

C Community Development Committee

For the Metropolitan Council meeting of June 25, 2008

Item: 2008-123

ADVISORY INFORMATION

Date Prepared: June 17, 2008

Subject: Guidelines for Extensions to Local Governments to Complete Local Comprehensive Plan Updates; LCA Grant Agreements with Communities that have not Submitted Plan Updates

Proposed Action:

That the Metropolitan Council adopts the following guidelines applicable to local units of government that are granted requests to extend the deadline for comprehensive plan update:

1. Staff may administratively grant an extension to May 29, 2009 for submittal of the 2008 comprehensive plan update if (a) a community submits the extension request and required materials by November 1, 2008; and (b) the request includes a reasonably detailed timetable and plan for completing the review and amendment of the comprehensive plan update, the community's fiscal devices, and the community's official controls. The mandatory 6-month adjacent jurisdiction review process must be completed by that submittal date.
2. Communities identifying conflicts in forecasts or obstacles to plan completion may be asked to meet with Metropolitan Council staff and/or Metropolitan Council member(s) for their district to resolve outstanding issues.
3. If a comprehensive plan update cannot be submitted by May 29, 2009, with the mandatory 6-month adjacent community review complete, an extension of the submittal date will require action by the Metropolitan Council's governing body. A request for an extension of submittal beyond May 29, 2009 will require submittal of the extension request documents and must be made by November 1, 2008. In addition to the required extension materials, the local government unit must also submit in a letter addressed to the Council an explanation of the obstacles that prevent the community from completing the plan by the decennial deadline.
4. After December 31, 2008, a community should not submit comprehensive plan amendments until the Metropolitan Council has acted on the community's 2008 comprehensive plan update.
5. An extension of the comprehensive plan completion deadline does not change any due dates for surface water plans or Critical Area/MNRRRA plan funding agreements.
6. For LCA grants awarded after December 31, 2008, the Metropolitan Council will not execute an LCA grant agreement with an applicant for any project located within the jurisdiction of a governmental unit that is responsible for fulfilling the "decennial" review obligation but has not submitted to the Council a comprehensive plan update that is complete for review. This policy applies whether a governmental unit has requested and has been granted an extension to submit its 2008 comprehensive plan update. This policy: (a) does not affect the grant award decision (only the execution of the grant agreement); and (b) does not apply to the Fall 2008 Tax Base Revitalization Account Funding Cycle, for which the Council is scheduled to make grant awards at its first meeting in January 2009.

Summary of Committee Discussion / Questions:

At the Community Development Committee (CDC) meeting on June 16, 2008, Local Planning Assistance Manager Phyllis Hanson presented the report and proposed actions to the Committee. Hanson submitted proposed amended language for Proposed Action No. 6. The Committee heard comment from Louis Jambois of MetroCities, who indicated that MetroCities thought the proposed April 30, 2009 extension was too short and that some of the proposed actions were harsh, particularly the need for communities seeking extensions beyond April 30, 2009 to have to appear before the Committee in person to present their request. Committee members

discussed the governing statutes for comprehensive plan updates and the Council's role in enforcing those statutes.

Committee Member Pistilli moved to recommend approval of the proposed actions, but to modify the proposed April 30 extension deadline to May 29, 2008, and to require the local government submit a letter to the Council rather than make a presentation to the CDC as originally proposed in Proposed Action No. 3. The Committee voted unanimously to recommend approval of the proposed actions as amended (7-0).



Community Development Committee

Business Item

Item: 2008-123

Meeting date: June 16, 2008

ADVISORY INFORMATION	
Date:	April 28, 2008
Subject:	Guidelines for Extensions to Local Governments to Complete Local Comprehensive Plan Updates; LCA Grant Agreements with Communities that have not Submitted Plan Updates
District(s), Member(s):	All
Policy/Legal Reference:	Metropolitan Land Planning Act (Minn. Stat. §§ 473.864, 473.25)
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 adopts the following guidelines applicable to local units of government that are granted requests to extend the deadline for comprehensive plan update:

1. Staff may administratively grant an extension to April 30, 2009 for submittal of the 2008 comprehensive plan update if (a) a community submits the extension request and required materials by November 1, 2008; and (b) the request includes a reasonably detailed timetable and plan for completing the review and amendment of the comprehensive plan update, the community's fiscal devices, and the community's official controls. The mandatory 6-month adjacent jurisdiction review process must be completed by that submittal date.
2. Communities identifying conflicts in forecasts or obstacles to plan completion may be asked to meet with Metropolitan Council staff and/or Metropolitan Council member(s) for their district to resolve outstanding issues.
3. If a comprehensive plan update cannot be submitted by April 30, 2009, with the mandatory 6-month adjacent community review complete, an extension of the submittal date will require action by the Metropolitan Council's governing body. A request for an extension of submittal beyond April 30, 2009 will require submittal of the extension request documents and must be made by November 1, 2008. The local government representative must also make a presentation of the request directly to the Council's Community Development Committee at one of the Committee's regularly scheduled meetings.
4. After December 31, 2008, a community should not submit comprehensive plan amendments until the Metropolitan Council has acted on the community's 2008 comprehensive plan update.
5. An extension of the comprehensive plan completion deadline does not change any due dates for surface water plans or Critical Area/MNRRRA plan funding agreements.
6. For LCA grants awarded after December 31, 2008, the Metropolitan Council will not execute an LCA grant agreement with any grantee community that has not submitted to the Council a comprehensive plan update that is complete for review.

Background

Minnesota Statutes section 473.864 requires 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 and comment by December 31, 2008. These statutes also require local governmental units 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.

Rationale

A number of local units of government have informed the Council that they will be unable to submit their comprehensive plan updates to the Council by the deadline of December 31, 2008, with the mandatory six-month adjacent jurisdiction review process complete. The proposed action is based on the premise that it is reasonable to extend the December 31, 2008 deadline to April 30, 2009, provided that communities complete their draft plans and submit them to adjacent jurisdictions by the December 31, 2008 deadline, and provided that they formally inform and formally request an extension by November 1, 2008. Communities that require extensions beyond this period must submit the required request documents by November 1, 2008 and make their request for extension directly to the Council's Community Development Committee at one of its regularly scheduled meetings.

It is reasonable to expect that the Metropolitan Council will not consider comprehensive plan amendments to local plans for communities that have not met the comprehensive plan update submittal requirements by December 31, 2008, as required by the Metropolitan Land Planning Act. It is uncertain whether existing plans that have not been updated as required conform to or are consistent with the Council's *2030 Regional Development Framework* and accompanying regional system plans. Communities should not submit any amendments to their existing local plans until that community's comprehensive plan update has been reviewed by the Metropolitan Council. To this end, staff is preparing a proposed action for the Council's review at a future meeting that would set guidelines and procedures, pursuant to Minnesota Statutes section 473.854, describing the conditions under which the Council will not entertain plan amendments, including for those communities who have not updated their local comprehensive plans by the required local plan update submission date.

Section 473.25(a) of the Metropolitan Livable Communities Act requires the Council to establish criteria for uses of the Metropolitan Livable Communities Fund "that are consistent with and promote...policies of the Metropolitan Development Guide adopted by the council." The Act also requires the Council to "establish guidelines governing who may apply for a grant or loan from the fund." To help ensure that LCA-supported projects and related developments are consistent with the Council's *2030 Regional Development Framework* and its regional policy plans for water resources, transportation, and regional parks and open space, the Council should consider making the availability of LCA funds contingent on a grantee community's compliance with the "decennial" review requirements of the Metropolitan Land Planning Act.

Staff anticipates that many communities will very soon ask questions regarding the timing of subsequent plan amendments, deadlines for other required plans, potential for other deadlines extensions, the handling of local issues that may be hindering completion of the update, and forecast disagreements. To avoid confusion, staff recommends adopting these guidelines and distributing information about the extension process to local units of government.

Funding

The Council has made planning grants to 49 communities and counties of approximately \$1,035,000 to local units of government to update their comprehensive plans.

Known Support / Opposition

MetroCities has expressed support for development of a uniform process for managing the requests for deadlines extensions, but has expressed opposition to not allowing LCA grant agreements to be executed until plan updates are deemed complete for review.

Date

Name

Title

City/Township/County

Street

City, MN, Zip

RE: Request for Extension of Time to Complete Review and Amendment of Local Comprehensive Plans

Dear [NAME]:

Minnesota Statutes section 473.864 requires all metropolitan area units of government to review and, if necessary, amend their entire comprehensive plans, fiscal devices, and official controls at least once every ten years. This “decennial” review requirement ensures that comprehensive plans conform to metropolitan system plans and ensures that fiscal devices and official controls do not conflict with comprehensive plans or permit activities that conflict with metropolitan system plans. By statute, plan updates and amendments must be completed by December 31, 2008.

However, Minnesota Statutes section 473.864, subdivision 2, authorizes the Metropolitan Council to grant extensions to local governments that require additional time to complete their “decennial” review obligations and make necessary amendments to their comprehensive plans, fiscal devices, and official controls. At its _____, 2008 meeting, the Metropolitan Council adopted Resolution No. 2008-XX which states that local units of government may request an extension of the December 31, 2008, “decennial” review deadline to May 29, 2009, if the request includes a reasonably detailed timetable and plan for: (1) completing and submitting the comprehensive plan update to the Metropolitan Council, and (2) reviewing and amending fiscal devices and official controls.

If your city/township/county intends to request an extension, your local governing body must adopt a resolution requesting additional time and must provide a timetable and a plan for completion and submittal of the comprehensive plan update to the Metropolitan Council to no later than May 29, 2009. I have enclosed an extension request form that will provide the Metropolitan Council with information about your planning process so that we can work directly with you on issues or conflicts you have identified to facilitate the completion of plan update. Also enclosed is a sample resolution. To have your request considered, the completed request form and accompanying resolution must be received at the Metropolitan Council offices by November 1, 2008. The Metropolitan Council will respond by letter to extension requests, indicating whether the request has been granted.

I would like to call your attention to some important guidelines which the Metropolitan Council has adopted that will apply if your community requests an extension to May 29, 2009:

1. Staff may administratively grant an extension to May 29, 2009 for submittal of the 2008 comprehensive plan update if (a) a community submits the extension request and required materials by November 1, 2008; and (b) the request includes a reasonably detailed timetable and plan for completing the review and amendment of the comprehensive plan update, the community’s fiscal devices, and the community’s official controls. The mandatory 6-month adjacent jurisdiction review process must be completed by that submittal date.
2. Communities identifying conflicts in forecasts or obstacles to plan completion may be asked to meet with Metropolitan Council staff and/or Metropolitan Council member(s) for their district to resolve outstanding issues.
3. If a comprehensive plan update cannot be submitted by May 29, 2009, with the mandatory 6-month adjacent community review complete, an extension of the submittal date will require action by the Metropolitan Council’s governing body. A request for an extension of submittal beyond May 29, 2009

will require submittal of the extension request documents and must be made by November 1, 2008. In addition to the required extension materials, the local government unit must also submit in a letter addressed to the Council an explanation of the obstacles that prevent the community from completing the plan by the decennial deadline.

4. After December 31, 2008, a community should not submit comprehensive plan amendments until the Metropolitan Council has acted on the community's 2008 comprehensive plan update.
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6. For LCA grants awarded after December 31, 2008, the Metropolitan Council will not execute an LCA grant agreement with an applicant for any project located within the jurisdiction of a governmental unit that is responsible for fulfilling the "decennial" review obligation but has not submitted to the Council a comprehensive plan update that is complete for review. This policy applies whether a governmental unit has requested and has been granted an extension to submit its 2008 comprehensive plan update. This policy: (a) does not affect the grant award decision (only the execution of the grant agreement); and (b) does not apply to the Fall 2008 Tax Base Revitalization Account Funding Cycle, for which the Council is scheduled to make grant awards at its first meeting in January 2009.

If you have any questions regarding the form or the process for granting plan extensions contact your Sector Representative, _____, at 651-602-_____.

Sincerely,

Phyllis Hanson, Manager
Local Planning Assistance

Enclosures

CC: _____, Metropolitan Council District ____
_____, Sector Representative
Guy Peterson, Director, Community Development Division

REQUEST FOR EXTENSION OF PLANNING PERIOD

Completed request form and accompanying Resolution must be received at the Metropolitan Council offices by November 1, 2008. Your responses to the following questions will provide the Metropolitan Council with information needed to help ensure plan completion.

Community Name _____	Request Date _____
Community Contact Person _____	Phone _____
Email Address _____	Fax _____

PLANNING PROCESS TIMELINE: Please provide the target dates for each step of the planning process identified below.

Process Step	Target Date
Completion of draft plan text and mapping	
Initiation of 6-month review/comment period by adjacent jurisdictions, affected special districts, and school districts	
Public hearing date	
City Council / Town Board / County Board action	
Date of plan submission to Metropolitan Council	
Completion of fiscal devices and official controls review/amendment	

Please note that a target date for plan submission to the Metropolitan Council after May 29, 2009 will require and letter to and formal action by the Metropolitan Council. If the Target Date for plan submission is prior to May 29, 2009, the extension may be administratively granted by the designated Metropolitan Council staff.

PLANNING ISSUES: Please place a checkmark (✓) next to the issue(s) identified below that are contributing to the need for the requested extension.

- | | |
|---|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Staff workload <input type="checkbox"/> Contract planner delays <input type="checkbox"/> Issues affecting adjacent communities <input type="checkbox"/> Data/mapping/GIS <input type="checkbox"/> MUSA expansion issues <input type="checkbox"/> Area development or redevelopment plan(s) in process <input type="checkbox"/> Planning Commission/City Council/Board member concerns <input type="checkbox"/> Population, household, employment forecast issues <input type="checkbox"/> Sewer flow forecast issues <input type="checkbox"/> Growth staging plan <input type="checkbox"/> Public participation process <input type="checkbox"/> Metropolitan Council density policy issues | <ul style="list-style-type: none"> <input type="checkbox"/> Development of plan components: <ul style="list-style-type: none"> <input type="radio"/> Existing land use <input type="radio"/> Future land use <input type="radio"/> Housing <input type="radio"/> Surface water management <input type="radio"/> Transportation <input type="radio"/> Sewer Plan <input type="radio"/> Park/Open Space Plan <input type="radio"/> Water Supply Plan <input type="radio"/> Historic Preservation Plan <input type="radio"/> Implementation Plan <input type="radio"/> Critical Areas/MNRRRA <input type="radio"/> Other _____ |
|---|---|

OTHER COMMENTS: Please provide any additional comments here, included explanations as needed of planning issues checked on the previous page. Include a realistic appraisal of your community's ability to submit your updated plan for review by indicated deadline as well as the subsequent review/amendment of fiscal devices and official controls. (Use additional sheets as necessary.)

CITY OF _____
RESOLUTION NO. 2008-__

**RESOLUTION REQUESTING ADDITIONAL TIME
WITHIN WHICH TO COMPLETE COMPREHENSIVE PLAN
“DECENNIAL” REVIEW OBLIGATIONS**

WHEREAS, Minnesota Statutes section 473.864 requires local governmental units to review and, if necessary, amend their entire comprehensive plans and their fiscal devices and official controls at least once every ten years to ensure comprehensive plans conform with metropolitan system plans and ensure fiscal devices and official controls do not conflict with comprehensive plans or permit activities that conflict with metropolitan system plans; and

WHEREAS, Minnesota Statutes sections 473.858 and 473.864 require local governmental units to complete their “decennial” reviews by December 31, 2008; and

WHEREAS, Minnesota Statutes section 473.864 authorizes the Metropolitan Council to grant extensions to local governmental units to allow local governmental units additional time within which to complete the “decennial” review and amendments; and

WHEREAS, any extensions granted by the Metropolitan Council must include a timetable and plan for completing the review and amendment; and

WHEREAS, the City will not be able to complete its “decennial” review by December 31, 2008, for the following reasons: _____.

WHEREAS, the City Council finds it is appropriate to request from the Metropolitan Council an extension so the City can have additional time to complete and submit to the Metropolitan Council for review an updated comprehensive plan and amend its fiscal devices and official controls.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF _____,
MINNESOTA, AS FOLLOWS:**

1. The City Administrator is directed to submit to the Metropolitan Council no later than November 1, 2008, an application requesting an extension to [date of submittal].
2. The City Administrator must include with the request a reasonably detailed timetable and plan for completing: (a) the review and amendment by [date of submittal]; and (b) the review and amendment of the City’s fiscal devices and official controls.

Adopted by the City Council of the City of _____ on _____, 2008.

Approved:

Mayor

Attested:

Administrator