

METROPOLITAN COUNCIL
390 Robert Street N., St. Paul, MN 55101-1805
MEETING OF THE COMMUNITY DEVELOPMENT COMMITTEE
Monday, August 20, 2007

Committee Members Present: Richard Aguilar, Sherry Broecker, Brian McDaniel, Annette Meeks, Vice-Chair; Tony Pistilli, Kris Sanda, and Natalie Steffen, Chair

CALL TO ORDER:

A quorum present, Chair Steffen called the meeting of the Community Development Committee to order at 4:00 p.m. on August 20, 2007. Steffen reminded people present who wish to speak at either the PHA Public Hearing or the regular CDC meeting to put their name on the respective sign-up sheet provided.

APPROVAL OF AGENDA & MINUTES

The agenda was moved by McDaniel and seconded by Meeks. Motion carried.

Meeks moved, seconded by Sanda, the minutes of the June 18, 2007, Community Development Committee. Motion carried.

Meeks moved, seconded by Sanda, the minutes of the July 16, 2007, Community Development Committee. Motion carried.

BUSINESS

Consent List

The consent list items were moved by McDaniel and seconded by Broecker. Motion carried.

2007-250 – Change in Scope of Grant SG-06-106 to Include Funding for Trail Project in Como Regional Park and Request for Reimbursement Consideration in Future Regional Parks CIP for Portion of Trail Project Funding, City of St. Paul.

That the Metropolitan Council:

1. Approve the request to consider reimbursing the City of St. Paul up to \$148,797.19 in the 2008-09 regional parks capital improvement program for partially financing the redevelopment of trails and new trail construction in Como Regional Park as described in Attachment 1. However, the Council does not under any circumstances represent or guarantee that reimbursement will be granted, and expenditure of local funds never entitles a park agency to reimbursement.
2. Authorize a change in scope of Grant SG-2006-106 that allows up to \$147,202.81 to be spent for the Como Regional Park trail project referenced in recommendation 1 and \$65,797.19 to be spent for a reimbursement on the East Lakeshore Drive rehabilitation project in Como Regional Park.

2007-9 – City of Orono Comprehensive Plan Amendment, Myrtlewood, Review File 18392-5.

That the Metropolitan Council:

1. Allow the City to put the proposed amendment into effect with the following condition:
2. Require the City of Orono to participate in the Council's plat monitoring program and to submit annual reports to the Council as outlined on the Council's website at the following location:
<http://www.metrocouncil.org/planning/assistance/resources.htm#plat>

Public Hearing

Chair Haas Steffen provided background about the Public Hearing, for the Section 8 and Family Affordable Housing Program (FAHP) Public Housing Agency (PHA) Plan. The PHA Plan is a comprehensive guide to public housing agency policies, programs, operations, and strategies for meeting local housing needs and goals. In addition to inviting public comment, federal regulations require that PHA's establish a Resident Advisory Board (RAB) as part of the PHA Plan process. Staff facilitated RAB meetings that provided participants with an opportunity to learn and understand program policy issues as well as provide input on specific administrative and operational issues in the 2008 PHA Plan. The public record for comments will remain open until 4:30 p.m. on September 4, 2007. Following review of all public comment, the final version of the PHA Plan will be presented to the Community Development Committee on September 17,

2007, and the Metropolitan Council on September 26, 2007, for adoption. The final document will be submitted to the U.S. Department of Housing and Urban Development for approval prior to October 18, 2007. The draft PHA Plan for Fiscal Year 2008 can be located at <http://www.metrocouncil.org/housing/HRA/plan.htm>

Haas Steffen stated that no one signed on the sheet provided to speak at the public hearing, and gave the audience a chance to speak. No one chose to testify. The public hearing was completed at 4:07 pm and Community Development Committee business resumed.

Action Items

2007-147 SW Land Exchange Request of 2.89 Acres to Replace 1.48 Acres on Nicollet Island in Central Mississippi Riverfront Regional Park, Minneapolis Park & Recreation Board

Chair Steffen stated that she would allow approximately 10 minutes of discussion for each side of the issue. She reminded those present that the discussion would be kept to the business item land exchange issues only. Arne Stefferud, planning analyst, provided an overview and background and answered committee members' questions. He stated that the Metro Parks and Open Space Commission did not pass the staff recommendation at their 8/07/07 meeting by a 3-4 vote.

The following persons spoke in opposition to the proposed land exchange:

1. Irene Jones, Friends of the Mississippi River.
2. Tom Basting, Briggs & Morgan Law Firm, representing Friends of the Mississippi River
3. Arlene Fried, Minneapolis Park Watch, did not speak – offered written comments
4. Paul Labovitz, Superintendent of Mississippi National River and Recreation Area
5. John Anfinson, National Park Service
6. Edna Burzaitis, Sierra Club
7. Sharon Stevens, Sierra Club
8. Phyllis Kahn, State Representative

The following persons spoke in support of the proposed land exchange:

1. Brian Rice, General Counsel for MPRB
2. John Derus, Member DeLaSalle Board of Trustees
3. Michael Collins, President of DeLaSalle High School
4. Erick Galatz, attorney representing DeLaSalle High School
5. Judy Valsik, parent of DeLaSalle student

A handout from State Representative Phyllis Kahn providing additional comments to the Community Development Committee concerning the proposed land exchange in the Central Mississippi Riverfront Regional Park was distributed to CDC members prior to the meeting. This handout is available at the table with the other meeting materials.

Meeks moved, seconded by Pistilli, that the Metropolitan Council:

1. Release the restrictive covenant on the 1.48 acre Grove Street Nicollet Island parcel in exchange for the Minneapolis Park & Recreation Board obtaining title and placing a restricting covenant on the 2.89 acre West River Road property as shown on Figure 1.
2. Request the Minneapolis Park & Recreation Board to implement the land exchange by March 1, 2008, so the restrictive covenant violation is remedied in a timely manner.

The motion carried unanimously.

2007-237 – Tony Schmidt Regional Park Master Plan, Ramsey County

Jan Youngquist, senior planner, presented information that Ramsey County has submitted a master plan for the Tony Schmidt Regional Park for Metropolitan Review and approval. The *2030 Regional Parks Policy Plan* requires that master plans include information on 11 items. It also requires that sufficient information be included on the estimated cost of the acquisition and development proposed in the master plan. The

review concluded that the Tony Schmidt Regional Park master plan contains sufficient information to meet the requirements of the 2030 Regional Parks Policy Plan and that it is generally consistent with the requirements of the plan. It also concludes that the plan has no impact on other Council regional system/policy plans. The Metropolitan Parks and Open Space Commission unanimously recommended approval of the master plan at its meeting on August 7, 2007.

Sanda moved, seconded by Meeks, that the Metropolitan Council: Approve the Tony Schmidt Regional Park Master Plan (Referral No. 20035-1).
Motion carried.

2007-254 – 2007 Capital Program and Budget Amendment

Arne Stefferud, planning analyst, provided background that since 2001, the Metropolitan Council has granted about \$7 million of Metropolitan Council general obligation bonds to assist regional park agencies in acquiring land within Metropolitan Council-approved regional park system unit boundaries. The grants were called Acquisition Opportunity Grants, and a special account in the Authorized Capital Program was created for these grants called the Regional Parks Land Acquisition Opportunity Grant Account. In November, 2006, the Metropolitan Council submitted a request to the Legislative Citizens Commission on Minnesota Resources (LCCMR) for an appropriation from the MN Environment and Natural Resources Trust Fund to supplement the Council's bonds for these grants. On May 3, 2007, a \$2.5 million appropriation from the Environment and Natural Resources Trust Fund was appropriated for this purpose. In order to comply with the non-state match provision, the Council should commit \$1.666 million from its general obligation bonds currently unobligated in the Regional Parks Acquisition Opportunity Fund as the 40% match to the \$2.5 million State appropriation. The Council will establish a new State Acquisition Grant Account and transfer the \$2.5 million in state funds and \$1.666 million in regional funds from the existing Land Acquisition Opportunity Account to the new State Acquisition Grant Account. In addition to this transfer, this amendment recognizes two land acquisition grants that have been approved by the Council since the last capital program amendment.

Meeks moved, seconded by McDaniel, that the Metropolitan Council:

1. Amend the 2007 Authorized Capital Program (multi-year authorization) by transferring \$2,500,000 in state appropriations and \$1,666,000 in regional funds from the Land Acquisition Opportunity Account to a new State Acquisition Grant Account.
2. Commit the \$1,666,000 in regional funds transferred to the State Acquisition Grant Account as match to the state appropriation.

Motion carried.

2007-238 – City of Jordan 2020 Comprehensive Plan Update, Review File 19840-1

Tom Caswell, senior planner, briefed members that the City of Jordan submitted its 1998 Comprehensive Plan Update (the Plan) in December, 2005. This plan review is based on the 1996 Regional Blueprint and regional system policy plans. Although the City is nearing completion of its 2008 Plan Update, the City still is required to comply with the 1998 Plan submittal requirements. The Plan was found complete for review on June 19, 2007.

Broecker moved, seconded by Pistilli, that the Metropolitan Council:

1. Allow the City of Jordan to put the 2020 Comprehensive Plan Update (the Plan) into effect with no required plan modifications within the current City boundary;
2. Adopt the attached review record;
3. Require the City:
 - a. After adoption of the Plan, to submit two copies of the final version of the Plan to the Council;
 - b. Submit comprehensive plan amendments each time land is annexed by the City; and

- c. Submit MUSA annual reports to the Council. These reports include the type of development, the acreage, number of units, net density, and a map identifying the specific parcel boundaries of all development approved in the past year.

Motion carried.

2007-244 – Amending the Administrative Review Guidelines for Minor Forecast Changes

Mark VanderSchaaf, director, planning and growth management, and Phyllis Hanson, manager, local planning assistance, presented information that the Council initiates a major revision of its 30-year regional and local forecasts approximately every five years. The last such major revision was published in 2004 as part of the Regional Development Framework. On May 11, 2005, the Council adopted guidelines for administratively reviewing minor comprehensive plan amendments. It is proposed that consistency with the Council's forecasts be defined to be within five percent of the Council's forecasts.

Pistilli moved, seconded by Sanda, that the Metropolitan Council: Modify the Council's guidelines for Administrative Review of Certain Plan Amendments to specify that "consistency with the Council's forecasts" is defined to be within five percent of the Council's forecasts.

Motion carried.

2007-14 – Metropolitan Urban Service Area (MUSA) Implementation Guidelines

Phyllis Hanson, manager, local planning assistance, briefed committee members that since early 2007, Council and Metro Cities staff have been in discussions concerning the guidelines relative to the density calculation and the 2008 CPU reviews. Metro Cities requested that the implementation guidelines for the Council be more flexible, more responsive to market forces, and acknowledge the performance of individual communities in achieving the Council's policy of three units per acre. Council staff agree with these principles and have proposed changes in the guidelines which were discussed. Louis Jambois, Association of Metropolitan Municipalities (AMM) stated that AMM does not endorse the plan totally, but thanked staff for the effort. AMM is in general agreement with guideline #1 items A & C, but does not necessarily agree with the issues in #1 items B, D & E. Hanson answered questions from committee member Pistilli regarding clarification of the reasoning behind item 1D.

Meeks moved, seconded by Sanda, that the Metropolitan Council:

1. Adopt the following guidelines:

- a) Cities that have participated in the Council's Plat Monitoring Program beginning in 2000 or submit the necessary plat data from 2000 will be credited on a 1:1 basis for housing units platted or developed that yield an overall average density in excess of 3 units per net developable acre. The housing unit credits will be applied to areas guided for 2020-2030 urban services and to any other proposed reguided areas. The combined overall average density needs to be a minimum of 3 units per net developable acre based on an acreage average of the city's actual development and platting since 2000, the lowest allowable density in 2020-2030 guiding, and any reguided land.

- b) Without development history from 2000, the Council will use the lowest allowable density on land guided for development from 2020-2030 and any reguided land from within the 2020 MUSA as changed from the city's 1998 CPU.

- c) The Council will not figure into the density calculation remaining undeveloped land within the 2020 MUSA per the city's existing 2020 plan, with the exception of areas that are being reguided in the 2030 CPU.

- d) If an area is replatted, the Council will not recalculate the density for this area in the plat monitoring program.

- e) Existing developments that are part of townships or areas being annexed from townships, or areas that were developed prior to 1985 with failing septic systems and no on site alternative septic locations will not be counted against a city's density calculation.
 2. Amend the Guidelines for Evaluating Plan Amendments Proposing Changes to Metropolitan Urban Service Area (MUSA) Timing-Staging per the guidelines as included in #1.
- The motion carried.

INFORMATION

Proposed Regional Water Resources Policy Plan Amendment for the City of Oak Grove

Phyllis Hanson, manager, local planning assistance, reported that the Environment Committee took action on an Amendment to the Water Resources Management Policy Plan for the City of Oak Grove. The primary purpose of the amendment was to define an area for post 2030 wastewater services from the proposed East Bethel wastewater treatment plant. The amendment defines an area of approximately 1,200 acres in the southeast corner of Oak Grove.

The Environment Committee passed the recommendation that the Metropolitan Council:

1. Adopts the proposed amendment to the 2030 Water Resources Management Policy Plan, as revised to include only areas south and east of Cedar Creek in the long-term wastewater service area, and
2. Refers to its Community Development Committee the City of Oak Grove's request to change the geographic planning area designation for the remainder of the City from Diversified Rural to Rural Residential.

LCA Grant Agreement Changes – A Discussion

Guy Peterson, community development director, provided an overview about discussion concerning LCA grant agreement changes. On June 18, 2007, the Committee began a discussion intended to lead to an eventual recommendation regarding how staff should address the issue of changes in the end projects (not the LCA-funded element or component) from those described in the LCA application funded by the Council. There are increasing market-related situations in which LCA grantees are asking to modify the end project or development from what was described and considered in the application evaluation. There is at least one project which has received two LCA grants about which the grantee city is awaiting a decision by the Council to have the grant agreement amended to revise the end project described in the proposals funded by the Council in 2006 and 2007. In this case, the grantee has not expended LCA funds, but wishes to move forward to do so as soon as possible. Chair Steffen has expressed a desire to entertain a discussion by the Committee without a specific recommendation from staff at this meeting. Discussion followed regarding a process to address change. Louis Jambois of Association of Minnesota Municipalities, joined the discussion.

In answer to Pistilli's question, Haas Steffen stated that a motion is not necessary at this time.

Committee & Liaison Reports

There were no reports.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

Business completed, Haas Steffen adjourned the meeting at 6:10 pm.

Respectfully submitted,
LuAnne Major
Acting Recording Secretary