

## Community Development Committee

Meeting date: November 5, 2018

For the Metropolitan Council meeting of November 14, 2018

**Subject:** Proposed Second Application Round for Extensions to the 2018 Comprehensive Plan Deadline

**District(s), Member(s):** All

**Policy/Legal Reference:** Minnesota Statutes, sections 473.864 and 473.869

**Staff Prepared/Presented:** LisaBeth Barajas, Director, Community Development (651-602-1895)

**Division/Department:** Community Development / Regional Planning

### Proposed Action

That the Metropolitan Council:

1. Direct staff to open a second application process for requesting extensions, with an application deadline of December 21, 2018.
  - a. Limit eligible communities to those that have planning assistance grants for the 2040 comprehensive planning process.
  - b. Allow eligible communities to request a deadline extension of up to 6 months, or through June 30, 2019.
  - c. Require that eligible communities submit the application materials outlined in this report, consistent with statutory requirements.
2. Authorize the Community Development Director to amend planning grant agreements for eligible communities that submit applications consistent with the requirements.
3. Direct staff to coordinate extensions for Mississippi River Critical Corridor Area (MRCCA) plans with Minnesota Department of Natural Resources staff, when applicable.
4. Acknowledge an extension of the comprehensive plan completion deadline does not change any due dates for surface water management plans or water supply plans.

### Background

At its January 10, 2018 meeting, the Metropolitan Council authorized staff to administratively review and approve complete applications for extensions to the December 31, 2018, deadline ([Business Item 2017-293](#)). The Council adopted guidelines that allowed local governments to request of up one additional year, or to December 31, 2019, to complete decennial updates of local comprehensive plans.

The application period opened in January, with applications due by May 31, 2018. Local governments had to submit the following in accordance with statutory requirements:

- An adopted local resolution requesting the extension and indicating the date to which the local government wishes to extend the submittal deadline;
- A description of the completed activities;
- A description of the remaining activities and a timeline for their completion.

Council staff received and approved 46 applications requesting extensions to the 2018 deadline. Applicant communities varied in population size from township to some of the region's biggest cities, and are spread geographically across the

region. Of the 46 requests, 37 communities requested extensions to the deadline to fall within the first 6 months of 2019. Only nine requested extensions will fall in the second half of 2019, with five of those requests for one full year.

### *Recent Informal Inquiries*

As the December 31, 2018, deadline has neared, some communities that had not previously requested an extension inquired whether they still might be able to request an extension. Communities have noted that recent unanticipated staffing changes have impeded the completion of their plans or new topics have been discussed as part of their planning process that have taken longer than expected to complete. Some of these communities are recipients of planning assistance grants to update their local comprehensive plans. The terms of the grant agreements require that the grantee submit their plan by the statutory deadline, unless the agreement is amended.

### *Proposed Second Round*

Council staff propose re-opening the application process for requesting a deadline extension of up to 6 months, or through June 30, 2019.

- Local governments eligible to apply would be limited to those with Planning Assistance Grants for the 2040 decennial round of comprehensive planning.
- The application period would be open until December 21, 2018, with the following items required as part of the application, consistent with statute:
  - An adopted local resolution requesting the extension and indicating the date to which the local government wishes to extend the submittal deadline;
  - A description of the completed activities;
  - A description of the remaining activities and a timeline for their completion.
- Council staff would be authorized to administratively review the applications in order to expedite the process.

### *Statutory Basis*

Minnesota Statutes section 473.864 requires all local governments in the seven-county metropolitan area to review and update their local comprehensive plans and submit those plans to the Metropolitan Council for review and comment by December 31, 2018. Section 473.864 further authorizes the Metropolitan Council to grant extensions to local governments if they need additional time to complete their plan updates.

Specifically, Minnesota Statutes section 473.869 indicates that any extensions granted by the Council “must include a timetable and plan for completion of the review and amendment.” The statute also requires the Council to establish guidelines and procedures to which local governments must conform when preparing, adopting, and submitting their plans.

### **Rationale**

The Council is granted authority under Minnesota Statutes to consider and grant extensions to the decennial comprehensive planning deadline. It is reasonable to expect that a number of local units of government will not be able to meet the comprehensive plan updates submittal deadline of December 31, 2018. In the last decennial cycle, 70 communities requested extensions. In the current planning cycle, 46 communities have requested an extension in the initial application earlier in 2018. Recently, some local government staff have inquired about the potential for an extension request process for various reasons.

The proposed process in this report establishes simple procedures for communities in the spirit of coordinated regional planning. It also limits the amount of time requesting and approving an extension.

The proposed process allows for grantees to amend their planning grant agreements to a later submittal deadline. The process gives grantee the opportunity to continue to receive funding to facilitate the completion of their comprehensive planning process. Without the amendment to the deadline, the grantee would risk losing the second half of their grant if the grantee submitted its plan past the decennial deadline.

### **Thrive Lens Analysis**

While the proposed extension request process is neutral on Thrive outcomes, a clear process for requesting extensions aligns with the Thrive principle of collaboration, recognizing that shared efforts advance our region most effectively toward shared outcomes. By outlining a timely and coordinated process for extensions to local comprehensive plans well ahead of the decennial deadline, the Council is a responsible partner to local governments.

### **Funding**

The Council has awarded planning assistance grants of approximately \$1,898,000 to 70 local units of government to update their comprehensive plans. Of the grantees, 24 requested extensions in the first application round in early 2018.

### **Known Support / Opposition**

Several communities are supportive of having another chance to request an extension.