

C Community Development Committee

Meeting date: May 7, 2012

ADVISORY INFORMATION

Subject:	Comprehensive Plan Amendment (CPA) Administrative Review Guidelines-Information
District(s), Member(s):	All
Policy/Legal Reference:	Metropolitan Land Planning Act (MLPA)
Staff Prepared/Presented:	Phyllis Hanson, Manager, Local Planning Assistance (651-602-1566)
Division/Department:	Community Development / Planning & Growth Management

Background

Since 1987, the Council has had in place a formal administrative review process for "Minor Amendments" that do not impact Regional Systems. This process was created to expedite the Council and city requirements of the MLPA for these Minor CPAs. Minor CPAs may include mapping errors, language edits to a Comprehensive Plan Update, small land use changes, updated area plans, environmental documents, and housekeeping amendments.

From 1990-2000 the guidelines implemented for "waiving" full review of minor CPAs were amendments that were 40 acres or less with no impact on or substantial departure from Regional Systems. The first administratively reviewed, or waived, CPA was in July 1991 from the city of Lakeville. *Attachment A* provides excerpts from the Metropolitan Council's Publication No. 640-90-037 explaining the CPA review process that was in place for how minor amendments were defined and processed during the 1990's.

As the number of Council reviews and demands on cities for CPA's increased due to the robust land development market and additional government requirements, the Council revisited these minor amendment guidelines. This revisit also aligned with the Council's ongoing review of the 1998 Comprehensive Plans, the cities needs to adopt their 1998 Council reviewed plans and subsequent update of their implementation devices. With input from Metro Cities, then called Association of Metropolitan Municipalities (AMM), the result was the May 2000 adoption of updated guidelines, seen in *Attachment B*.

In 2005 the Council again revised the "waiver" policies. These 2005 guidelines which were also a part of the Council adopted *Local Planning Handbook* were in response to input from cities, AMM, the Builders Association Twin Cities, and other Council departments. They were also to keep the process timely as the Regional Development Framework, System Plans, and the next round of Comprehensive Plans were being prepared. The 2005 Guidelines look at the type of CPA's being submitted, was more specific to what the CPA needed to address to be able to be waived, and further advanced the timeliness and streamlining of the process. The Land Use Advisory Committee was also included in the review of the revised guidelines.

The guidelines were again updated in September 2007. These guidelines, shown in *Attachment C*, are in effect today. They include additional provisions to allow environmental documents, including water supply plans and local water management plans, to be waived after staff review. Proposed amendments meeting the listed criteria

would be eligible for administrative review and, therefore, could be approved without being taken through the additional steps of Community Development Committee or Council review.

The table below shows the number of CPA's submitted, waived, and total reviews received from 2001-2011. The CPA numbers do NOT include the Comprehensive Plans and Comprehensive Plan Updates that made up the majority of staff reviews during the early 2000 years and again from 2009-2010. Including those reviews would add approximately another 390 reviews to the list.

Number of CPA's Submitted and Administratively Reviewed 2001-2011			
Year	CPA Reviews: Waived/Submitted	Percent CPAs Waived	Total Reviews Submitted
2001	17/30	57%	343
2002	90/118	76%	345
2003	88/128	69%	402
2004	57/92	62%	466
Subtotal 2001-2004	252/333	68%	1,556
2005	51/128	60%	442
2006	95/142	66%	450
2007	29/63	46%	323
2008	36/43	84%	385
2009	14/14	100% (Note: first year of CPU reviews)	271
2010	44/52	85%	200
2011	65/74	87%	217
TOTAL 2001-2011	586/884	66%	3,459
2012	NA	NA	78 (to date)

Attachment A: Administrative Review Guidelines (1994)

The following excerpts are taken from "Metropolitan Council Guidelines for Reviewing Comprehensive Plan Amendments." JANUARY 1994, PUBLICATION no. 640-90-037

"For Minor Amendments, the most exhaustive Council review is limited to proposed amendments that potentially affect one or more of the metropolitan systems."

"If the chair initially determines that a proposed minor plan amendment has no potential impact upon any of the system plans, the chair will notify the local governmental unit that the Council will comment within 60 days regarding the consistency of the proposed amendment with the other chapters of the Metropolitan Development Guide, but that the governmental unit may place the amendment into effect at any time. The council may waive review and comment of a minor amendment subsequent to the chair's initial determination."

Attachment B: Administrative Review Guidelines (2000)

On May 24, 2000, the Council modified the guidelines to authorize staff to complete reviews on minor amendments that met the following criteria:

“The comprehensive plan amendment was for a land use and MUSA change involving 40 acres or less and the amendment posed:

- *no substantial departure from systems plans or systems impacts;*
- *was consistent with other Council policies including housing and density;*
- *was compatible with plans of adjacent local government jurisdictions;*
- *no cumulative impacts;*
- *no major local opposition; and a commitment to adequately address outstanding comprehensive plan review issues”*

Attachment C: Administrative Review Guidelines (2007)



Administrative Review of Certain Plan Amendments

On September 12, 2007, the Metropolitan Council adopted new guidelines for administratively reviewing Comprehensive Plan Amendments. If you think the administrative review process may be appropriate for your community's proposed comprehensive plan amendment, contact your Sector Representative to determine how much of the Plan Amendment Submittal Form to complete. Administrative review typically occurs 30 days after receiving a complete plan amendment.

The Council authorized the Regional Administrator or designee to administratively review minor comprehensive plan amendments, and the Metropolitan Council Environmental Services (MCES) General Manager to administratively review local water management and water supply plan amendments, that meet the following criteria:

All Minor Comprehensive Plan Amendments, local Water Management and local Water Supply Plan Amendments

- community must show that it has addressed or is committed to address through a resolution any outstanding issues with the 2020 Comprehensive Plan Update or other Council actions.

Minor Comprehensive Plan Amendments

- meets the submittal requirement of the Metropolitan Land Planning Act for content or is determined to be complete for review by the Council;
- is consistent with local applicable controls or the jurisdiction submits evidence that the local controls will be modified to be consistent with the proposed amendment;
- is within 5 percent of the Council's forecasts;
- conforms to regional systems plans;
- is consistent with the MUSA guidelines if residential units are proposed;
- is consistent with the 2030 Development Framework;
- is consistent with Council housing policies;
- is compatible with plans of adjacent jurisdictions;
- if the adjacent jurisdiction is potentially impacted by the amendment, the Council has received documentation that the adjacent jurisdiction has been notified;
- proposes a land use change less than 80 acres;
- proposes a land use change that will result in less than 100 housing units;
- does not have the potential for a cumulative impact

Water Management and Water Supply Plan Amendments

1. Local **water management plans** that are submitted as comprehensive plan amendments may be reviewed administratively if they meet the following conditions:

- The plan conforms to Council policy plans and regional systems plans
- The plan does not present a substantial departure from regional plans or substantial impact to regional systems
- The plan includes ordinances or refers to adopted ordinances as identified in the Water Resources Management Policy Plan to aid in plan implementation
- The plan includes all required elements of local water management plans as outlined in the Water Resources Management Policy Plan

2. Local **water supply plans** that are submitted as comprehensive plan amendments may be reviewed administratively if they meet the following conditions:

- The plan is consistent with Council policy plans
- The plan is not proposing new wells in the Mt. Simon Hinckley aquifer
- The plan is not proposing interconnection with other communities as the main source of water for the community
- The plan is not proposing a residential gallons/capita/day of more than 100 gpcd
- The plan includes all required elements of local water supply plans as outlined in the Water Resources Management Policy Plan
- The community does not have any known significant contamination problems with their water supply source