

# C Community Development Committee

Meeting date: March 2, 2009

## ADVISORY INFORMATION

**Date:** February 23, 2009

**Subject:** Guidelines for Additional Extensions to Local Governments to Complete Local Comprehensive Plan Updates

**District(s), Member(s):** All

**Policy/Legal Reference:** Metropolitan Land Planning Act (Minn. Stat. § 473.864)

**Staff Prepared/Presented:** Phyllis Hanson, Manager, Local Planning Assistance (651-602-1566)

**Division/Department:** Community Development / Planning & Growth Management

### Proposed Action

That the Metropolitan Council adopt the following guidelines for local units of government that request an additional extension to the deadline for submitting comprehensive plan updates:

Staff is authorized to administratively grant additional extensions up to May 29, 2009 for submittal of the 2008 comprehensive plan update and to further amend a planning grant agreement as needed, if a community: (a) submitted an initial extension request and required materials by November 1, 2008; and (b) was granted an administrative extension.

### Background

Minnesota Statutes section 473.864 required all local governments in the seven-county metropolitan area to review and update their local comprehensive plans and submit those updates to the Metropolitan Council for review by December 31, 2008. Local governmental units also are required to review and, as necessary, amend their fiscal devices and official controls. Section 473.864 authorizes the Council to grant extensions to local government units if they need additional time to complete their comprehensive plan reviews and revisions. According to the statute, any extensions granted by the Council “must include a timetable and plan for completion of the review and amendment.” The Metropolitan Land Planning Act requires the Council to establish guidelines and procedures to which local governmental units must conform when preparing, adopting, and submitting their plans.

On June 17, 2008, the Council acted on Business Item 2008-123 establishing guidelines and procedures for local governments requesting extensions for their comprehensive plan update submissions and additional procedures for those needing corresponding extensions to their planning grant agreements. The guidelines required local governments to apply for extensions by November 1, 2008. Seventy-eight (78) local governments did apply for extensions before November 1. The vast majority of those that did not request extensions submitted their plans by December 31, 2008 as required by law. Eleven (11) local governments, including one county, did not either submit their plans by the statutory deadline or request extensions.

Most local governments applied for extensions to May 29, 2009 and their planning grant agreements were amended accordingly. These were handled administratively as permitted by Business Item 2008-123. Seven local governments requested and were granted extensions past May 29, 2009, and these were brought to the Council for action on December 10, 2008 as Business Items 2008-329 through 2008-334.

Of the 78 local governments that requested and received administrative extensions, only 24 requested extensions to May 29. The remaining 54 asked for less than the maximum available extension. Some of those 54 communities now find that they need additional time. However, Business Item 2008-123 did not provide guidelines or procedures regarding requests received after November 1, 2008 for additional extensions to those already granted extensions.

## **Rationale**

The Council has gone on record in Business Item 2008-123 as permitting administrative extensions to May 29, 2009, for those local governments that requested extensions before November 1, 2008. All 54 of the local governments that requested extensions shorter than May 29, 2009, made those requests before November 1, 2008.

As long as requests for any additional extensions remain within the May 29, 2009 guideline for administrative extensions, additional extensions would not appear to violate the intent of the Council's June 17, 2008 action. If the Council agrees, staff will continue to administratively review and approve follow up extensions and planning grant amendments when necessary, without requesting additional action by the full Council, using the applicable parts of the original extension procedures.

## **Funding**

The Council has made planning grants to 49 communities and counties of approximately \$1,035,000 to help those units of government update their comprehensive plans. All 49 have received the initial 50% of their grant amounts to help defray some initial planning/consulting costs. According to the terms of the planning grants, the communities are not eligible to receive the remaining 50% of the grant amount until they have submitted their updates to the Council for review. The grant agreements will need amendments to reflect any further extensions as permitted by the Council.

## **Known Support / Opposition**

When the Council originally considered the proposed policy for plan update extensions, Metro Cities expressed support for uniform processes for managing the requests for deadlines extensions.