

Minutes of the

MEETING OF THE LAND USE ADVISORY COMMITTEE

Thursday, November 19, 2015

Committee Members Present:

Jon Commers, Pamela Harris, Chip Halbach, Phillip Klein, Bill Droste, Elizabeth Wefel, Marvin Johnson, James Saefke, Bill Neuendorf, James McClean, Karl Drotning, Michael Webb, Kathi Mocol, Kathi Hemken, and Jamil Ford

Committee Members Absent:

Elizabeth Kautz, Kristina Smitten, and Jennifer Geisler

CALL TO ORDER

Committee Chair Commers called the regular meeting of the Council's Land Use Advisory Committee to order at 4:02 p.m. on Thursday, November 19, 2015.

INTRODUCTIONS

Chair Commers introduced new members including Karl Drotning, Michael Webb, and Jamil Ford. He noted that there is now only one opening on LUAC in District 3.

APPROVAL OF AGENDA AND MINUTES

Chair Commers asked for a motion to approve the agenda. A motion was made by Wefel, seconded by Droste, to approve the November 19, 2015, agenda of the meeting of the Land Use Advisory Committee. **Motion carried.**

Chair Commers asked for a motion to approve the minutes. A motion was made by Mocol, seconded by Klein, to approve the September 17, 2015, minutes of the meeting of the Land Use Advisory Committee. **Motion carried.**

INFORMATION

Membership Update – Jon Commers, Chair LUAC

See 'Introductions' above.

Preparing for Potential System Statement Hearings – Deb Detrick and Lisa Barajas, Local Planning Assistance

Detrick and Barajas gave a presentation to prepare the committee for potential System Statement hearings. Detrick noted that, to date, two communities have requested a hearing. Staff anticipate two others that may request hearings and possibly more.

Barajas reviewed what the purpose of System Statement are and what they consist of as outlined in the PowerPoint presentation provided. She discussed how the components of the System Statement relate to the local comprehensive plans.

Detrick discussed the purpose of the hearing, to consider amendments to the System Statement. She reviewed the parameters of System Statement hearings outlined in the materials provided. She discussed the committee's role, as stated in LUAC Bylaws provided to members, and also committee members' qualifications (work plans), outlined in the materials provided, that give LUAC members background to hold System Statement hearings.

Detrick discussed issues heard in 2005 and the outcomes outlined in the materials provided.

Barajas next discussed issues heard in 2015 from 33 communities.

Commers asked if there is a theme of many communities regarding forecasts being too high or too low. Barajas stated that just a handful of communities have issues with expected employment growth and also lowered forecasts. She noted there were some that also questioned their lowered forecasts for growth. She stated they are mostly working with communities to clarify forecasts.

Harris asked how the '60 days' is determined. Barajas explained the timelines.

Droste asked if communities have an opportunity to modify their numbers. Barajas stated, yes, and stated staff encourage communities to work with us before the comprehensive plan updates are due in 2018. She discussed the history of working with communities.

Barajas stated that out of the 33 issues received, 18 have been resolved. She noted that 13 are in discussion or under review.

Barajas discussed the two hearing requests received officially. Oak Grove requested a hearing before the Office of Administrative Hearings. East Bethel requested a hearing, but is still working with staff to try to resolve issues.

Halbach asked why worry about community designation – density? Barajas responded, yes.

Detrick discussed the timing and process outlined in the materials provided. She also discussed the roles for LUAC in the hearing process. She reviewed handouts provided that details what happens after a hearing is requested before LUAC.

Wefel asked if there are rules that are to be followed. Detrick responded that under state law, a hearing is not considered to be a contested case. She referred to the case of Lake Elmo. Wefel asked if a community has a right of appeal. Detrick stated, yes, they can appeal to the MN Court of Appeals.

Johnson asked if when meeting after a hearing and making recommendations regarding a community – are those meetings subject to Open Meeting Law? Detrick stated, yes.

Harris asked if the pre-hearing memorandums contain statements of law. Detrick stated that there could be and have been in the past.

Halbach asked what the restrictions of this body are in regards to discussions outside of the hearings. Detrick stated that if members were to get questions from a community, they should be referred to staff.

Wefel asked for guidance to LUAC members regarding doing our own research. Ann Bloodhart, Attorney, representing the Land Use Advisory Committee, advised members not to do research or have conversations outside of the hearings. All members need to hear the same information at the same time or review the narrative (if they were unable to attend).

Detrick noted that based on the questions raised, staff can follow up with more specific direction.

Webb asked if we are being asked to act in a judiciary fashion. Bloodhart stated that the safest position is to treat yourself as a judge or juror – not having conversations or giving opinions outside of the hearing.

Webb asked if there has ever been an amendment to a System Statement. Barajas stated, no.

Webb feels this is like a non-transparent process. Commers stated that a key piece to keep in mind is that there is state law that clearly describes pieces. Barajas stated that in the past there was not as much public participation in the development of the System Statement. In this round, comments from the public have been solicited throughout the process.

Drotning commented that if it is your community, should you recluse yourself. He also discussed the one thing to have input and another to have that input incorporated. Staff answered, yes.

Commers stated that in addition to the pre-hearing memorandum, staff are open to additional meetings for members who have additional questions or concerns.

Detrick reviewed resources available and included in the handouts. She reiterated that if members have concerns or need more information to let staff know.

Neuendorf asked of the 13 communities still in conversation, are staff anticipating a request for a hearing from any of them. Barajas expects that these will be resolved. She noted that there are a few that may request a hearing but staff feel they can work through the issues.

Availability for Potential Hearings and Possible Conflicts of Interest – Jon Commers

Commers discussed availability for hearings.

Detrick noted that the 60 day deadline for Oak Grove falls on January 4th, if it is not extended (as now allowed per state statute if mutually agreed upon by both parties). Most others would fall in the third week of January.

Neuendorf asked how long do hearings typically last. Detrick stated 2-3 hours is typical for a hearing, however there is always a possibility that it could be continued to another day.

Commers noted that the next regularly scheduled LUAC meeting is January 21 and hearing(s) could be scheduled for this date, if that works for the requesting community. He asked if Thursday afternoons are typically a good time for members in general.

Detrick discussed possibilities to determine members' availability if needed.

Harris asked if a quorum is needed to conduct a hearing. Detrick stated that the Bylaws say no, but staff strongly recommend it.

Commers discussed possible conflicts of interest where members would have to reclude themselves. Detrick referred to the Bylaws that outline this and asked members to talk to Chair Commers if they question or do have a conflict.

Discussion of 2016 Work Plan – Jon Commers

Commers discussed the role of this committee and the importance of the discussion we've had and also the value of this committee's work to the Council and the region. He reviewed the goals, main topics and topics suggested, as outlined in the memo provided, and asked members for feedback or additional items members would like to explore.

Halbach stated he felt it would be helpful for this body to look at housing performance scores.

Drotning agreed. He stated development has been developer driven and demand based. Cities are not really good at achieving affordable housing goals and density goals. He felt developing communities need help.

Mocol discussed educating of local City Councils is needed.

Webb agreed and feels education of local Councils is needed on how to make it happen.

Ford discussed federal programs available to incentivize developers to help meet the demand for affordable units and also high density. He discussed the Section 538 program (USDA Program).

Commers likes this idea and feels it's a fitting focus for LUAC to develop an educational tool for local leaders.

Drotning discussed a 'tool box' needed in local communities to help them develop outside of 'market rate' development. Commers referenced resources available in the Local Planning Handbook.

Harris discussed a development in Falcon Heights and how they received help from the Metropolitan Council.

Webb believes in affordable housing but feels those who believe in it will never get re-elected – we need to hurry. Mocol responded that's why educating City Councils is so important.

Ford stated that strategic planning is important. Because it's affordable doesn't mean it has to look bad.

Saefke discussed a situation in Fridley where an affordable housing proposal was strongly opposed. In the end, 16 units were built and it's been good, with no more police calls than in other areas. He feels an excellent City Manager and education made it a success.

Neuendorf stated guidance is also needed and asked do we do performance measures. This might be an interesting topic. He also feels Economic Competitiveness is very important and a vital part of the conversation. Another topic could be – getting from A to B. Circulators? – are there best practices we could look at?

McClellan suggested some guest speakers, i.e., Greater MSP – to talk about attracting millennials, etc.

Commerz agreed and noted how great he thought Tom Garrison's discussion was regarding broadband infrastructure.

Ford discussed other alternative forms of transit and/or alternatives that could be discussed.

Commerz stated he would like staff to put together a draft that largely reflects everyone's interests and send that out prior to the January meeting where this topic could be revisited.

ADJOURNMENT

Business completed, the meeting adjourned at 5:59 p.m.

Next Meeting – January 21, 2016

Respectfully submitted,

Sandi Dingle
Recording Secretary