

# C Community Development Committee

## For the Metropolitan Council meeting of May 13, 2009

### ADVISORY INFORMATION

**Subject:** Carver County Comprehensive Plan Update Extension Request

#### **Proposed Action:**

That the Metropolitan Council extends the County's "decennial" comprehensive plan update for Carver County and all of its townships (Update) submission deadline to September 30, 2009, and direct staff to execute an amendment of the planning grant amendment to reflect the new submission and grant end date deadlines.

#### **Summary of Committee Discussion / Questions:**

Jim Uttley, sector representative, presented an overview of the request received from Carver County for extension of the deadline for submitting the County's comprehensive plan update (Update) and a request to amend the local planning assistance grant of \$50,000 (SG2007-089) to coincide with the new submittal date for the Update and new end date for the grant agreement.

Uttley introduced Paul Moline, Manager, Planning & Water Management Department of Carver County and noted that unlike most counties, Carver also plans for all ten of its townships. Uttley said that Carver County undertook an ambitious planning program that not only addressed the traditional Update elements but also included county-wide studies intended to help inform the planning efforts of all the cities in the County. The studies included economic development, housing, aging, historic preservation, public safety, natural resources, public health and others. Uttley reported that the County also met with all of the city planners in the County every other month for the past two years to facilitate cooperation and information sharing among the planning community. Uttley said that the reason for the extension request is that some of the planning has excited residents in a couple of the townships, who have prevailed on the County Board to re-examine parts of the Update.

Mr. Moline described the issues involved in the request. He was asked about the timing and whether the Update could be completed in the time requested. Mr. Moline said that he thought it could as many of the issues are mapping issues and should be resolved relatively quickly. CM Sanda asked what other county did planning for its townships and Uttley said that Scott County did. CM Sanda asked if the County's planning efforts were perhaps too ambitious. Mr. Moline said that the planning effort reflected the County Board's vision for the County. He said that the Update itself will be more focused on what is needed to address the requirements of the Council and that other plan elements will be adopted separately and folded in later. Vice-Chair Pistilli asked whether the Council has granted such extensions before. Mr. Peterson replied that the Council has approved several extension requests for submission after May 29, three to the end of the year.

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



# Community Development Committee

Meeting date: May 4, 2009

Business Item

Item: 2009-153

ADVISORY INFORMATION	
<b>Subject:</b>	Carver County Comprehensive Plan Update Extension Request
<b>District(s), Member(s):</b>	District 4, Craig Peterson
<b>Policy/Legal Reference:</b>	Metropolitan Land Planning Act (Minn. Stat. § 473.175)
<b>Staff Prepared/Presented:</b>	Jim Uttley, Principal Reviewer, (651-602-1361) Phyllis Hanson, Manager, Local Planning Assistance (651-602-1566)
<b>Division/Department:</b>	Community Development / Planning and Growth Management

## Proposed Action

That the Metropolitan Council extends the County’s “decennial” comprehensive plan update for Carver County and all of its townships (Update) submission deadline to September 30, 2009, and direct staff to execute an amendment of the planning grant amendment to reflect the new submission and grant end date deadlines.

## Background

In the request materials, Carver County explains that comprehensive plan update for the County and its 10 townships has been delayed primarily because of public concerns raised by residents and officials in three of the townships.

May 2007 Council Action - In May 2007, the Council authorized staff to implement a local planning assistance grant program to help ensure qualifying local governments and counties could prepare and submit their “decennial” Updates to the Council by the statutory December 31, 2008 deadline.

Grant Agreement - The County was awarded a \$50,000 Local Planning Assistance Program grant on November 14, 2007. The grant agreement required the County to:

1. review and update its comprehensive plan by December 31, 2008;
2. submit its draft plan update to adjacent governmental units by June 30, 2008;
3. discuss its draft plan with watershed management organizations;
4. submit a “complete” plan as described in the Council’s *Local Planning Handbook*; and
5. ensure its plan conforms with the Council’s metropolitan system plans.

The grant agreement further provides that if the City does not comply with the terms and conditions of the agreement, “the Council may take any action to protect its interests and may require the [City] to return all or part of the [grant] funds.”

December 31, 2008 Deadline - Minnesota Statutes section 473.864 requires local governmental units to review and, if necessary, amend their entire comprehensive plans on a decennial basis. The current “decennial” review deadline is December 31, 2008. Section 473.864 authorizes the Council to grant extensions to local governmental units to allow those units additional time to review and, if necessary, amend their comprehensive plans. The extensions must include a timetable and plan for completing the plan review and amendment.

June 2008 Council Action - On June 25, 2008, the Council adopted guidelines (Business Item 2008-123) for granting requests to extend the “decennial” plan update submission deadline. Subject to certain conditions, the guidelines authorized staff to “administratively” grant extensions to May 29, 2009. If plan updates and adjacent reviews could not be completed by May 29, 2009, the guidelines state that extension requests require action by the Council’s governing body.

August 2008 Adjacent Community/Agencies Review - On August 28, 2008, Carver County submitted its draft plan to adjacent communities, counties, and applicable school district and other special districts and agencies for the statutory six month review and comment period. The six month review and comment period ended on February 28, 2009.

August 2008 Informal Review - Also on August 28, 2008, the County submitted its draft plan to the Council for informal review and comment. On November 21, 2008, Council staff provided the County with informal review comments on the draft plan.

October 2008 Extension and Planning Grant Agreement Amendment - On October 31, 2008, Carver County submitted a request for an extension of the December 31, 2008 submittal deadline to March 31, 2009 and requested that its Planning Grant Agreement (SG-2007-089) be amended to reflect the new submittal deadline. On December 26, 2008, Council staff acting in accordance with the Council's June 2008 action administratively approved an extension to March 31, 2009 and executed an amendment to Planning Grant Agreement (SG-2007-089).

March 2008 Additional Administrative Extensions - On March 11, 2009, the Council approved Business Item 2009-86, which authorized staff to administrative grant additional extensions to May 29, 2009 to amended planning grant agreements if needed under certain conditions.

On March 12, 2009, Carver County staff advised Council staff that the County would be unlikely to meet its March 31, 2009 extension deadline and asked for a further extension and amendment of its planning grant agreement to May 29, 2009. On March 24, 2009, Council staff acted to administratively grant an additional extension to Carver County to May 29 and executed an amendment to Planning Grant Agreement (SG-2007-089) to reflect the new submission deadline and grant end date.

In April 2009, Carver County staff advised that the Carver County Board felt it would need additional time beyond the May 29, 2009 deadline to address recently raised concerns from three townships. On April 29, 2009, County staff submitted an official request to extend the submittal deadline from May 29, 2009 to September 30, 2009 and to amend Planning Grant Agreement (SG-2007-089) accordingly.

Council staff advised County staff that requests for extensions beyond May 29, 2009 require formal action by the Council as per Business Item 2008-123 of June 25, 2008.

## **Rationale**

Carver County is one of two counties in the region that prepares and complete comprehensive plan update for itself and all of its (10) townships. In addition, Carver County decided early on to expand its Update to include a number of chapters that are not required by the Metropolitan Land Planning Act (MLPA) including economic development, Sheriff's office, public safety: hazard mitigation, public health, aging, services and facilities, libraries and waste management.

In addition, the County undertook a number of special studies in the areas of economic development, housing, trails development and aging that were county-wide in scope and intended to inform not only the County and township plans, but those of the cities in Carver County as well.

Staff recommends that the Metropolitan Council extend the County's "decennial" Update submission deadline to September 30, 2009 and authorize staff to execute an amendment to Planning Grant Agreement (SG-2007-089) to reflect the new submittal deadline and an appropriate change in the grant end date.

## **Funding**

Carver County was one of 49 communities and counties to receive a local planning grant from the Council. Half of the \$50,000 grant money has already been awarded, pursuant to the terms of the grant. The remaining \$25,000 is due to be awarded upon completion of the Update. The grant agreement allows for amendment of the agreement, including amending the Update submission deadline. It is reasonable to agree to amend the planning grant agreement expiration date to December 31, 2009.

## **Known Support / Opposition**

There is no known support or opposition.

**Attachments:**

- Carver County cover letter of April 28, 2009
- Carver County Request for Extension of Planning Period
- Carver County Resolution #29-09



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Carver County Government Center  
Human Services Building  
602 East Fourth Street  
Chaska, Minnesota 55318-2102  
Phone (952) 361-1510  
Fax (952) 361-1581

April 28, 2009

Jim Uttley  
Metropolitan Council  
Community Development Division  
390 Robert St. N.  
Saint Paul, MN 55101

**RE: Grant # SG2007-089**

Dear Mr. Uttley:

In March 2009, the Carver County Board passed a resolution requesting an extension of the submittal deadline for the 2030 Comprehensive Plan. This request included a detailed timetable and plan for completing the review and amendment of the plan and the review and amendment of the County's fiscal devices and official controls. This request was made based on met council staff ability to quickly process a may 29 extension fully knowing that an additional extension may be needed.

Based on this direction, we are requesting an additional extension of plan submittal to September 30, 2009 along with a request to extend the grant funds allocated in 2007. These Metropolitan Council funds were initially set to expire on December 31, 2008. The County is formally requesting that the grant agreement (Grant # SG2007-089) be amended to show a new date of submittal of – in this case September 30, 2009; with a new grant end date of September 30, 2009.

Please contact Dave Drealan, Land & Water Services Director or Paul Moline, Planning and Water Manager at 952.361.1825 if you have any questions.

Sincerely,

David Hemze  
Carver County Administrator

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

DATE: April 28, 2009  
MOTION BY COMMISSIONER: Workman

RESOLUTION NO. 29-09  
SECONDED BY COMMISSIONER: Maluchnik

**A Resolution Requesting an Extension of the submittal deadline for the 2030  
Comprehensive Plan**

**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**, the Metropolitan Council has authorized extensions for submittal up to May 29, 2009; and

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

**WHEREAS**, the County may not be able to complete its "decennial" review by May 29, 2009, for the following reasons: response time needed to comments received during and after the DRAFT plan review process and subsequent concerns by the County; and

**WHEREAS**, the County Board finds it is appropriate to request from the Metropolitan Council an extension so the County 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.

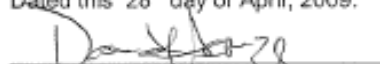
**THEREFORE, BE IT RESOLVED, THAT** The Carver County Board of Commissioners

1. The County Administrator is directed to submit to the Metropolitan Council an application requesting an extension of the deadline for Comprehensive Plan submittal and the associated grant funding to Sep 30, 2009.
2. The County Administrator must include with the request a reasonably detailed timetable and plan for completing: (a) the review and amendment by Sept30, 2009; and (b) the review and amendment of the County's fiscal devices and official controls.

YES	NO	ABSENT
Ische		
Degler		
Lynch		
Maluchnik		
Workman		

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 28<sup>th</sup> day of April, 2009, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 28<sup>th</sup> day of April, 2009.

  
David Hemze, County Administrator

## REQUEST FOR EXTENSION OF PLANNING PERIOD

. 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 <b>Carver County, Minnesota</b>	Request Date <b>04.28.09</b>
Community Contact Person <b>Paul Moline</b>	Phone <b>952.361.1825</b>
Email Address <b>pmoline@co.carver.mn.us</b>	Fax <b>952.361.1828</b>

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**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	<b>06.26.08</b>
Initiation of 6-month review/comment period by adjacent jurisdictions, affected special districts, and school districts	06.30.08
Public hearing date	08.11.09
City Council / Town Board / County Board action	09.15.09
Date of plan submission to Metropolitan Council	<b>09.30.09</b>
Completion of fiscal devices and official controls review/amendment	<b>06.30.10</b>

**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.

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li><input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Park/Open Space Plan</li> <li><input type="checkbox"/> Water Supply Plan</li> <li><input checked="" type="checkbox"/> Historic Preservation Plan</li> <li><input type="checkbox"/> Implementation Plan</li> <li><input checked="" type="checkbox"/> Critical Areas/MNRRRA</li> <li><input type="checkbox"/> Other _____</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.)

DRAFT Plan is complete and the County is currently collecting comments. Some of the comments and responses have raised issues with townships and citizens – particularly related to the County's characterization of the Parks element and the Historic Preservation element. The County is responding to these and all other comments and is currently redrafting the entire plan. Extension is needed to ensure that the concerns of the County Board, the public, and the townships can adequately be addressed without impacts to the regional systems.