

# C Community Development Committee Environment Committee

For the Metropolitan Council meeting of December 10, 2008

## ADVISORY INFORMATION

**Date Prepared:** November 24, 2008

**Subject:** City of Minnetonka Beach Comprehensive Plan Update Extension Request

### Proposed Actions:

The Metropolitan Council extends City of Minnetonka Beach's comprehensive plan update submission deadline from December 31, 2008 to June 30, 2009.

### Summary of Committee Discussion / Questions:

Council staff presented an overview of the requests received from communities for extension of the deadline for submitting comprehensive plan updates. The Committee focused on two distinct groups of cities making requests; 1) those without local planning assistance grants from the Council; and 2) those that have been given local planning assistance grants. The committee adopted the proposed action for four cities - Chaska, Minnetonka Beach, Orono, and Vadnais Heights, as requested by the cities, without Committee discussion.

Motion to approve the recommendation shown above was made, seconded and approved unanimously.



# Community Development Committee

Meeting date: November 17, 2008

Business Item

Item: 2008-331

## ADVISORY INFORMATION

<b>Subject:</b>	City of Minnetonka Beach Comprehensive Plan Extension Request
<b>District(s), Member(s):</b>	District 3, Mary Hill Smith
<b>Policy/Legal Reference:</b>	Metropolitan Land Planning Act (Minn. Stat. § 473.175)
<b>Staff Prepared/Presented:</b>	James P. Uttley, Principal Reviewer, (651-602-1361) Phyllis Hanson, Manager, LPA (651-602-1566)
<b>Division/Department:</b>	Community Development / Planning and Growth Management

### Proposed Action

That the Metropolitan Council extends City of Minnetonka Beach's comprehensive plan update submission deadline from December 31, 2008 to June 30, 2009.

### Background

Minnesota Statutes section 473.864 requires all local governments in the seven-county metropolitan area to review and update their local comprehensive plans submit those updates to the Metropolitan Council for review and comment by December 31, 2008. Section 473.864 authorizes the Council to grant extensions to local government units if they need additional time to complete their comprehensive plan review and revisions. According to statute, any extensions granted by the Council "must include a timetable for completion of the review." The Metropolitan Land Planning Act requires the Council to establish guidelines and procedures to which local government units must conform when preparing, adopting, and submitting their plans. In June, the Council adopted guidelines and procedures for communities to follow when requesting extensions to the comprehensive plan update submission deadline.

Pursuant to the guidelines adopted by the Metropolitan Council on June 25, 2008, the City of Minnetonka Beach has submitted the required materials to request an extension to the statutory submission date for comprehensive plan updates. The City has requested that their submission date be extended from December 31, 2008, to June 30, 2009.

The City did not begin its work on the comprehensive plan update until it received a planning assistance loan from the Council and resolution of its dispute related to the Dakota Rail Regional Trail. After the dispute was resolved and the loan secured, the City began its planning process to update its plan. The City indicates that the draft of the comprehensive plan will be complete in December 2008, with the adjacent community and affected jurisdiction review being initiated by December 9, 2008. The 6-month review period would then be complete in mid-June, allowing the community time to make any necessary changes and the City Council to take action to submit the plan to the Council by June 30, 2009.

### Rationale

Anticipating that some communities may encounter issues in completing and submitting their plans by the statutory December 31, 2008 submission date, the Council adopted a process and guidelines that allow for the extension of the submission date. Requests for extensions up to May 29, 2009 may be administratively reviewed and granted, while requests for extensions to a date beyond May 29, 2009 require Community Development Committee and Council action.

The City's request for an extension to June 30, 2009 is one month beyond that which could be administratively reviewed to accommodate a full six-month adjacent review period. It has been Council staff's experience that many communities have been able to obtain comments from the affected jurisdictions prior to the termination of the full six months.

## **Funding**

The Metropolitan Council provided the City with a \$40,000 Planning Assistance Loan (L-2008-02) in January 2008. The loan has an end date of January 20, 2010. The loan agreement does not specify a completion date for submittal of the plan to the Council for formal review. Therefore, an amendment of the loan agreement to reflect the requested extension is not needed.

## **Known Support / Opposition**

There is no known opposition.

# City of the Village of Minnetonka Beach

2945 Westwood Road - Mailing Address: P.O. Box 146  
Minnetonka Beach, MN 55361  
952-471-8878 fax 952-471-7416  
[www.ci.minnetonka-beach.mn.us](http://www.ci.minnetonka-beach.mn.us)

OCT 31 2008

October 30, 2008

Metropolitan Council  
Community Development Committee  
390 Robert Street North  
St. Paul, MN 55101

Dear Committee Members;

Attached please find a Request for Extension of Planning Period for the City of Minnetonka Beach Comprehensive Plan and City Council Resolution 2008-46 requesting additional time to submit our Comprehensive Plan. As the resolution states the need for the extension is to allow for the required review by adjacent jurisdictions and to amend fiscal devices and official controls. The City expects to complete the plan amendments by the end of 2008 at which time it will be sent to adjacent jurisdictions, and informally to the Metropolitan Council, to allow for the six month statutory review period. The City intends to formally submit the plan to the Metropolitan Council on or before June 30, 2009.

On behalf of the City of Minnetonka Beach I respectfully request that you grant this extension. Feel free to contact me at 952-471-8878 or Richard Krier, the City's Planning and Zoning Administrator at 952-476-1762 if you have questions about this request.

Thank you in advance.

Sincerely,



Susanne Griffin  
City Administrator

CC: Richard Krier, Planning and Zoning Administrator  
Mayor Anderson and City Council Members

Enc. City resolution 2008-46  
Request for Extension of Planning Period form

**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.

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Community Name City of the Village of Minnetonka Beach Request Date 10/30/08  
 Community Contact Person Susanne Griffin Phone 952-471-8878  
 Email Address sgriffin@ci.minnetonka-beach.mn.us Fax 952-471-7416

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

<b>Process Step</b>	<b>Target Date</b>
Completion of draft plan text and mapping	November 17, 2008
Initiation of 6-month review/comment period by adjacent jurisdictions, affected special districts, and school districts	December 9, 2008
Public hearing date	November 17, 2008
City Council / Town Board / County Board action	December 8, 2008
Date of plan submission to Metropolitan Council	Formally on or before June 30, 2009
Completion of fiscal devices and official controls review/amendment	On or before June 30, 2009

**Please note that a target date for plan submission to the Metropolitan Council after May 29, 2009 will require a presentation 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.

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

**RESOLUTION 2008 - 46**

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

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of the Village of Minnetonka Beach, Minnesota was held on the 14<sup>th</sup> day of October 2008. The following members were present: Mayor Joann Anderson, Council Members Tom Seuntjens, Jill Bartel, Tom Olson, Mike Taylor and Treasurer Dennis Fischer.

Council Member Seuntjens introduced the following resolution and moved its adoption:

**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 be able to complete its “decennial” review by December 31, 2008, having it ready to send to adjacent jurisdiction and the Metropolitan Council, but asks for an extension to allow adjacent jurisdictions to review the City’s Amended Comprehensive Plan

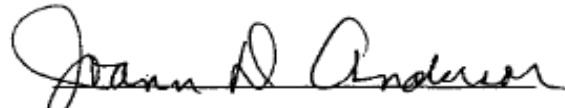
**WHEREAS**, the City Council finds it is appropriate to request from the Metropolitan Council an extension so the City can have additional time to complete and submit to the Metropolitan Council for review an updated comprehensive plan and amend its fiscal devices and official controls.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THE VILLAGE OF MINNETONKA BEACH, 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 June 30, 2009 to allow the six month statutory review period by adjacent jurisdictions.

2. The following is a detailed timetable and plan for completing: (a) the review and amendment by June 30, 2009; and (b) the review and amendment of the City's fiscal devices and official controls:
- a. Submit Parks and Public Open Space Plan to the Metropolitan Council and adjacent jurisdictions- December 2007;
  - b. Submit Water Quality Management Plan to the Minnehaha Creek Watershed District and to Metropolitan Council- September 2008;
  - c. Complete remaining Elements of the Comprehensive Plan-December 2008
  - d. Submit complete Amended Comprehensive Plan to adjacent jurisdictions and Metropolitan Council - December 2008;
  - e. Submit Final Comprehensive Plan to the Metropolitan Council on or before June 30, 2009

The motion for adoption of the foregoing resolution was duly seconded by Council Member Taylor and, upon vote being taken thereon, the following voted in favor thereof: Bartel, Taylor, Seuntjens and Olson. The following voted against or abstained: None. Whereupon the resolution was declared duly passed and adopted this 14<sup>th</sup> day of October 2008.

  
Joann D. Anderson, Mayor

ATTEST:

  
Marilyn Regnier, City Clerk

Oct. 30, 2008  
Date