

C Community Development Committee

Meeting date: January 20, 2009

ADVISORY INFORMATION

Date:	January 20, 2009
Subject:	Guidelines for Mutual Agreement to Extend 120-Day Plan Review Period
Districts, Members:	All
Policy/Legal Reference:	Minnesota Statutes sections 473.175 and 473.854
Prepared by	Phyllis Hanson, Manager Local Planning Assistance (651-602-1566)
Division/Department	Community Development / Local Planning Assistance

Proposed Action

That the Metropolitan Council adopt the following guideline:

The Metropolitan Council will consider requests for extensions to the statutory 120-day review period for Comprehensive Plans, Updates and Amendments when a request is submitted in writing by a local government's chief appointed or elected official or his/her designee. The extension request must state the reason for the request. The Council authorizes its Director of Community Development to agree, on behalf of the Council, to extensions with any reasonably necessary conditions.

Background

The Metropolitan Council is required to review each local government's Comprehensive Plan, Plan Update and Plan Amendments within 120 days after receiving the completed document "unless a time extension is mutually agreed to" by the local government and the Council. The extension request must be acceptable to the Council and, if granted, should include reasonable conditions and a new deadline for completing the review. The 120-day plan review period is reasonable when there are no issues that require a local government to modify its plan to comply with Council or statutory requirements. However, when the Council's review process identifies an issue "that is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans," which will require a plan modification, the 120-day rule does not always permit adequate time to resolve the issue before proceeding directly into the formal plan modification process which includes a public hearing. The Metropolitan Land Planning Act authorizes the Council to adopt guidelines and procedures relating to the requirements and provisions of the Act.

Rationale

Since it is in the best interest of the Council and local governments to resolve issues that will result in plan modifications if the issues go unresolved or cannot be addressed in a timely manner, the proposed guideline/policy will help ensure 120-day review extension requests are considered in a consistent and efficient manner. The proposed guideline/policy clarifies that a chief elected or appointed local government official or his/her designee who has the authority to request an extension on behalf of the local government and the Council's Director of Community Development may mutually agree, on behalf of their respective units, to extend the 120-day review period. The Director of Community Development has the authority to deny the request if it is not in the Council's best interest. If denied, a local government can request an extension from the Council's governing body.

Funding

Not applicable.

Known Support or Opposition

None on record nor anticipated.

N:CommDev/LPA/Procedures/120dayextensionrequestauthorization