project or action “involving construction, installation, establishment, siting, demolition, reconstruction, or improvement of any structure or facility, or the subdivision or drilling, extraction, clearing, excavation, or other alteration of any lands or waters, planned or proposed to be undertaken, in whole or in part within the metropolitan area, by any person.”

**Initiation of Review:** By “requesters” or the Council. Also, resolution from a unit of government in which the project is located; resolution from affected governmental unit; petition signed by 5,000 adult residents of metropolitan area; at least 50% of persons who voted in the affected government’s last general election; resolution or letter from board or executive officer of a state agency; resolution or letter from board or executive officer of sponsor of the project; resolution from affected metropolitan agency.

**Commencement of Review:** Chair examines information submission and makes preliminary finding of metropolitan significance, issues order for commencement.

**Notice of Commencement:** Council serves notice of commencement of review on all parties, adjacent governmental units, metropolitan agencies, and LUAC within 5 days of determination.

**Review Period:** Council must complete the review within 90 days following commencement unless the review is suspended or extended in accordance with laws and rules.

**Criteria to Find Metropolitan Significance:** Three ways: project affects metropolitan system; publicly subsidized project threatens publicly-financed project; project has substantial physical effect on a local government other than the unit in which the project is located.

**Review Alternatives:** Chair may decide project under review is more suited to mediation, suspend review for 30 days. If mediation does not resolve differences, a public hearing must be held either before review committee or an administrative law judge.

**Hearing:** Within 30 days after review is commenced, parties submit to the review committee or ALJ a preliminary statement on the effect and significance of the project and appropriate remedy. Council staff prepares written report. Burden of proof that a matter is of metropolitan significance is on the Council.

**Committee Report:** Following public hearing, review committee must adopt a committee report with findings of fact, conclusions and recommendations to the Metropolitan Council.

**Final Determination:** The Council must adopt a final determination including findings of fact, conclusions, and recommendations with regard to the metropolitan significance of the project, including a finding that the project is or is not of metropolitan significance. Final determination must indicate: whether the Council intends to initiate a system plan amendment to achieve consistency with the project; whether the project should be suspended for up to one year and whether there are conditions which, if complied with, would cause the Council to eliminate the suspension; or, without ordering a suspension, how the project could be modified to eliminate the determination of metropolitan significance.

**(PROPOSED PROJECT) IN (LOCATION)**

**PRELIMINARY FINDING OF METROPOLITAN SIGNIFICANCE  
INITIATION OF REVIEW BY (REQUESTER)**

**Does Request Comply with and Satisfy the Requirements of Part 5800.0040?**

**CRITERIA FOR DETERMINING METROPOLITAN SIGNIFICANCE**

Subpart	Explanation [5800.0040]	Acceptable	Not Acceptable
1	<b>Generally.</b> 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.		
2	<b>Proposed project affecting a metropolitan system.</b> 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 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 land use within an airport search area		

## ATTACHMENT B: Criteria for Determining Metropolitan Significance – 5800.0040

	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.		
3		<b>Proposed publicly subsidized project.</b> A proposed publicly subsidized project has metropolitan significance if it may threaten a publicly financed facility. (see 5800.0020, Subpart 27 for definition of "publicly subsidized"), <b>OR</b>		
4		<b>Proposed project affecting a local governmental unit.</b> A proposed project affecting a local governmental unit has a metropolitan significance if it:		
	A	May have a substantial physical effect on a local government 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 effects existing or proposed land use or development in another local government with respect to traffic, stormwater runoff, groundwater pollution, air or noise pollution, increased security needs (police, fire) or other similar impacts; <b>OR</b>		
	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.		

## ATTACHMENT C: List of Metropolitan Significance Reviews/Requests

### LIST OF METROPOLITAN SIGNIFICANCE REVIEWS & REQUESTS

#### DATE PROJECT (Location) INITIATOR

10/05/79	Amhurst Development (7602-1) .....	Hopkins
09/22/80	Moore Farm Development (9052-1) .....	Birchwood
<b><u>01/30/81</u></b>	<b><u>Renaissance Festival Site (in Credit River Township) (9406-1) .....</u></b>	<b><u>Lakeville</u></b>
07/26/82	Mdewakanton Bingo Parlor (10666-1) .....	Prior Lake
11/16/84	TH 101 Bridge Over BNR Tracks (in Wayzata) (12466-1) .....	Minnetonka
<b><u>09/11/85</u></b>	<b><u>Mall of America and Fantasyworld (in Bloomington)(13053-2) .....</u></b>	<b><u>Metropolitan Council</u></b>
09/25/85	Homart Office, Retail & Hotel Development (in Bloomington) (12704-4) .....	Edina
04/13/87	NBA Franchise (14141-1) .....	Minneapolis
<b><u>04/21/87</u></b>	<b><u>Timberwolves/NBA Arena (in Minneapolis) (14154-1) .....</u></b>	<b><u>Saint Paul</u></b>
09/23/87	Pheasant Ridge Music Center (14318-1) .....	Lino Lakes
12/09/87	Southeast Area (in Mendota Heights) (14368-1) .....	Sunfish Lake
08/15/91	McKenna Sand and Gravel Mining Operation (in Shakopee) 15492-1) .....	Prior Lake
07/31/92	Hidden Valley Residential Development (in Oakdale) (15696-1) .....	Lake Elmo
<b><u>08/30/00</u></b>	<b><u>Black Dog Amphitheater (in Burnsville) (18339-1,2) .....</u></b>	<b><u>Bloomington, CARE &amp; BAC</u></b>
01/11/01	Best Buy Corporate Campus (in Richfield) (18260-6) [denied, appeal to Minnesota Court of Appeals -denied] Walser Auto Sales	
04/16/03	Great River Energy Proposed Gas Fired Electric Generating Plant (in Rosemount) [denied - not ripe] (18931-1)...City of Hastings, Nininger and Ravenna Townships	

\*Some of the reviews listed may have been simply requests that the Council may have decided were incomplete or inappropriate and denied outright. Of the reviews listed here, only four ran the full course to hearing and final determination (underlined and in bold above): the Renaissance Festival, the Mall of America, the Timberwolves/NBA Arena, and the Black Dog Amphitheater.

\*\*CARE stands for Citizens Alliance for Responsible Ecology; BAC stands for Bloomington Amphitheater Coalition

### NOT ON THE LIST OF METROPOLITAN SIGNIFICANCE REVIEWS & REQUESTS

- Metro Dome
- Met Stadium
- Twins Stadium
- U of M Football Stadium
- Medtronic Campus
- Canterbury Race Track
- Harness Race Track
- American Metal Recycling Plant – Mississippi Riverfront (north Mpls)
- Hiawatha Light Rail Line
- Central Corridor Light Rail Line