

C Community Development Committee

For the Metropolitan Council meeting of December 10, 2008

ADVISORY INFORMATION

Subject: City of Nowthen Comprehensive Plan Update Extension Request

Proposed Action:

That the Metropolitan Council extend the City's "decennial" comprehensive plan update (Update) submission deadline to May 29, 2009, subject to the following terms and conditions:

1. If the City submits the Update to the Council by May 29, 2009 that is "complete" for review as defined in the Council's *Local Planning Handbook* and the adjacent review requirements have been completed by May 29, 2009, the City will be eligible to receive the second disbursement of grant funds described in the grant agreement.
2. If the adjacent review requirements have not been completed by May 29, 2009, but the City submits the Update to the Council by May 29, 2009 that otherwise is "complete" as defined in the Council's *Local Planning Handbook*, the City will be eligible to receive the second disbursement of grant funds described in the grant agreement.
3. If the City has not submitted the Update by May 29, 2009 that is "complete" as defined in the Council's *Local Planning Handbook*, the City must repay by July 30, 2009 all grant funds paid to the City under the grant agreement.
4. The grant agreement should be amended to: (a) extend the December 31, 2008 plan update submission deadline to May, 29, 2009; (b) reflect these terms and conditions; (c) make the execution of the grant amendment expressly conditioned on the City's acceptance of these terms and conditions; (d) require a written bi-monthly progress report that describes in reasonable detail the City's progress toward meeting the May 29, 2009 deadline; and (e) in order to accommodate the statutory 6-month adjacent and special jurisdiction review period, the community must submit its final Update no later than December 31, 2009, and notify the Council of any changes made to the Update from the May 29, 2009 submission.

Summary of Committee Discussion / Questions:

Council staff presented an overview of the request received from Nowthen for extension of the deadline for submitting the City's comprehensive plan update. 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 City of Nowthen has been given a local planning assistance grant. This agreement requires, among other things, that the plan updates be submitted by December 31, 2008. Nowthen has received the first half of the \$15,000 grant. The Committee decided that if the City does not submit a complete plan by the extended due date, the City will not receive the second half of the grant and will be required to re-pay the original installment. For Nowthen, this amounts to \$7,500.

Committee member Bowles moved to add a provision to the proposed actions a final date by which communities must submit their Updates to accommodate the required statutory 6-month review period and to respond to any comments received during that period.

The Committee agreed (5-2 vote) to extend the Update submission deadline to May 29, 2009, for these cities subject to the terms and conditions detailed under Proposed Actions above, including provision 4(e) as moved by Committee member Bowles.



Community Development Committee

Meeting date: November 17, 2008

Business Item

Item: 2008-332

ADVISORY INFORMATION	
Subject:	City of Nowthen Comprehensive Plan Update Extension Request
District(s), Member(s):	District 9, Natalie Steffen
Policy/Legal Reference:	Metropolitan Land Planning Act (Minn. Stat. § 473.175)
Staff Prepared/Presented:	Patrick Boylan, Principal Reviewer, (651-602-1438) Phyllis Hanson, Manager, Local Planning Assistance (651-602-1566)
Division/Department:	Community Development / Planning and Growth Management

Proposed Action

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1. If the City submits the Update to the Council by May 29, 2009 that is “complete” for review as defined in the Council’s *Local Planning Handbook* and the adjacent review requirements have been completed by May 29, 2009, the City will be eligible to receive the second disbursement of grant funds described in the grant agreement.
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4. The grant agreement should be amended to: (a) extend the December 31, 2008 plan update submission deadline to May, 29, 2009; (b) reflect these terms and conditions; (c) make the execution of the grant amendment expressly conditioned on the City’s acceptance of these terms and conditions; (d) require a written bi-monthly progress report that describes in reasonable detail the City’s progress toward meeting the May 29, 2009 deadline; and (e) that if the Update needs revisions based on comments received from surrounding jurisdictions, the community will submit the revised Update to the Council by December 31, 2009.

Background

In the request materials, the City of Nowthen explains that comprehensive plan update has been delayed primarily because the City recently incorporated (June, 2008; formerly Burns Township), which consumed staff time and city resources. The City indicates that the draft of the comprehensive plan will be complete in April 2009, with the adjacent community and affected jurisdiction review being initiated by April 30, 2009. The 6-month review period would then be complete in October, allowing the community time to make any necessary changes and the City Council to take action to submit the plan to the Council by December 31, 2009.

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 City was awarded a \$15,000 Local Planning Assistance Program grant in 2007. The grant agreement requires the City 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 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.

Rationale

The recent incorporation of the community from a township to a city has consumed staff time and resources. Nowthen is presently working with Metropolitan Council Staff on addressing long-term sewer policy within the context of the Plan Update process. Additionally, the City is examining residential density and clustering issues. On November 13, 2008, City and Council staff are jointly hosting an open house/workshop on to discuss policy issues within the context of the Update.

Staff recommends that the Metropolitan Council extend the City’s “decennial” Update submission deadline to May 29, 2009 subject to the following terms and conditions:

1. If the City submits the Update to the Council by May 29, 2009 that is “complete” for review as defined in the Council’s *Local Planning Handbook* and the adjacent review requirements have been completed by May 29, 2009, the City will be eligible to receive the second disbursement of grant funds described in the grant agreement.
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3. If the City has not submitted a plan update by May 29, 2009 that is “complete” as defined in the Council’s *Local Planning Handbook*, the City must repay by July 30, 2009 all grant funds paid to the City under the grant agreement.
4. The grant agreement should be amended to: (a) extend the December 31, 2008 Update submission deadline to May, 29, 2009; (b) reflect these terms and conditions; (c) make the execution of the grant amendment expressly conditioned on the City’s acceptance of these terms and conditions; and (d) require a written bi-monthly progress report that describes in reasonable detail the City’s progress toward meeting the May 29, 2009 deadline.

Funding

Nowthen was one of 49 communities to receive a local planning grant from the Council. Half of the \$15,000 grant money has already been awarded, pursuant to the terms of the grant. The remaining \$7,500 is due to be awarded upon completion of the Update, with the condition that the Update be submitted by December 31, 2008 as indicated in Section 2.01 of the planning grant agreement. The grant agreement allows for amendment of the agreement, including amending the Update submission deadline. It is reasonable to agree to amending the planning grant agreement submission date to December 31, 2009.

Known Support / Opposition

There is no known support or opposition.

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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 City of Nowthen Request Date October 14, 2008
 Community Contact Person Corrie LaDoucer Phone 763.441.1347
 Email Address Cladoucer@qwestoffice.net 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	April 2009
Initiation of 6-month review/comment period by adjacent jurisdictions, affected special districts, and school districts	April 2009
Public hearing date	November 2009
City Council / Town Board / County Board action	December 2009
Date of plan submission to Metropolitan Council	December 2009
Completion of fiscal devises and official controls review/amendment	September 2010

Please note that a target date for plan submission to the Metropolitan Council after April 30, 2009 will require a presentation to and formal action by the Metropolitan Council. If the Target Date for plan submission is prior to April 30, 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 checked="" 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 _____ |
|--|---|



City of Nowthen • 19800 Nowthen Blvd NW • Anoka MN 55303 • 763/441-1347 • 763/441-7013 Fax

October 15, 2008

OCT 21 2008

Patrick Boylen
Metropolitan Council
390 Robert Street N
St. Paul MN 55101

RE: Request for Extension of Planning Period

Dear Mr. Boylen:

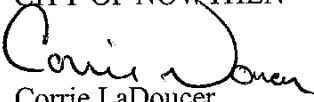
At this time the City of Nowthen feels that it would be in our best interest to request for an extension to complete and submit an updated Comprehensive Plan.

Attached you will find a Request for Extension of Planning Period along with adopted Resolution No. 2008-27.

Feel free to contact me if you have any questions or need additional information.

Sincerely,

CITY OF NOWTHEN


Corrie LaDoucer
City Clerk

**CITY OF NOWTHEN
ANOKA COUNTY, MINNESOTA**

**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:

1. The City was engaged in the process of incorporation; The order from the State incorporating the City of Nowthen was effective on July 8, 2008.
2. At a public meeting held on August 26, 2008, Metropolitan Council proposed additional public meetings to present information regarding regional policies and directives affecting the Nowthen Comprehensive Plan.
3. City staff and consultants have developed a revised work program based on the input from Metropolitan Council to include additional public meetings regarding regional policy and local objectives to be evaluated in developing the Nowthen Comprehensive Plan update.

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.

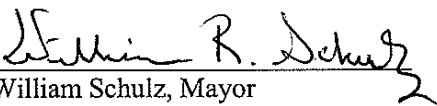
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NOWTHEN, MINNESOTA, AS FOLLOWS:


1. The City Clerk is directed to submit to the Metropolitan Council no later than November 1, 2008, an application requesting an extension to December, 31 2009.

2. The City Clerk must include with the request a reasonably detailed timetable and plan for completing: (a) the review and amendment by December 31, 2009; and (b) the review and amendment of the City's fiscal devices and official controls by September 30, 2010.

ADOPTED by the City Council of the City of Nowthen on this 14th Day of October, 2008.

CITY OF NOWTHEN


William Schulz, Mayor

Attest: 
Corrie LaDoucer, City Clerk

From: City of Nowthen [mailto:cladoucer@qwestoffice.net]
Sent: Thursday, November 06, 2008 2:41 PM
To: Boylan, Patrick
Subject: Nowthen Request for Extension of Comp Plan

Dear Patrick,

The City of Nowthen (formerly Burns Township) incorporated July 8, 2008. While the Township/City has been working on our 2030 Comprehensive Plan over the last two years, considerable staff time and financial resources were spent on the incorporation process.

Additionally, the City is working with Metropolitan Council Staff on a long-term sewer policy as it affects the City and is examining residential density and clustering issues. On November 13, 2008, City and Council staff is jointly hosting an open house/workshop to discuss policy issues within the context of the Comprehensive Plan update.

Therefore, our Comprehensive Plan Update will not be complete in time for the December 31, 2008 deadline.

Please also note that the open house/workshop on November 13, 2008 will be held at the Nowthen Alliance Church which is at the South East corner of the CSAH 22 (Viking Blvd) and CSAH 5 (Nowthen Blvd). The open house/workshop is scheduled to start at 6:00 PM.

Corrie LaDoucer
Clerk/Treasurer
City of Nowthen
19800 Nowthen Blvd NW
Anoka MN 55303
(763) 441-1347