

Committee Report

Community Development Committee



Committee Meeting Date: November 7, 2022

For the Metropolitan Council: November 30, 2022

Business Item: 2022-290

Update to the Council's Comprehensive Plan Amendment Administrative Review Guidelines

Proposed Action

That the Metropolitan Council revise the Council's *Comprehensive Plan Amendment Administrative Review Guidelines* as shown in Attachment 1 of this Report.

Summary of Community Development Committee Discussion/Questions

Angela Torres, Local Planning Assistance Senior Manager, presented the staff report to the Community Development Committee on November 7, 2022. Council members Chamblis and Johnson asked clarifying questions about the impact of raising the eligibility threshold for the criterion related to net change of housing units from 100 to 250 units. Torres clarified that the administrative review process does not change regional minimum densities established in Thrive and emphasized that critical policy issues or policy inconsistencies continue to be reviewed by the Committee. Council member Johnson asked if local governments could appeal an eligibility determination and request review by the full Council. Torres confirmed that the determinations of eligibility are made at the staff level and added that local governments typically request a faster review preferring the administrative review process. Council member Wulff offered context about the need for flexibility for cities to adjust to changing conditions.

The Community Development Committee voted unanimously to approve the proposed action at the regularly scheduled meeting on November 7, 2022.



Business Item

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Update to the Council's Comprehensive Plan Amendment Administrative Review Guidelines

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

Proposed Action

That the Metropolitan Council revise the Council's *Comprehensive Plan Amendment Administrative Review Guidelines* as shown in Attachment 1 of this Report.

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 reflect 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 proposed changes will increase clarity and transparency as well as improve the level of service provided to local governments. Along with any changes that may be made to the criteria, resources for local governments that assist with submitting amendments will be updated.

Final proposed changes

Committee members reviewed the proposed changes to these guidelines at the October 3, 2022, CDC meeting (<https://metro council.org/getdoc/6d720548-2ca8-414c-a3d7-9de36006b2c9/Agenda.aspx>). Committee members indicated strong support for the administrative review process and

improvements to an expedited process for local governments requesting minor changes to their comprehensive plans. As suggested during discussion at the CDC meeting, staff are also proposing an additional change that would permit more reviews to be processed administratively.

The Council has received 217 amendments between October 2019 and July 2022. Of these, 72% were processed administratively. The Council reviewed 61 amendments which were not eligible for administrative review. Of those 61 amendments, nearly half were based solely on the net change to total housing units (Criterion 8). This criterion could be reasonably adjusted by raising the threshold for net change to total housing units from 100 units to 250 units. Criterion 8 as proposed to be revised is shown below.

8. Propose a land use change resulting in an increase or decrease in development capacity of less than 400 250 housing units, determined by using the midpoint density to calculate the difference between proposed allowable units and current allowable units.

Of the 29 amendments reviewed by the Council solely because of this criterion, 23 would have been eligible for administrative review. With this change, overall eligibility for administrative review of all amendments received would have increased from 72% to 82%. The Committee and the Council would have reviewed 38 amendments during the defined time period.

These updates respond to the needs of local governments for more opportunities for expedited review and ongoing improvements to the administrative review process while appropriately ensuring that amendments with substantial changes, policy inconsistencies, or controversial issues are still reviewed by the Council.

Rationale

The proposed changes support a transparent administrative review process and will ensure consistent application of the Comprehensive Plan Administrative Review Guidelines. The proposed changes remove minor redundancies and clarifies language, current practice, and calculation methods. The proposed changes help both Council staff and local government staff better understand determinations of eligibility for administrative review of comprehensive plan amendments and continue to improve efficient customer service to local government partners.

Thrive Lens Analysis

This action supports implementation of the land use policies in *Thrive MSP 2040*. To achieve the outcomes identified in Thrive, the metropolitan development guide defines the Land Use Policy for the region and includes strategies for local governments and the Council to implement. These policies and strategies are interrelated and, taken together, serve to achieve the outcomes identified in Thrive. In addition, this action supports the principles of integration, collaboration, and accountability in Thrive by supporting implementation of local government planning efforts.

Funding

The proposed action would not have an impact on funding or require additional funding resources to carry out. This work is a part of regular staff work plans.

Known Support/Opposition

Local governments have consistently supported actions which produce a more efficient and timely administrative review process.

There is no known opposition.

Attachments

Attachment 1: Revised Comprehensive Plan Amendment Administrative Review Guidelines

Attachment 2: Revised Comprehensive Plan Amendment Administrative Review Guidelines with Tracked Changes



Attachment 1. Revised Comprehensive Plan Amendment Administrative Review Guidelines
Shown below are the revised Comprehensive Plan Administrative Review Guidelines as proposed for consideration.

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 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. Proposes a changed forecast that falls within five percent of the Council's current forecasts.
8. Propose a land use change resulting in an increase or decrease in development capacity of less than 250 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 supports enrollment in the Metropolitan Agricultural Preserves Program.
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.*



Attachment 2. Revised Comprehensive Plan Amendment Administrative Review Guidelines with Tracked Changes

Shown below are the current Comprehensive Plan Administrative Review eligibility criteria adopted by the Council on July 28, 2010. New text additions are underlined in red and proposed deletions are shown in red 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. Proposes a changed forecast that falls within five percent of the Council's current 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 ~~400~~ 250 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 supports~~ Agricultural Preserves enrollment in the Metropolitan Agricultural Preserves Program.
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.*

