

C Community Development Committee
For the Metropolitan Council meeting of July 28, 2010

Item: 2010-258

ADVISORY INFORMATION

Subject: Amending the Administrative Review Guidelines to include criteria for Agricultural Preserves

Proposed Action:

Modify the Council's guidelines for *Administrative Review of Certain Plan Amendments* to allow administrative review of land use changes that are due to enrollment in the Metropolitan Agricultural Preserves Program. The guidelines would be modified to also state that minor comprehensive plan amendments (see attached):

- Propose a land use change to guide land at no more than one unit per 40 acres to meet requirements of the Metropolitan Agricultural Preserves Program (Minn. Stat. Ch.473H).

Summary of Committee Discussion / Questions:

Local Planning Assistance staff member, Freya Thamman, presented a proposed addition to the Council's Comprehensive Plan Amendment (CPA) Administrative Review Guidelines. She provided background on the existing guidelines, stating that original guidelines were acted on by Council in May 2005 and then were amended at the Metropolitan Council meeting September 17, 2007 (Business Item 2007-244). Ms. Thamman indicated that the proposed action was to modify the Administrative Review Guidelines to also include consideration of land use changes to meet requirements of the Metropolitan Agricultural Preserves Program (Minn. Stat. Ch.473H).

Council member Wulff asked if the guidelines would mean that there are fewer hoops to go through because a CPA would not go to Council for action. Ms. Thamman indicated that was correct.

Council member Bowles asked about the general process for CPA administrative reviews. Ms. Thamman indicated that Council staff reviews the CPA to see if it meets the Administrative Review Guidelines. Ms. Thamman said that for CPAs that meet the Administrative Review, a letter is usually sent to the community within 30 days. The letter states that Council staff finds the amendment meets the CPA Administrative Review Guidelines, which waives further action. Council member Bowles asked who signs the letter. Ms. Thamman responded that the letter is signed by Phyllis Hanson, Manager of Local Planning Assistance.



Community Development Committee

Meeting date: July 19, 2010

business Item
Item: 2010-258

ADVISORY INFORMATION

Subject:	Amending the Administrative Review Guidelines to include criteria for Agricultural Preserves
District(s), Member(s):	All
Policy/Legal Reference:	
Staff Prepared/Presented:	Freya Thamman, Principal Reviewer (651-602-1750) Phyllis Hanson, Manager Local Planning Assistance (651-602-1566)
Division/Department:	Community Development / Planning and Growth Mgmt

Proposed Action

Modify the Council's guidelines for *Administrative Review of Certain Plan Amendments* to allow administrative review of land use changes that are due to enrollment in the Metropolitan Agricultural Preserves Program. The guidelines would be modified to also state that minor comprehensive plan amendments (see attached):

- Propose a land use change to guide land at no more than one unit per 40 acres to meet requirements of the Metropolitan Agricultural Preserves Program (Minn. Stat. Ch.473H).

Background

The Metropolitan Council adopted guidelines to administratively review comprehensive plan amendments on May 11, 2005. The guidelines list the criterion that amendments must meet to be administratively reviewed. The Council amended the guidelines September 12, 2007 to address forecast changes.

Rationale

The Metropolitan Agricultural Preserves Program (Minn. Stat. Ch.473H) requires local governments to certify by resolution lands eligible for designation as agricultural preserves before landowners can voluntarily enroll. The Statute requires local governments to identify agricultural preserve properties in the local comprehensive plan and zone them at residential densities of no more than one unit per 40 acres. The Metropolitan Land Planning Act (Minn. Stat. Ch. 473) requires consistency between the comprehensive plan and the zoning ordinance.

Therefore, future proposed comprehensive plan amendments that guide land at no more than one unit per 40 acres due to enrollment in the Metropolitan Agricultural Preserves Program are considered eligible for the Council's guidelines for Administrative Review.

Funding

None

Known Support/Opposition

None



Administrative Review of Certain Plan Amendments

On September 12, 2007, the Metropolitan Council adopted new guidelines for administratively reviewing comprehensive plan amendments. Language has been added to these guidelines to include land use changes due to enrollment in the Metropolitan Agricultural Preserves Program.

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 2030 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 Regional 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 that will result in less than 100 housing units;
- proposes a land use change less than 80 acres, unless the land use change is for Agricultural Preserve enrollment;
- proposes a land use change to guide land at no more than one unit per 40 acres to meet requirements of the Metropolitan Agricultural Preserves Program (Minn. Stat. Ch.473H); and
- 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; and
- 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; and
- The community does not have any known significant contamination problems with their water supply source.