

Community Development Committee

Meeting date: August 15, 2016

Subject: Comprehensive Plan Amendments – Review Timeframes

District(s), Member(s): All

Policy/Legal Reference: Minn. Stat. 473.175

Staff Prepared/Presented: LisaBeth Barajas, Local Planning Assistance Manager, 651-602-1895

Division/Department: Community Development / Local Planning Assistance

Proposed Action

None. Information only.

Background

As part of managing our performance at the Council and ensuring a high quality of service for our local governments, we have been tracking the amount of time it takes to complete the review of comprehensive plan amendments. Amendments to comprehensive plans are typically driven by new development proposals that were unforeseen by local governments during their last plan update process or the completion of additional studies or small area plans. Before submitting an amendment to the Council for review, a local government must first complete the following steps:

- Recommendation from the local planning commission or similar planning body for approval by the governing body
- Local governing body authorization for the amendment to be submitted to the Metropolitan Council for review
- 60-day review period for adjacent governments and affected jurisdictions

Questions for Consideration

In the interest of best serving our local governments and in providing timely information on changes in regional development, staff is seeking feedback on the process for amendments that require formal action. Currently, non-controversial items are typically placed on the Community Development Committee consent agenda, including non-controversial comprehensive plan amendments. Since early 2015, 17 amendments were scheduled for Committee review, with all but 3 were placed on the consent agenda, and none were pulled for additional discussion. The attached report provides an in-depth analysis of review timeframes for comprehensive plan amendments over the last 6 years to inform your discussion.

Questions for the Committee to consider:

- Should the Committee consider revising the Administrative Review Guidelines to adjust the thresholds for review (ex. new housing units)?
- Committee members are informed of amendments in their respective districts, but may not be aware of changes to comprehensive plans across the region. How can information regarding comprehensive plan amendments and trends in the proposed changes be best packaged so it is useful to Committee members?

DATE: August 1, 2016
TO: Community Development Committee
FROM: LisaBeth Barajas, Local Planning Assistance Manager
SUBJECT: Comprehensive Plan Amendments – Review Timeframes

Local Planning Assistance staff use an internal review tracking system to manage performance and assign appropriate staff to reviews of comprehensive plan amendments. The approach provides high quality and timely reviews, so as not to impede local processes and development when there are not system impacts or issues of regional policy inconsistency. Some of our local governments have commented that we take too long to complete the review of simple, uncomplicated comprehensive plan amendments. Our goal is to address this concern, ensure quality reviews, and be as efficient with our timeframes as possible.

Within our current tracking system, we have data starting in 2010 on total time to complete a review once it has been sent to us. For the purposes of this reporting, we will be focusing on comprehensive plan amendments.

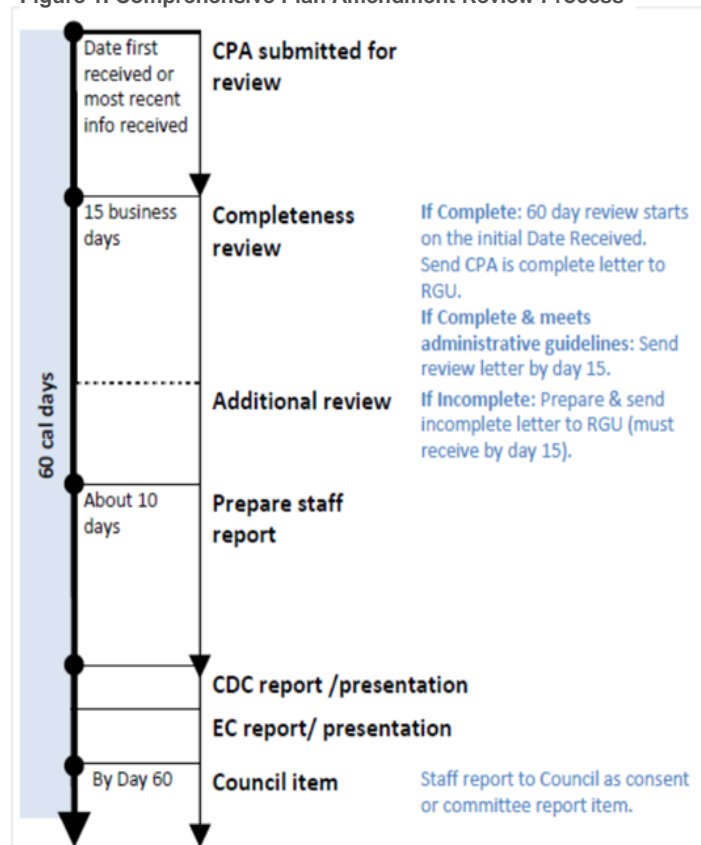
Review Process for Comprehensive Plan Amendments

Minnesota Statutes 473.175 directs the Council to complete its review and take action on full comprehensive plans, including amendments, within 120 calendar days. However, it is the Council’s practice to complete reviews of amendments within 60 calendar days. The Council then has the ability to extend the review period an additional 60 days, but typically only does so when committee schedules, holidays, or workload issues prevent the completion within the initial 60-day period.

As illustrated in Figure 1, for those amendments that require formal Council action, this process typically requires the preparation of a staff report, presentation to at least the Community Development Committee (sometimes the Environment Committee, too), and final action at the full Metropolitan Council. For those amendments that meet the requirements of the Council’s *Comprehensive Plan Amendment Administrative Review Guidelines* (Attachment A), the process is shortened and includes internal technical staff review and coordination, along with formal notification to the local government.

Most amendments meet the Administrative Review Guidelines, as shown in Figure 2.

Figure 1. Comprehensive Plan Amendment Review Process



Typically, those amendments that are brought to the Council for formal action do not have policy issues, but rather are exceeding the threshold for total number of new housing units (100 units) or the threshold for area (greater than 80 acres in size).

To get a better understanding of how we fared against our timeline requirements for the different types of reviews, amendment reviews are separated into two categories:

- Those that require formal Council action
- Those that are administratively reviewed

As is shown in Figure 2, the average number of calendar days it takes to complete a review are significantly different between the two categories. Those that require formal action have an average review time that has generally varied between 60 and 90 calendar days. Those amendments that are administratively reviewed have an average review time between 20 and 30 days. The following sections will provide more detailed analysis on each of the review types.

Amendments Requiring Formal Council Action

As shown in Figure 3, the review timeframe analysis has been differentiated between:

- the total duration for a review and
- the duration once an item is found complete for review.

The total duration measures the time from the date we first receive the amendment submittal to the final action date. This includes time when we are awaiting additional information from the community after sending an incomplete for review letter. The community controls the time period for the response to an incomplete letter. The duration once an item is found complete for review is within the Council's control and is driven by the time it takes to prepare the staff report as well as the committee and Council meeting calendars.

Figure 2. Total Amendments and Average Review Times in Calendar Days

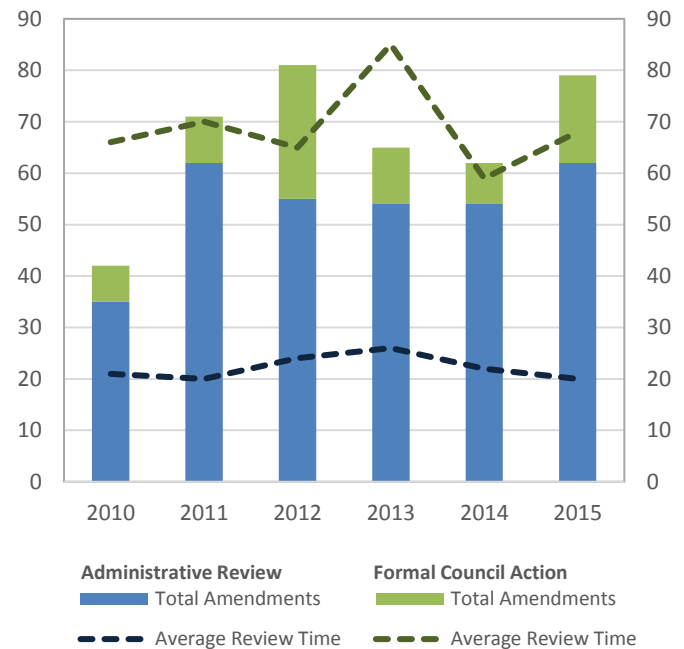
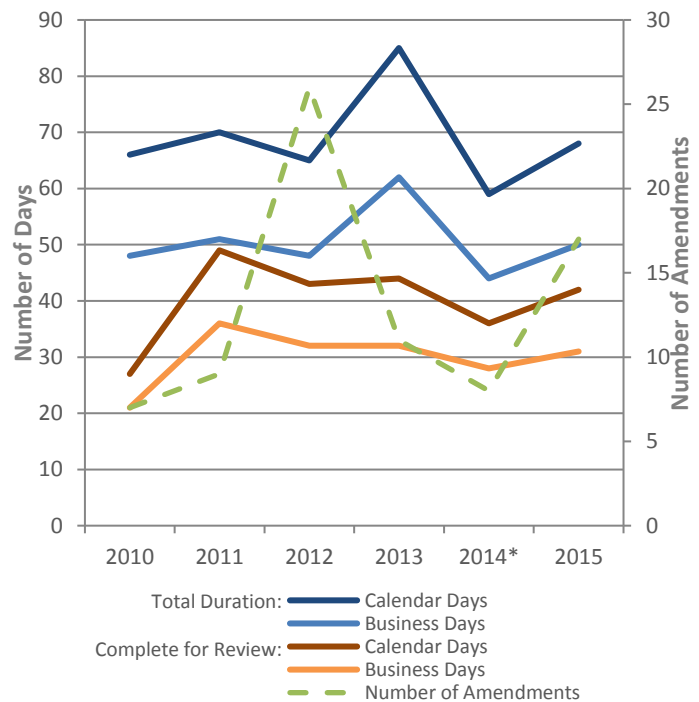


Figure 3. Average Process Time: Amendments Requiring Formal Council Action



In 2015, the number of amendments requiring formal Council action more than doubled from 8 the previous year to 17 in 2014. With that increase in amendments, we also saw the average total duration in process time increase slightly. This increase is driven by two large amendments that had been found incomplete for review.

The time period for review once an amendment was found complete for review also increased in 2015 compared to 2014, but still remains consistent with previous years. While the Council has 60 calendar days to take formal action on a review, staff have been preparing and scheduling those amendments for review on average between 30 and 40 calendar days. Workload volume and Council meeting schedules that can affect timelines.

It should be noted that one review in 2014 was found complete for review in April, but was requested to be suspended for a period of approximately 6 months while the community completed an environmental review for that project. The community requested that this review be restarted in October. For the purposes of this analysis, the total duration of that particular review has been removed because the total time significantly lengthens the total average duration and is not reflective of actual staff time to complete that review. This review, however, is included in the totals for the “complete for review” analysis.

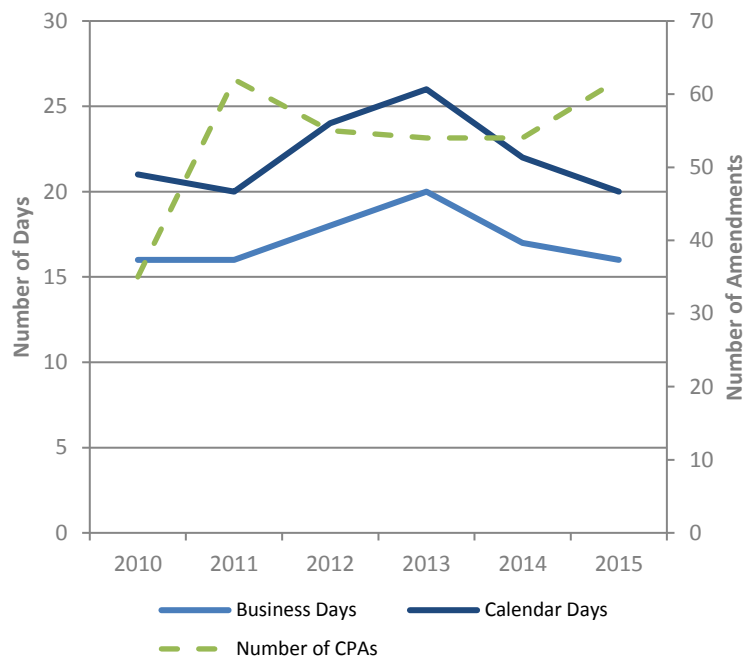
The average total duration for a review peaked in 2013 at 85 calendar days. A couple of reviews that were incomplete for quite some time drove this average time upward in addition to the limited number of staff in our work unit at that time. The median review duration for that same year was 76 calendar days. Despite this peak in total duration, staff completed reviews on average with 44 calendar days once an amendment was found complete for review.

Administratively Reviewed Amendments

While the Council also has 60 days to administratively review amendments, it has been the staff’s practice to complete administrative reviews within the initial 15-business-day completeness review timeframe when possible. We have found that the majority of the reviews eligible for administrative review can also be completed within this initial review period. As shown in Figure 4, administrative reviews are typically completed within 16 days. The total calendar days largely mirror the total business days.

In 2015, we continued to see a decrease in the number of business days it took to administratively review an amendment. Having peaked at 20 days in 2013, our staff have shown continued improvements in process time with an average of 15 days in 2015. This improvement was not

Figure 4. Average Process Time: Administratively Reviewed Amendments



NOTE: The duration does not always capture the submittal date of supplemental information which officiall restarts the review clock for an item tha tmay otherwise be incomplete for review.

impacted by the increase in the number of amendments in 2015 over previous years.

Conclusion

As shown in this report, Council staff have continued to complete most reviews within the initial 60-day calendar timeframe, with those requiring formal action falling in the 60-70 day timeframe. This is despite having experienced a large staff change with retirements in 2012 and rebuilding the team in 2013. While we saw a slight increase in review times overall in 2013, we have brought those times down in 2014 and remained generally steady in 2015. Staff will continue to monitor our timeframes and strive for providing high quality reviews in efficient timeframes.

Attachment A: Administrative Review of Certain Plan Amendments



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.