

Information Item

Community Development Committee



Meeting Date: October 3, 2022

Topic

Comprehensive Plan Amendment Administrative Review Process

District(s), Member(s):	All
Policy/Legal Reference:	Minn. Stat § 473.175
Staff Prepared/Presented:	Angela R. Torres, AICP, Senior Manager, Local Planning Assistance (651-602-1566)
Division/Department:	Community Development / Regional Planning

Background

At this point in the decennial regional planning process, the vast majority of local 2040 comprehensive plans have been authorized by the Council. Following adoption of the 2040 Plan and submittal of the Final 2040 Plan to the Council, local governments may amend their Plans as needed. Amendments to comprehensive plans are typically driven by new development proposals that were unforeseen by local governments during the last plan update process, or the completion of additional studies or small area plans.

The Metropolitan Council has adopted guidelines for administratively reviewing comprehensive plan amendments. The current administrative review guidelines have been in place since 2010 (Business Item 2010-258). They were reviewed by the Community Development Committee (CDC) in 2016 and affirmed with no changes at that time.

Administrative reviews are conducted by staff with delegated authority granted by the Council and are not required to be presented to the CDC for review or the governing body of the Council for final action. Amendments reviewed administratively must meet all adopted criteria and may still be redirected to the CDC if determined necessary by staff. Administrative review is typically completed within 15 business days after receiving a complete comprehensive plan amendment submittal. The administrative review guidelines apply to comprehensive plan amendments, local water management plans, and water supply plan amendments.

The purpose of the proposed changes is primarily for clarification and transparency. Along with any changes that may be made to the criteria, Council staff are also updating the resources for local governments that assist with submitting amendments.

Questions for Discussion

As you review the information included in this report, please consider the following questions for discussion.

- Do these proposed changes help clarify language?
- Are the thresholds in the criteria still applicable?
- Does it make sense to review the *net change*, both increases and decreases, of 100 housing units?
- Are there other changes needed to these Guidelines?
- Does the information provided allow you to make a determination on the proposed changes?

2040 Plan Amendments by the Numbers

Between October 2019 and July 2022, Council staff reviewed 217 amendments to 2040 comprehensive plans (Table 1). The majority of those reviews (115) were completed in 2021. Of the 217 completed amendments, 156 were processed administratively with the remaining 61 amendments (28%) reviewed by the Council.

Of the 61 amendments that required full Council review:

- 10 required a change in Community Designation as defined in *Thrive MSP 2040*
- 15 proposed a change in land use to an area encompassing more than 80 acres
- 10 had policy issues
- 34 were associated with a proposed development

Table 1. Number of Plan Amendments Administratively Reviewed and Council Reviewed

Year	Council Review	Admin Review
2019	1	2
2020	10	37
2021	33	82
2022	17	35
Total	61	156

Of the 61 amendments that required full Council review, 43 proposed land use changes that resulted in a net change in housing units over 100. Of those 43 amendments, nine reduced housing capacity (-) and 34 increased housing capacity (+).

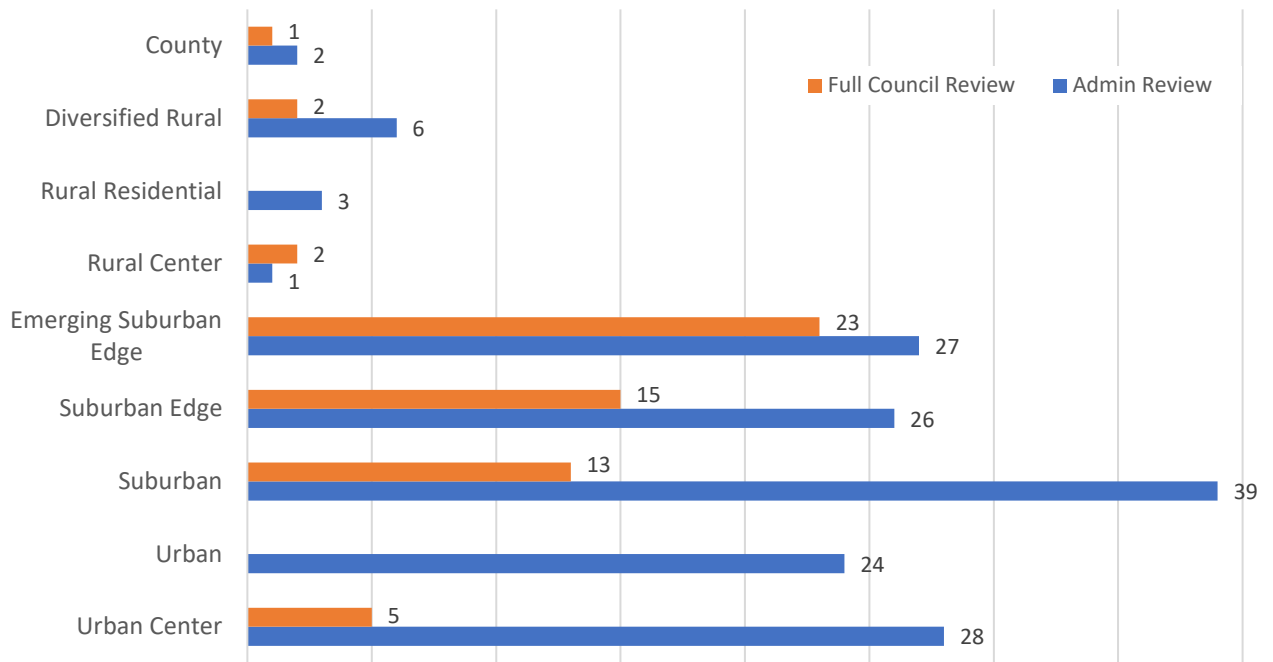
In estimating the net change through a range in number of housing units,

- 8 had a net change between 100 – 150 units
- 12 had a net change between 151 – 200 units
- 8 had a net change between 201 – 250 units
- 15 had a net change of 250 units or more

Emerging Suburban Edge communities submitted the most amendments that required full Council review. Suburban Edge and Suburban communities also had higher numbers of amendments that required full Council review compared to other community designations.



Figure 1. 2040 Comprehensive Plan Amendments by Community Designation, 2019-2022



As mentioned above, ten amendments were determined to result in an inconsistency with Council policy. The majority of these amendments were related to housing policy, with six amendments making plan changes that moved a community from consistent to inconsistent. One community has resolved this inconsistency with a subsequent amendment and other communities may choose to do this as future amendments are submitted. There was one land use policy inconsistency related to the overall community density dipping below the minimum required. The remaining policy issues were related to either the Council’s agricultural or natural resources policies.

Current Criteria for Administrative Review with Proposed Changes

Proposed changes are included below with the existing criteria. Items in red (underlined and strike-through) are new text additions for clarification and items proposed to be deleted are in red and shown with a strikethrough.

Eligible Comprehensive Plan Amendments must satisfy all of the following:

1. Meet the submittal requirements of the Metropolitan Land Planning Act (MLPA) for content **and** be determined to be complete for review by the Council.
2. Conform to the regional systems plans.
3. Are consistent with Council policies, including Thrive MSP 2040 and housing policies.
- ~~4. Are consistent with Thrive MSP 2040.~~
4. Are consistent with local applicable controls, or the jurisdiction submits evidence that the local controls will be modified to be consistent with the proposed amendment.
5. Are consistent with the Metropolitan Urban Service Area (MUSA) Implementation Guidelines if residential units are proposed.
6. Are compatible with the plans of affected and adjacent jurisdictions.
7. Propose changes that fall within five percent of the Council’s forecasts.
- ~~8. Provide documentation of notification to affected and adjacent jurisdictions potentially impacted by the amendment.~~
8. Propose a land use change resulting in an increase or decrease in development capacity of less than 100 housing units, determined by using the midpoint density to calculate the difference between proposed allowable units and current allowable units.
9. Propose a land use change affecting less than 80 acres unless the land use change is to support Agricultural Preserves enrollment.



10. Propose a land use change to guide land at no more than one unit per 40 acres to meet the requirements of the Metropolitan Agricultural Preserves Program (Minn. Stat. Ch. 473H) if the land impacted is enrolled in the Program.
11. Does not have the potential for a cumulative impact.

**Please note, amendments meeting the criteria above may still be required to have full Council review if needed and as determined by Council staff.*

Description of Proposed Changes

- Items 3 and 4 are proposed to be consolidated for clarity. If an amendment is found to be consistent with the more general term of “Council policy,” it will inherently be consistent with both *Thrive MSP 2040* as well as the Council’s *Housing Policy Plan*.
- Item 6 clarifies that affected jurisdictions like watershed districts, state agencies, school districts, and others are included.
- Item 8 is proposed to be deleted and is considered by staff to be a part of the completeness determination. Communities are still required to do this, but staff propose that this does not weigh into the determination of eligibility for administrative review.
- Currently staff are forwarding amendments to the Committee if there is a *net change* of 100 housing units, whether that is an increase or a decrease. Renumbered Item 8 clarifies the current practice and clarifies how that calculation is completed. Committee members may wish to discuss this approach.
- Item 10 includes clarifying language that emphasizes enrollment in the Agricultural Preserves Program for this criterion.
- The addition of a statement that indicates that Council staff can determine the need for Committee review of any item, even if it meets the eligibility criteria, is added as a point of clarification. It is possible that potentially controversial issues related to an amendment may meet eligibility criteria but may still be most appropriate for Committee review.

Council staff look forward to discussing this information item and are available for questions before the meeting if preferred.

