

DATE: July 10, 2014
TO: Land Use Advisory Committee
FROM: LisaBeth Barajas, Manager, Local Planning Assistance (651-602-1895)
SUBJECT: Conformance, Consistency, and Compatibility in Local Comprehensive Plans

Staff prepared this memo to respond to a question asked by a member of the Land Use Advisory Committee meeting earlier this year. This memo explains the Metropolitan Council's authority to review local comprehensive plans as well as the Council's practice when issues are encountered while reviewing those plans. Every ten years, each local government is responsible for preparing a comprehensive plan and submitting that plan to the Council for review and authorization. As described in statute, the Metropolitan Council reviews local comprehensive plans for:

1. Conformance
2. Consistency
3. Compatibility

Conformance

The Council reviews local comprehensive plans for their **conformance** to our regional system plans, which includes the Council's plans for regional parks, transportation (including aviation), and wastewater. Conformance is authorized in Minn. Stat. 473.175, subd. 1, which states that the Council may require a local government to modify its local comprehensive plan if the plan is "more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans." The Council's system plans define what constitutes a local comprehensive plan's conformance to the regional system plan.

The Council works with local governments to resolve conformance issues through the planning process. If issues cannot be resolved, the Council may proceed with a plan modification. Minn. Stat. 473.175, subd. 3 details the enforcement procedure for a plan modification in cases of nonconformance.

Consistency

The Council reviews local comprehensive plans for their **consistency** with the Council's adopted policies, consistent with Minn. Stat. 473.175, subd. 1. The metropolitan development guide (*Thrive MSP 2040* adopted in May 2014) contains broad policies that guide land use, development patterns, natural resources protection, cultural resources, and solar access planning, to name a few. Each of the Council's system plans and policy plans also contain policies that guide local governments in planning their communities, including surface water management and planning local trail and street connections, for example. These policies provide additional guidance to communities on elements that are considered complimentary to the regional systems, but are not considered more likely than not to have an impact on our systems.

The Council advises local governments of inconsistencies in their plans and works with communities to resolve or minimize those inconsistencies when possible. Inconsistencies that are not resolved prior to final review and action are included as advisory comments in that official review. In some cases, inconsistencies with an adopted Council policy may make a community ineligible for Council grant funding

programs. For example, if a community does not guide sufficient land at appropriate densities to support a community's share of the region's affordable housing need, that community would not be eligible to participate in the Council's Livable Communities grant programs.

Compatibility

The Metropolitan Land Planning Act identifies a need for coordinated plans, programs, and controls by all local governments in the metropolitan area to ensure coordinated orderly and economical development of the region. Minn. Stat. 473.175, subd. 1, directs the Council to determine the compatibility of plans with the plans of other local governments. When incompatibility issues arise, the Council advises communities of those incompatibilities and works to facilitate discussions and cooperation among jurisdictions with incompatible plans.

Incompatibility issues are uncommon because state law requires local governments to share their proposed plans with adjacent governments and affected jurisdictions (such as watershed districts and state agencies) for their review and comment prior to submitting proposed plans to the Council. These issues are typically identified and resolved among local governments before proposed plans are submitted to the Council for review.

Metropolitan Development Guide

